

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10798 of 2009

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Satish Kr. Son of Bishnudeo Singh, resident of Saguna Masjid, Danapur
Cantt. P.S. Danapur, Patna.

.... Petitioner/s

Versus

1. Central Warehousing Corporation, Regional Officer, Mauryalok, Patna.
2. Regional Manager, Central Warehousing Corporation, Regional Office,
Mauryalok, Patna.
3. Vijay Kumar Singh, son of not known resident of Dariyawan P.S. Sada
Chapara, Dist Saran.

.... Respondent/s

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

3 30-01-2015

Heard learned counsel for the parties.

Having regard to the following prayer made in
paragraph no. 1 of the writ application, reading as
follows:-

“That this is an application for giving direction not to accept the tender of Sri Vijay Kumar Singh and the Respondent no. 1 and 2 should be restrained to appoint Sri Vijay Kumar Sinha as H&T contractor and enter into an agreement with him and this Hon’ble Court may further give direction to Respondent No. 1 and 2 to appoint the petitioner as H&T Contractor being the second lowest.”

and the specific stand of the respondents in paragraph
no. 5 of the counter affidavit reading as follows:-

“That in reply to the statements made in para 1 it is humbly stated that in view of the facts as stated in para 4 above Vijay Kr. Singh was neither appointed as Handling & Transporting Contractor nor he has entered into an agreement with the answering respondents No. 1 & 2.

It is further submitted that it has been clarified in the guidelines of the Central Vigilance Commission

dated 18th November 1998 that “In order to avoid corruption a more transparent and effective system must be introduced. AS post tender negotiations are the main source of corruptions, post tender negotiations are banned with immediate effect except, in the case of negotiation with L-1 (i.e., Lowest Tenderer).”

this Court must hold that the grievance of the petitioner was itself wholly misconceived and ill founded

Let it be noted that such stand taken by the respondents in the counter affidavit has not been sought to be controverted by the petitioner despite service of copy of the counter affidavit on learned counsel for the petitioner on 12.10.2009.

That being so, this application is wholly misconceived and is, accordingly, dismissed.

(Mihir Kumar Jha, J)

Ranjan/-

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