

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19391 of 2014

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Bibekanand Gupta Son of Late Ganga Prasad Sah Resident of Village-
Bazar, P.O. and P.S. Pirpanti District-Bhagalpur.

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Rural Work Division Bihar, Patna.
2. The Engineer-in-Chief, Rural Work Division, Bihar, Patna.
3. The Chief Engineer, Rural work Division, Bihar, Patna.
4. The Executive Engineer, Rural Work Division, Work Division, Bhagalpur (Member Secretary)
5. The Executive Engineer, Rural Work Division, Work Divisions, Navgachhiya, Bhagalpur (Member)
6. The Superintending Engineer, Rural Work Division, Work Circle, Bhagalpur Cum President Technical Tender Disposal Committee, Bhagalpur.
7. The Divisional Account Officer, Rural Work Division, Work Division, Bhagalpur.

.... Respondents

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Appearance :

For the Petitioner : M/s A.B.Ojha, Sr. Advocate &
Akhilesh Kumar Pandey, Advocate
For the State : Mr. Roy Shivaji Nath, AAGIII

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 06-02-2015

Heard learned counsel for the petitioner and the State.

Petitioner is aggrieved by Annexure 2 dated 30.9.2014

by which the technical bid of four tenderers including the

petitioner who is reflected as Sl. No. 3 has been rejected on the ground of violation of Clause 4.4B(a) ii, 4.2 (i), 4.4 B(c)(i), 4.4 B(c) ii.

The petitioner has claimed that he has not violated any of the clauses mentioned in Annexure 2 rather he has furnished all the requirements or requisites. He has come up with some of such documents brought on record as Annexure 4 series.

However, a counter affidavit has been filed on behalf of the State taking a stand that petitioner was required to furnish affidavit on payment of stamp of Rs. 105/-. But at the time of hearing learned AAG III has submitted that it should be Rs. 100 + Rs. 5 as Rs. 5 for Advocates Welfare Stamp has to be affixed. Secondly it has also been stated that the petitioner has not furnished any detail regarding the disputes or arbitration proceeding held during the last five years.

Petitioner has not filed any affidavit controverting the aforesaid statements.

Learned counsel for the petitioner raises a question as to whether the information was still required to be furnished even if there was no litigation at all? However, in absence of any categorical statement in this regard on behalf of the petitioner in the writ petition, that issue cannot be considered and decided.

In my considered opinion, this case does not warrant any interference.

Accordingly, the writ petition is dismissed.

(Dr. Ravi Ranjan, J)

Spd/-

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