

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9133 of 2016

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M/s. Honest Construction Company, At Urdu Library, Alampatti P.O.+
P.S.- Motihari, District- East Champaran, through its Managing Partner
Mujaffar Mohmood, Son of Late Mahmudul Amin, Advocate Resident of
Urdu Library, Alampatti, P.O + P.S- Motihari, District East Champaran

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary Rural Works
Department, Government of Bihar, Patna
2. The Principal Secretary, Finance Department, Government of Bihar,
Patna.
3. The Engineer-in-Chief, Rural Works Department, Government of Bihar,
Patna
4. The Chief Engineer- 3, Rural Works Department, Works Circle, Motihari
5. The Superintending Engineer, Rural Works Department, Works Circle,
Motihari
6. The Executive Engineer, Rural Works Division, Works Division Dhaka,
East Champaran, Motihari

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Advocate with M/S
Ramjee Prasad Sharma & Kundan Kumar,
Advocates

For the Respondent/s : Mr. Anil Upadhya, S.C.2

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

3 23-08-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks quashing of the recommendation
contained in Momo No. 1788 dated 27.4.2016 made by the
Technical Bid Committee headed by the Chief Engineer-3, Rural
Works Department, Government of Bihar for cancelling the tender
relating to tender ID No. 39814 in view of Notification No. 1682
dated 1.3.2016 issued by the Finance Department, Government of
Bihar and further by which the Executive Engineer, Rural Works
Department has been directed to ensure re-tender at the earliest
and for other consequential relief.

Learned counsel for the petitioner submits that the case of the petitioner is squarely covered by the decision dated 21.7.2016 of this Court in CWJC No. 8869 of 2016 and its analogous cases by which the writ applications were allowed and the respondents were directed to open financial bids of the petitioners of the said writ petitions within a period of two weeks and thereafter proceed to award the contract subject to the statements made by the petitioners through their counsel with regard to their financial bids.

Learned counsel for the petitioner in the present case submits that the petitioner has already quoted about 4% below the schedule rate but the petitioner is willing to have the price issue renegotiated with the respondents.

The writ application is allowed in terms of the order dated 21.7.2016 passed in CWJC No. 8869 of 2016 and its analogous cases. It is further directed that the re-tender notice dated 16.5.2016 shall stand quashed in view of the directions issued herein.

(Ramesh Kumar Datta, J)

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