

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

W.P.A 26119 of 2022

**Abdul Aziz Mandal & Anr.
-versus
The State of West Bengal & Ors.**

Md. Salahuddin
Md. Ahsanuzzaman
...For the Petitioners

Mr. Jaharlal De
Mr. Shamim ul Bari
...For the State

Mr. Ritwik Pattanayak
.....For the respondent nos.6 & 7

Affidavit of service filed in Court is taken on record.

The petitioners are aggrieved by the act of the Gram Panchayat in cancelling the tender process initiated vide memo dated 21st October, 2022.

The petitioners participated in the tender process and it has been submitted that the Panchayat intentionally and deliberately cancelled the same to favour other candidates.

The petitioners further submit that the original documents of the petitioners are lying in the custody of the Panchayat authority.

The notice of cancellation of the tender process is annexed at page 67 of the writ petition. It appears therefrom that the decision to cancel the tender process was taken in the general meeting of the Gram Panchayat held on 22nd November, 2022.

The bidders were requested to withdraw earnest money and tender paper cost deposited by them.

The Panchayat declared that further notice inviting tender will be published soon.

Learned advocate representing the Panchayat authority submits, upon instruction that, as the notice inviting tender was not published in accordance with the provisions of law, accordingly, the Panchayat authority took a decision to cancel the same to avoid future legal complications.

It has been submitted that fresh publication of the notice inviting tender has been made and it will be open for all the interested bidders to participate in the tender process.

Having heard the submissions made on behalf of all the parties it appears that the earlier tender process stood cancelled prior to opening of the bids. The reason for cancellation appears to be non-publication of the notice inviting tender in two newspapers. The notice cancelling the tender process requests the bidders to withdraw the earnest money and the tender paper cost. Fresh notice inviting tender has been published.

The petitioners are not at all prejudiced by the act of the Panchayat in cancelling the tender process. No right accrued in favour of the petitioners on mere participation in the tender process. The tender process was cancelled in view of some flaw at the time of publication of the tender notice.

It will be open to the petitioners to participate in the next tender process, if they are interested.

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.)