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W.P. No.569(W) of 2018
Mrs. Kakali Bera & anr.
Versus
Union of India & Ors.

Mr. Harpal Singh,
Mr. Nilanjan Bhattacharya ... For the petitioners.

Mr. Indrajit Das Gutpa,
Mr. Tapan Bhanja ... for respondent nos.1 to 6.

A tender process initiated by the Geological Survey of India, Eastern Region by a notice inviting tender dated April 27, 2017 is under challenge in the present writ petition.

Learned Advocate appearing for the petitioners submits that, the petitioner was found to be technically qualified and their financial bid was opened. At the opening of the financial bid, the petitioners were found to be the L-1 tenderer. He refers to page 73 of the writ petition in support of his contention. Thereafter, the authorities had enquired as to whether the amount quoted by the participants included GST or not. In response to such enquiry, the petitioners had stated that, the amount quoted by the petitioners did not include GST as at the time of initiation of the tender process, GST was not in force. The other participant apparently had claimed that, GST was included in the quoted price. The

authorities thereafter did not find the petitioners to be the lowest tenderer as the rate quoted by the other tenderer after factoring FST component was found to be lower. He submits that, the finding of the authorities is perverse.

The respondents are represented.

Learned Advocate appearing for the respondents submits that, the work order has since been issued. The tender process was not finalized with the first declaration of the petitioner being the lowest tenderer. It was within the power of the respondent authorities to enquire from the participants as to whether the final price quoted by a participant included tax components or not. Such enquiry was made. The successful bidder had quoted a price which included GST. Finding that, the financial implication in accepting the tender of the successful bidder would be less than that of the petitioners, the respondent authorities had accepted such bid of the successful bidder. There is no infirmity in the action taken by the authorities. Moreover, the work order has since been issued in October, 2017. The writ Court should not intervene in such factual scenario.

I have considered the rival contentions of the

parties and the materials made available on record.

As noted above, the tender process initiated by the tender notice dated April 27, 2017 is under challenge in the present writ petition. The petitioners were admittedly found to be technically qualified and their financial bids were opened. At the initial stage of the financial bid, the petitioners were declared to be the lowest tenderer. The authorities enquired from the participants as to whether the bids of the participants included the imposition of GST or not. The authorities had, therefore, given a level playing field to all the participants participating in the tender process. The action of the authorities in obtaining information from the participants as to the tax implications cannot be faulted. It is within their rights to have such information. Apparently, the petitioners contended that, their bid did not include GST and that, the employer has to pay extra on account of GST. The successful bidder, however, stated that, their price included GST. On evaluation, the authorities found the price quoted by the successful bidder to be lower than that of the petitioner after taking GST implications. Such a decision cannot be faulted as being perverse.

In such circumstances, I find no material irregularity in the decision making process of the respondent authorities or their decision warranting an interference by the writ Court.

WP No.569(W) of 2018 is dismissed.

No order as to costs.

Urgent certified website copies of this order, if applied for, be made available to the parties upon compliance of the requisite formalities.

(Debangsu Basak, J.)