

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12966 of 2013

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Mr. Prem Pratap Ray @ Prem Pratap(Age-29) S/o Sri Ram Pratap Ray, R/o Roy Bhawan, Jai Mahavir Colony, Bazar Samiti, Mahendru Patna.

.... Petitioner

Versus

1. The State of Bihar through the Chief Engineer, Bihar Police Building Construction Department, Kautiyla Nagar, Panta- 4

2. The Chairman, Bihar Police Building Construction Corporation, Kautiyla Nagar, Panta- 4

.... Respondents

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Appearance :

For the Petitioner : Mr. Suresh Pd. Singh No. 1, Advocate

For the State : Mr. Narendra Kr. Singh, AC to GP 22

For the Corporation : Mr. Prasoon Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 22-09-2016

Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The present writ petition has been filed for quashing the order dated 02.05.2013 passed by the respondent no. 1 rejecting the review application of the petitioner and affirming the said order rejecting the bid of the petitioner which was submitted under NIT No. 03/2013 under Group No.1 & 6 in the District of East Champaran, Bihar for execution of construction of buildings of Police Stations; and for connected reliefs.

3. I.A. No. 7299 of 2016 has been filed with the prayer for amendment of the relevant portion of the prayer in the writ petition by adding the following prayer –

“To direct the respondents to release the earnest money



deposited while submitting tender, but on frivolous grounds they have awarded tender to another contractor and enjoyed the fund of the petitioner, whereas the Petitioner has been charged compoundable interest by its bank upto 17% interest thus they may be directed to refund the entire earnest amount along with 17% interest, which has not been paid to the petitioner as yet and further petitioner may be paid the contractor's profit @ 10% of the tender value which would have been earned by him if he may be awarded tender which has been illegally not awarded to him."

Having regard to the nature of the prayer, the interlocutory application is allowed and the petitioner is permitted to make appropriate amendment in the writ petition.

4. At the very outset, learned counsel for the petitioner fairly accepts that the work in question has since been awarded to another contractor and has already been completed. The prayers in the main writ petition have accordingly become infructuous. The same are dismissed as such.

5. As regards the claim of the petitioner for refund of the earnest money with interest in terms of the interlocutory application, this Court, in the interest of justice, grants liberty to the petitioner to approach the Executive Engineer, Muzaffarpur Division, Bihar Police Buildings Constructions Corporation at

Hajipur with a fresh representation in that regard within a period of two weeks from today. If such a representation is filed within the stipulated period, the same shall be considered and disposed of on its own merits in accordance with law and after grant of an opportunity of hearing to the petitioner, expeditiously and in any event, preferably within a period of four weeks thereafter.

6. The writ petition stands disposed of with the aforesaid observations and directions.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
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