

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1649 of 2015

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Rituraj Kumar Singh S/O- Sri Maheshwar Prasad Singh Resident of muhalla Sri Hari Niwas, Bapu Nagar- Baluahi, Ward No. -24, P.S./District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Bihar
2. The Principal Secretary, Bihar Urban Development Agency & District Urban Development Agency, Urban and House Development Department, Patna
3. The Collector, Khagaria
4. The Executive Engineer District Urban Development Agency (DUDA), Khagaria.

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 08-02-2016

Heard learned counsel for the parties.

The petitioner has filed the writ petition for quashing the tender notice No. 02/2014-15 issued by the respondent no. 4 for different works in the district of Khagaria.

Learned counsel for the petitioner submits that his bid has been rejected on flimsy ground that the equipment to be used by

him either should have been owned by him or there should have been an affidavit of the owner of those equipments for their use in favour of the petitioner. It is submitted that the equipments were owned by his father and thus there was no requirement for him to give any affidavit with regard to its use by the petitioner.

Learned counsel for the State relying upon the counter affidavit submits that as per Clause 18(4) (ख) of the tender condition, it was very clearly mentioned that the equipments were to be owned by the tenderers or if not then an affidavit by the owner permitting such use should have been filed. It is submitted that in the very Clause, it was also clearly mentioned that failure to do so would result in rejection of the tender. Learned counsel submits that the tender of the petitioner was rightly rejected.

Learned counsel for the petitioner then submits that the person to whom work has been allotted also did not fulfill the terms and conditions of the tender as the character certificate given by him was not by the District Magistrate of the District from which he has registration i.e., Begusarai and rather it was from the Superintendent of Police, Khagaria. It is further submitted that even the earnest deposit by the person who has been allotted work is not in accordance with law.

Learned counsel for the State objects and submits that the petitioner has neither filed the writ with regard to award of

contract to another person nor he has been made party and thus the Court may not go into the said aspect.

Faced with the situation, learned counsel for the petitioner submits that at least the representation of the petitioner before the respondent no. 2 should be directed to be disposed off.

Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court does not find any merit in the writ petition as far as the rejection of the tender of the petitioner is concerned. Accordingly, to that extent, the writ petition stands dismissed.

However, with regard to the other aspect of a person who had also not filled up the tender form in accordance with law and also subsequently with regard to the alleged irregularity committed by him in submission of earnest money deposited by him, the respondent no. 2 is directed to consider the objection raised by the petitioner, copy of which has been made Annexure-4 of the writ petition and decide the same within two months with a speaking order.

The writ petition stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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