

13.07.2026
Court No.25
M/L No.10
S. Gayen

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 16239 of 2026

Tribeni Constructions Limited & Anr.
Versus
Damodar Valley Corporation & Ors.

Mr. Subhashish Sengupta
Mr. Sourojit Dasgupta
Mr. Yash Vardhan Alam
Ms. Sritama Chatterjee

...for the Petitioners

Mr. Anirban Ray, Sr. Adv. (VC)
Mr. Deepan Sarkar
Mr. Prasun Mukherjee
Mr. Deepak Agarwal

...for the DVC

1. Affidavit of service filed in Court today is taken on record.
2. The petitioners have filed the present writ application challenging the notice inviting tender bearing NIT No. 2600002041 dated June 29, 2026 with respect to balance work of construction of integrated township of residential and non-residential buildings including water supply, sanitation, electrification, firefighting etc. for RTPS Township (Phase-I) in CISF area, RTPS, District- Purulia, West Bengal.
3. Learned counsel appearing for the petitioners submits that the said work is the subject matter of arbitration proceeding pending before the learned Sole Arbitrator. The petitioner submits that before the Arbitrator, the petitioner has made an application under Section 17 of the Arbitration and Conciliation Act, 1996 and initially

on April 18, 2026, the Tribunal has passed the following interim order:-

“5.a) DVC shall carry out and complete the joint measurement in question during the period from 5th May 2026 to 18th May 2026 (excluding the Sundays). The works shall be carried out in the presence of the authorized representatives of both TCL and DVC. The works shall start on 5th May 2026 at 10 a.m. and shall continue until 6 p.m. Until 18th May 2026 the works shall continue everyday starting at 10 a.m. and concluding at 6 p.m. The records of the joint measurement shall be maintained, signed, sealed and shared according to the terms and conditions of the contract concerned.”

4. Subsequently on May 20, 2026, the Tribunal has passed the following order:-

“12. In view of the above, the tribunal passes the following orders:-

a) The first s.17 application is disposed of ordering as follows:-

i) Mr. Debendra Barayan Chowdhury, Former Chief Manager Civil, BCCL, Club Town Garden, Block-3, Flat 4D, 12 M. M. Feeder Road, Kamarhati (M), Kolkata- 700057 and the person to be nominated by DVC by 22nd May 2026 (5 p.m.) are appointed joint special officers for taking the measurements as per prayers (g) & (h) and for doing the certification work as per prayer (i) of the application.

ii) The joint special officers shall complete their measurement and certification works by 30th June 2026 (5 p.m.); shall immediately circulate their joint report to the parties; and shall submit their joint report

with all relevant documents to the tribunal within seven days from the date of completion of the measurement and certification works.

iii) TCL shall pay remuneration that may be charged by Mr. Chowdhury and DVC shall pay remuneration that may be charged by its nominee special officer.

iv) As to prayer (a), there shall be no interim order. As to prayer (b) & (c), DVC's undertaking is recorded that until the special officers complete the measurement works, DVC will not induct anyone in any part of the properties whose measurement is the subject matter.

v) As to prayers (d) & (e), DVC is directed to allow TCL to collect its materials, etc., if any, still lying at the site.

vi) As to prayer (f), the question of payment of the bills will require adjudication and hence there shall be no interim order directing any payment.

vii) As to prayer (i), it is covered by the order passed in respect of prayers (g) & (h).

viii) As to prayer (j), there shall be no interim order.

ix) As to prayer (k), it is covered by the order the tribunal has passed considering prayers (b) & (c).

b) In view of the orders passed in the first s.17 application, there shall be no order in the second s.17 application."

5. Learned counsel for the petitioners submits that before the learned Arbitrator, the learned counsel appearing for the respondents has made an undertaking that unless and until the Special Officers complete the measurement work, the DVC will not induct anyone in

any part of the property whose measurement is the subject matter. Instead of giving an undertaking before the Tribunal, the respondent authorities have published the tender notice of the said work. Learned counsel for the petitioner has brought to the bid schedule wherein the original schedule bid opening date, with respect to Envelope-1 and Envelope-2, is July 14, 2026 at 12:30 Hrs. He further submits that as the bid opening date is fixed on July 14, 2026 and the Special Officers have not completed the inspection work, as such, the bidding process initiated by the respondent authorities is required to be stayed.

6. *Per contra*, Mr. Anirban Ray, learned senior counsel appearing for the DVC submits that though as per the bidding schedule, the Envelope-1 and Envelope-2 are to be opened on July 14, 2026 but opening of the Envelope-3 has not yet been notified. He submits on instructions from the DVC that unless and until the Special Officers will not complete the measurement work in terms of the order passed by the learned Tribunal, the DVC will not open the Envelope-3. He further submits that the petitioner has already initiated the arbitration proceeding claiming damages. It is the subject matter before the Arbitral Tribunal. He further submits that in the bid documents, risk and cost amount out of total estimate is fixed Rs.33,77,25,216/- that is the outcome of the arbitration proceeding.
7. Considering the above, this Court finds that though the respondent authorities have issued the notice inviting

tender with respect to the balance work of construction of integrated township of residential and non-residential buildings including water supply, sanitation, electrification, firefighting etc. but it is the specific case of the DVC that only the techno commercial bid will be opened, i.e., Envelope-1 and Envelope-2, on July 14, 2026 but the price bid, i.e., Envelope-3 will not be opened unless and until the Special Officers will complete the inspection of the complete/incomplete work in question in terms of the order passed by the learned Tribunal.

8. As the respondent authorities have submitted before this Court that the Envelope-3 will not be opened unless and until the Special Officers, appointed by the learned Tribunal, will complete the inspection of the complete/incomplete work in question, thus, this Court is of the view that no further order is required to be passed as per the submission made by the learned counsel for the respondent authorities.
9. In view of the above observation, **WPA 16239 of 2026** stands **disposed of**.
10. This writ petition is disposed only on the basis of the submission made by the learned counsel for the DVC and taking into consideration of the bid schedule as no date has been fixed for opening of the price bid. All the rights and contentions of the parties are kept open.
11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

12. Urgent Photostat certified copy, if applied for, be given to the parties upon compliance with all formalities.

(Krishna Rao, J.)