

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17531 of 2016

Impact Communications, a registered partnership firm having its registered office at E- 362, 1st Floor, Nirman Vihar, near Nirman Vihar Metro Station, New Delhi- 1100092 through its authorized signatory Ravindran T. Nair, s/o Late Shri S.N.Nair, resident of G10/301, Shalimar Garden, Ext.1, P.S. Sahibabad, District Ghaziabad (UP)

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Department of Tourism, Government of Bihar, Patna
2. The Directorate of Tourism, Government of Bihar, having its office at 4th Floor, BSFC Building, Frazer Road, Patna- 800001
3. The Director of Tourism, Directorate of Tourism, Government of Bihar, having its office at 4th Floor, BSFC Building, Frazer Road, Patna- 800001

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Satyabir Bharti, Advocate
For the Respondent No.3: Mr. Rajeev Ranjan Prasad, Advocate
For the State : Mr. K.P.Yadav, G.P.11 with Mr. Sunil Kumar, AC to G.P. 11
For Intervener : Mr. Tuhin Shankar with Mr. Niraj Kumar, Advocates

CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

3 24-10-2016 I.A.No. 8575 of 2016 has been filed on behalf of M/s. Pyramid Fabcon, who was the other tenderer in the bid process, for seeking to intervene in the matter. Let the same be kept on the record.

Heard learned counsel for the petitioner and learned counsels for the respondent No.3 and for the State.

A counter affidavit has also been filed on behalf of respondent No.3. Apart from the other issues, it is stated therein that the petitioner had on 19.10.2016 by his letter of the said date through its Vice President requested respondent No.3 to hand over the Demand Drafts which were deposited along with the bid and had authorized Mr. Uday Kumar to receive the Demand Drafts and

on accepting the said request, the respondent No.3 returned all the Demand Drafts which were submitted towards security deposit and 50% of the licence fee.

It is thus submitted by learned counsel for respondent No.3 that the writ application is an after thought and the petitioner having withdrawn the security deposit and the bid amount cannot be permitted to thereafter challenge the action of the respondents in the said tender process.

Learned counsel for the petitioner is unable to satisfy this Court as to how the writ application is maintainable after the petitioner had withdrawn the security deposit and other amount voluntarily.

In the aforesaid circumstances, this Court is in agreement with the submission of learned counsel for respondent No.3 that the writ application cannot be proceeded with any further after the petitioner had withdrawn the security deposit and other amount voluntarily and the same has been returned by respondent No.3.

The writ application is, accordingly, dismissed.

(Ramesh Kumar Datta, J)

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