

15
21.12.2023
Court No. 24
AGM

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 28775 of 2023

**Friends Construction
-versus
The State of West Bengal & Ors.**

**Mr. Pratip Kumar Chatterjee.
...For the Petitioner.**

**Mr. Lalit Mohan Mahata.
Mr. Ziaul Haque.
... for the State.**

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

The petitioner is aggrieved by the act of the Gram Panchayat in rejecting its bid on the ground of not updating the Professional Tax Registration Certificate.

The petitioner has annexed documents in the writ petition to show that its Professional Tax is updated till 31st March, 2024. It has been submitted that all the credentials of the petitioner was duly uploaded in the portal but all the documents of the petitioner were not considered at the time of opening the bid.

Learned advocate representing the Pradhan is yet to receive instruction in the matter.

Learned advocate representing the State respondents submits that the representation which has been allegedly filed before the Block Development Officer does not bear any proof of service.

The learned advocate has obtained specific instruction from the Block Development Officer that the

representation filed by the petitioner was not received till 6th P.M. on 20th December, 2023.

From the tender document, it appears that the date for opening the technical bid was 8th December, 2023 and it has been submitted that the same was opened on 14th December, 2023.

The date for opening the financial bid was 12th December, 2023 but the same has not been opened till date.

As prima facie it appears that the ground mentioned for rejection of the petitioner's technical bid is contrary to the documents annexed to the writ petition that is the Professional Tax Certificate Challan, accordingly, the Block Development Officer is directed to peruse the documents filed by the petitioner to ascertain as to whether all documents were duly uploaded at the time of submission of the bid documents.

If it appears that the updated Professional Tax Challans of the petitioner were uploaded in the portal, then remedial steps, if necessary, shall be taken by the Block Development Officer in the matter.

It is expected that prior to opening the financial bid, the Block Development Officer shall consider the case and take necessary steps in the same.

Learned advocate for the petitioner is directed to forward the receipt showing payment of Professional Tax till March 2024 and the representation allegedly forwarded to the Block Development Officer at the time of communicating the order of the Court.

Leave granted to the advocate-on-record of the Panchayat to file vakalatnama in the department by tomorrow.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)