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10.11.2026
Ct. No. 08
adeb

WPA 31703 of 2026

M/s Neogi Construction & Co. & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Sobhan Majumder
Ms. Kalpita Paul
...for the petitioners

Mr. Debopriya Gupta
Mr. Subhankar Chakraborty
Mr. Madhu Jana
Mr. Nani Gopal Chakraborty
...for the State

1. By presenting this writ petition memo dated 3rd November, 2026 issued by Chief Medical Officer of Health, Nadia declaring the petitioner being disqualified bidder in connection with e-tender notice dated 11th September, 2026 is questioned. Reason assigned for disqualification of the petitioner being bidder is bank solvency certificate is bereft of date.

2. It is submitted by learned advocate representing petitioners that pursuant to e-tender notice dated 11th September, 2026 petitioner submitted bid and bank solvency certificate issued by Branch Manager, Union Bank of India, Krishnanagar Branch but such certificate does not bear date. According to petitioner in terms of Clause 19.2 incorporated

under “SCRUTINY AND EVALUATION OF BIDS” as contained in tender document, opportunity needs to be afforded to the petitioner for submitting bank solvency certificate bearing date. According to petitioner without granting such opportunity as envisaged under Clause 19.2 petitioner was declared disqualified.

3. Learned advocate representing State respondents has opposed this writ petition and relied upon Clause 16.3 of tender document in order to defend the decision taken which was communicated to the petitioner vide impugned memo dated 3rd November, 2026.

4. Having considered the respective submissions made on behalf of parties this Court finds it apt to quote Clause 19.2 below:-

> *“19.2. During evaluation the Committee may summon bidders and seek clarification/information or additional documents or original hard copies of documents submitted online. If these are not produced within specified time, the bid proposals will be liable for rejection.”*

5. On the contrary, it transpires that Clause 16.3 though being relied upon on behalf of State respondents, does not come in aid of respondent authorities since it is provided in Clause 16.3 that when requisite document is not submitted in connection with e-tender by

the bidder along with technical proposal or if such document is found to be deficient in any manner in that event at any stage after opening of bid, such bid may be summarily rejected.

6. It is not a case that requisite document was not submitted by the petitioner along with technical proposal or document is deficient; rather bank solvency certificate was duly submitted by the petitioner which does not bear date. As per Clause 19.2 committee while evaluating technical bids is empowered to seek clarification/information or additional documents or original hard copies of documents submitted Online. Therefore, while evaluating technical bid of petitioner concerned respondent authority in terms of Clause 19.2 ought to have granted opportunity to the petitioner to submit bank solvency certificate bearing date within specified time before examining the issue whether petitioner is qualified or not.

7. In aforesaid conspectus petitioner shall be at liberty to submit requisite bank solvency certificate before the Chief Medical Officer of Health, Nadia being respondent no. 4 by 12th November, 2026. If petitioner submits appropriate bank solvency certificate within the

aforesaid time respondent no. 4 shall take decision in accordance with law whether petitioner to be treated as qualified bidder or not. If petitioner fails to submit bank solvency certificate afresh within the aforesaid time memo dated 3rd November, 2026 shall revive so far petitioner is concerned.

8. Writ petition stands disposed of.
9. Parties to act on server copy of this order duly downloaded from the official website of this Court.

(Saugata Bhattacharyya, J.)