

27.12.2023
Item No.6
Ct. No.7
Vacation Bench
CHC/S. De
(disposed of)

W.P.A.28589 of 2023

**Dromos Engineers and Contractors (OPC) Private
Limited & anr.**

Vs.

Union of India & ors.

Mr. Anindya Halder,
Ms. Puja Goswami
...for the petitioners

Mr. Kumar Jyoti Tewari,
Ms. Anamika Pandey
...for the respondents

This is an application, *inter alia*, praying for the respondents authorities to consider the petitioners' representation dated 08.12.2023 for allowing the petitioners to participate in the financial bid.

Affidavit-of-service filed on behalf of the petitioners is taken on record.

Copies of documents relied upon on behalf of the respondents' are also taken on record. Copies of the same are handed over to the learned counsel for the petitioners.

Learned counsel appearing for the petitioners submits as follows. The petitioners participated in a technical bid for a tender issued by the railway authorities for a particular job. The job was worth 9.9 crores roughly. The petitioners fulfilled

all criteria for participating in the financial bid as it had already executed some work with the railways which was worth more than two and half times of the estimated project. At least the respondents ought to have replied to the representation made by the petitioners.

Learned counsel appearing on behalf of the respondents submits as follows. The allegations made in the representation are denied. As would be evident from the certificate of incorporation, the petitioners came into existence in 2021. But the requirement was that petitioners had done some work over the last five years. It necessarily implied that the petitioners had to have at least five years' experience in the field of work. Secondly, the petitioners never executed any work with the railways. It allegedly acted as a sub-contractor. No payment was made by the railways to the petitioners in this regard. This was clarified by a communication made by the Deputy CEE (CON), North East Frontier Railways, Silchar.

It appears that there was a requirement that the bidder should have executed a project in the last five years. It apparently does not require the bidder to be in existence for the last 5 years.

However, it is also quite apparent that the petitioners at best acted as sub-contractor on a personal arrangement with a contractor of the

railways. They received no payment directly from the railways.

Be that as it may, since a representation has been made by the petitioners, let the respondent authorities give a reply to the same in accordance with law within three (03) weeks from the date of communication of this order, upon giving a personal hearing to the petitioners.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order, if supplied for, be given to the parties on urgent basis after completion of all necessary formalities.

(Jay Sengupta, J.)