

23. 08. 2023

BP
Supp. List.1
Court No.2

Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side

WPA 1268 of 2023
With
CAN 1 of 2023

Kalidas Ghosh
Vs.
The State of West Bengal & Ors.

Mr. Satrajit Sinha Roy
Mr. Arijit Ghosh
..for the petitioner

Mr. Momenur Rahman
..for the State

A prima facie case has been made out by the petitioner as appears from page 96 of the writ application where the validity of bids for North Bengal Medical College was for 180 days from the due date. The due date was extended on 27th October, 2021 till 8th December, 2021. Therefore, this bid of the respondent nos. 4, 5 and 6 expired on 7th June, 2023 but it appears from page 325 of the writ application that one letter was issued to the MSVP, North Bengal, MCH wherein it has been stated that Jana Enterprise and others being the respondent nos. 4, 5 and 6 have been selected as the lowest bidder. From one letter issued by the Director of Medical Education & Chairperson State Level Tender Selection Committee (page 21 of the affidavit in opposition of the respondent nos. 4, 5 and 6) they were elected as L-1 bidder on 13.07.2022 as the life of the tender expired on 7th June, 2022.

On being prima facie satisfied about the case made out by the petitioner when the affidavits are complete. I have taken

up this matter on the basis of mentioning by the petitioner on the ground of grave urgency. I direct that for coming thirty days no further effect shall be given to the said letter dated 11.11.2022 issued by the Secretary, PPP Family Welfare Department and no effect shall be given to the letter dated 13.07.2022 (page 21 of the affidavit in opposition).

As the matter has reached the stage of hearing the parties shall be at liberty to mention this matter for hearing.

I also grant liberty to the respondent nos. 4, 5 and 6 to file vacating application as they have stated that they have not got any time to prepare in this matter.

The petitioner is also granted liberty to pray for extension of this interim order.

Learned advocate for the State has submitted that North Bengal Medical College is not a party in this matter. He wants to file a report in the form of an affidavit.

Such report is to be filed by two weeks from date with copy to the petitioner and the respondent nos. 4, 5 and 6.

(Abhijit Gangopadhyay, J.)