

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7983 of 2015

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M/s Safeway Dredging Enterprises, Head Office at No.7, Sattaiyappar East Street,
Nagapattinam 611001 through its authorized signatory, Ram Ekbal Mishra, S/O late
Rajendra Mishra, resident of Mohalla-G-8, Abhiyanta Nagar, P.S.- Rajiv Nagar,
District- Patna.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department,
Government of Bihar, Sichai Bhawan, Patna.
2. The Secretary, Water Resources Department, Government of Bihar, Sichai
Bhawan, Patna.
3. The Departmental Tender Committee through the Secretary, Water Resources
Department, Government of Bihar, Sichai Bhawan, Patna.
4. The Engineer-in-Chief (North), Water Resources Department, Government of
Bihar, Patna.
5. The Chief Engineer, Water Resources Department, Government of Bihar, Birpur
Division, Birpur.
6. The Executive Engineer, Irrigation Division, Birpur.
7. The Special Work Officer-cum-Internal Finance Advisor, Water Resources
Department, Government of Bihar, Bihar.

.... Respondents

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Appearance :

For the Petitioner : Mr. Bipin Kumar, Advocate.
Mr. Binod Kumar Singh, Advocate.

For the State : Mr. Anshuman Singh, G.P. 24.
Mr. Siddharth Shankar Pandey, Advocate.
Mr. Rajeev Shekhar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA
ORAL JUDGMENT
Date: 08-06-2015

Heard learned counsel for the petitioner and the State.

2. Petitioner is a works contractor. He is aggrieved by minutes of the Tender Committee dated 29.04.2015, Annexure-1, whereunder after acceptance of the technical bid by the petitioner, one another, the tender notice itself has been cancelled holding that because of the presence of only two of the bidders, the required financial competitiveness may not be observed, having held as above, direction has been issued for issue fresh tender. Present writ petition has been filed assailing not only the minutes dated 29.04.2015 (Annexure-1) but also the fresh tender notice dated 02.05.2015 (Annexure-2).

3. Learned counsel for the petitioner submitted that by cancelling the tender notice the authorities have acted in an arbitrary manner, contrary to public interest as the tender notice was in respect of dredging of the silt from the canal bed which is essential for not only irrigation but also for power generation, flood protection in view of the coming rainy season.

4. The authorities in order to ensure



required financial competitiveness amongst the bidders have chosen to cancel the tender notice. I see no arbitrariness in their decision. The writ petition is dismissed.

(V.N. Sinha, J)

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