

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9794 of 2015

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Satyendra Kumar Mishra, Son of Dharmnath Mishra, Resident of Village -
Gangajal Baraka Bagicha, P.S. Sonapur, District - Saran.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Director, Central Bureau of Investigation Govt. of India, New Delhi.
3. The Director General of Police, Govt. of Bihar, Patna.
4. The Director, Bihar State Tourism Development Co-operation, Patna, Bihar.
5. Director, Department of Investigation Govt. of Bihar, Patna.
6. The D.I.G. Vigilance, Saran Paramandal, Saran of Chapra.
7. The Commissioner, Saran at Chapra.
8. The District Magistrate, Saran at Chapra.
9. The Superintendent of Police, Saran, Chapra.
10. The Sub-Divisional Officer-Sonapur, Saran.
11. The Block Development Officer, Sonapur, Saran.

.... Respondent/s

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Appearance:

For the Petitioner : Mr. Dhananjay Mishra, Advocate.
Mr. Binod Kumar, Advocate.

For the State : Mr. Anjani Kumar, Sr. Advocate, AAG-4.
Mr. Rajesh Kumar, Advocate.

For CBI : Mr. Bipin Kumar Sinha, SC/CBI

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 09-12-2016

The petitioner has sought investigation in the manner
of awarding contract in the sum of Rs. 2.38 Crores for the
development of Sonapur fair in 2014.

The assertion of the petitioner is that a firm was
blacklisted, but such firm has been given contract after change in the
name of the firm, therefore, the matter should be investigated by an
independent agency.



In a counter affidavit filed on behalf of respondent no.4, it is asserted that in the year 2012, three firms, namely, M/s Madhaw Singh & Sons, Sonapur; M/s Adland Publicity Pvt. Ltd., Kolkata and M/s Impact Communication, New Delhi participated in the tender process. On the basis of evaluation of technical and financial bids, M/s Adland Publicity Pvt. Ltd. and M/s Madhaw Singh & Sons were placed as 1st and 2nd bidders respectively. A complaint was made by M/s Madhaw Singh & Sons accusing the departmental committee for not taking important facts put up as addendums to their financial quotation. Such complaint was found to be with inside help and a police station case no. 24 of 2012 dated 20.10.2012 was lodged in the Economic Offence Unit. Thereafter, it was decided not to take work from M/s Madhaw Singh & Sons.

In the year 2014, the Government issued separate requests for proposals for event management of Nakhas Area of Sonapur Mela. M/s Adland Publicity Pvt. Ltd., Kolkata and M/s Impact Communication, New Delhi were found eligible by the departmental committee. After evaluating technical and financial aspects, contract has been given to M/s Adland Publicity Pvt. Ltd. The documents have been attached along with the counter affidavit.

We have heard learned counsel for the parties and find that there is no procedural illegality in the award of the contract



which may require further investigation. In the year 2012, M/s Madhaw Singh and Sons participated in the tender process but they have not been considered in the subsequent bidding process conducted in the year 2014 when M/s Adland Publicity Pvt. Ltd. has been granted contract. There is an argument that the management of the two companies i.e. M/s Madhaw Singh & Sons and M/s Adland Publicity Pvt. Ltd. are the same but such assertion has not been substantiated by any material on record.

We find no illegality in the process of award of contract. We do not find that any case is made out for interference in the writ jurisdiction of this Court.

The writ application is, thus, dismissed.

(Hemant Gupta, ACJ)

(Vikash Jain, J)

Mishra

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	16.12.2016
Transmission Date	

