

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9135 of 2016

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Dhirendra Construction Pvt. Ltd. Official Address as -S.K. Nagar Motihari
P.S. - Nagar Thana, District- East Champaran, Motihari through its Director
Rajeev Kumar, Son of Sri Jamuna Prasad Singh, Resident of Mohalla-
Lakshman Chowk, Bankers Colony, Banjaria, P.S.- Motihari Town,
District- East Champaran, Motihari,

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary Rural Works
Department, Government of Bihar, Patna
2. The Engineer-in-Chief, Rural Works Department, Bihar, Patna
3. The Chief Engineer-3, Rural Works Department, Bihar, Patna
4. The Superintendent Engineer, Rural Works Department, Works Circle,
Motihari
5. The Executive Engineer, Rural Works Division, Dhaka, East Champaran,
Motihari
6. M/S R.N. Construction through the Director Ravi Shankar Verma, Son of
Radha Krishna Verma, Resident of - Bhavaniur Jirat, P.O. + P.S.- Chatauni,
District- East Champaran, Motihari
7. M/S Jai Muni Infra Structure, Address- Village Turkauliya, P.S + P.S-
Areraj, District East Champaran Motihari.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar with M/S Kundan Kumar
Ranjeet Singh, Akash Keshav, Advocates

For the State : Mr. Sunil Kumar, AC to G.P. 11

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

3 25-07-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

Learned counsel for the petitioner submits that in the
present matter the facts are practically identical to that of CWJC
No. 7885 of 2016 (Dhirendra Construction Pvt. Ltd. vs. The State
of Bihar & Ors.), which has been allowed today by the order
passed therein. In the present matter also the petitioner was
declared disqualified at the stage of technical bid on account of the
Bank Guarantee for the same reason relying upon the letter dated

14.11.2014 of the Engineer-in-Chief-cum-Additional Commissioner-cum-Special Secretary and consequently a single tenderer remaining, namely, M/s. R.N.Construction, respondent No.6, a fresh tender has been ordered on 16.5.2016 wherein the disputed item is at Serial No.6.

In the above circumstances, the writ application is allowed in terms of the order dated 25.7.2016 passed in CWJC No. 7885 of 2016. The order disqualifying the petitioner at the stage of technical bid is quashed.

It is directed that the case of the petitioner shall be considered by opening the financial bids of the petitioner and M/s. R.N.Construction, respondent No.6. Further, the re-tender notice published on 16.5.2016 with regard to the item at Serial No.6 is quashed.

(Ramesh Kumar Datta, J)

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