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Vs. Chief Engineer Eastern Zone Pherespond

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Court : Kolkata

Decided On : Aug-07-2012

Judge : Ashoke Kumar Dasadhikari

Respondent : Chief Engineer Eastern Zone Pherespond

Judgement :

ORDER
SHEET WP No.1371 of 2000 IN THE HIGH COURT AT CALCUTTA Constitutional Writ Jurisdiction ORIGINAL SIDE SWAPAN KUMAR SARKAR Petitioner Versus CHIEF ENGINEER EASTERN ZONE PHE Respondent BEFORE: The Hon'ble JUSTICE ASHOKE KUMAR DASADHIKARI Date :

7. h August, 2012.

For Petitioner : MRS.Ajeya Mitra, Advocate Mr.Subhobrata Mitra, Advocate Mr.Manimala Dey Basu, Advocate Ms.Susparna Biswas, Advocate Ms.Sudeepa Biswas, Advocate.

None appeaRs.For Respondent : The Court : The matter was mentioned upon notice.

Counsel for mentioned.

Learned the To writ petitioner submits that it appeared as be Thereafter, date of hearing was fixed and the Advocate-on- record also submits that copies of the papers were given to Mr.Agarwal who is representing the State-respondents.

Today at the time of hearing nobody for the State has appeared and no accommodation is sought for.

relates to removal of petitioners name from the panel.

a Class-I Contractor.

come up before this The matter The petitioner is Since he was not supplied tender paper he had to Honble Court.

During the pendency of the writ application, the respondent authorities informed the petitioner that in case the writ petition is withdrawn, he would be supplied tender papers etc.On that basis the writ petitioner withdrew the fiRs.writ petition which he moved and thereafter he was allowed to participate tenderprocess and work order was issued in his favour.

the work with satisfaction to the respondents.

in a He has completed Subsequently he was not supplied any tender paper for some unknown reason and the petitioners name was not featured in the list.

In the Affidavit in opposition a plea was taken that he did not participate in the tender process.

Learned counsel for the writ petitioner submits that tender papers were not supplied in time that is the reason for not participation.

the writ petitioner should be permitted to Therefore she submits that participate in the tender process.

She also submits that not a days the tender is invited through internet and leave may be granted in favour of the writ petitioner to get tender papers from internet and to submit the same subject to the final result of the writ petition.

It was submitted that if the tender is not submitted within a day then that will not be considered the submissions made.

Since nobody is appearing and I am inclined to keep the matter fixed on a separate date for giving an opportunity to the respondents to make their submissions, I grant leave to the writ petitioner to take the tender paper through internet and to submit the same.

However, submission of this tender writ paper is subject to result of the petition.

The writ petitioner will not he entitled to claim any equity in the event the case is decided against him.

This is without prejudice to the rights and contentions of the parties.

The matter is fixed on 20.9.2012.

The Advocate-on-record of the writ petitioner is directed to serve a notice upon Mr.Agarwal before the date fixed for hearing.

Urgent Photostat Certified copy of this order be made available to the parties, if applied for, upon compliance of requisite formalities.

(ASHOKE KUMAR DASADHIKARI, J.) msen

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