

OD-5

ORDER SHEET  
WPO No.1391 of 2023  
IN THE HIGH COURT AT CALCUTTA  
Constitutional Writ Jurisdiction  
ORIGINAL SIDE

UNITED CO-OPERATIVE FEE CAR PARKING  
COLLECTORS SOCIETY LIMITED & ANR.  
-Versus-

KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:  
The Hon'ble JUSTICE AMRITA SINHA  
Date:14th July, 2023.

Appearance:  
Mr. Asoke Kr. Banerjee, Sr. Adv.  
Mr. Arijit Dey, Adv.  
...for Petitioners.

Mr. Alak Kumar Ghosh, Adv.  
Ms. Piyali Sengupta, Adv.  
...for KMC.

The Court:- The petitioners are aggrieved by the notice inviting e-tender floated by the Kolkata Municipal Corporation for allotment of parking lots.

According to the petitioners, the eligible criteria for participation in the said tender are discriminatory. It has been submitted that unequals have been treated equally. Inexperienced persons cannot be treated in the same category as that of the experienced ones. It has been submitted that the basis of fixing up the reserved price is also not proper.

The petitioners submit that on earlier two occasions, similar tender was floated by the Corporation but thereafter withdrawn. As the earlier notice inviting tenders stood withdrawn, the impugned tender with similar criteria ought not to be floated all over again.

Prayer has been made for restraining the Corporation from giving any effect or further effect to the impugned notice inviting e-tender.

Learned advocate representing the Kolkata Municipal Corporation opposes the prayer of the petitioners. It has been submitted that there are several parking lots to which the petitioners may apply. The petitioners are

not prejudiced in any manner whatsoever by the eligibility criteria mentioned in the notice inviting e-tender.

On a perusal of the date and time schedule of the subject tender, it appears that the bid submission start date (online) is 17.07.2023. The date of pre-bid meeting (off line) is, however, over and tomorrow is the date of documents modification by the Kolkata Municipal Corporation.

To decide the issue, the Corporation is required to file affidavit in the matter.

Let affidavit-in-opposition be filed within a period of two weeks from date; reply thereto, if any, be filed by a week thereafter.

Any steps taken pursuant to the impugned notice inviting e-tender shall abide by the result of the writ petition.

List on 9<sup>th</sup> August, 2023.

Issue of maintainability raised by the respondents is kept open to be decided at the time of final hearing of the writ petition.

Affidavit of service filed in Court today is taken on record.

(AMRITA SINHA, J.)