

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12581 of 2016

=====

Kamladitya Constructions Pvt. Ltd. through its authorized signatory Binod Kumar Singh, son of Late Krishnadev Narayan Singh, resident of Village-Rampur Noornagar, P.O. Jalalpur Bazar via Kahi, P.S. Jalalpur Bazar Distt. Chapra

.... Petitioner

Versus

1. The Union of India through the Secretary, Road, Transport and Highways, Govt. of India, Transport Bhawan, 1- Parliament Street, New Delhi 110001
2. The State of Bihar through, the Secretary, Road Construction Department, Government of Bihar, Patna
3. The Chief Engineer, P-3 Ministry of Road Transport and Highway, Transport Bhawan, New Delhi
4. The Chief Engineer, National Highway Wing, Road Construction Department, Patna
5. The Executive Engineer, National Highway Division, Chapra

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan, Advocate
For the State : Mr. Amit Prakash, G.A. 13
For Union of India : Mr. Arvind Kumar Tewary, CGC

=====

CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

8 17-10-2016 Heard learned counsel for the petitioner and learned Government Advocate No.13 for the State.

The petitioner has approached this Court for quashing the decision of the Technical Bid Evaluation Committee dated 12.10.2015 by which the technical bid of the petitioner has been rejected.

It is submitted by learned counsel for the State that the writ application has become infructuous since after the evaluation of the technical bid a single tenderer was found to have qualified and his financial bid was 50% above the schedule rates and as per the tender policy the earlier tender process has been cancelled and a fresh tender has been invited.

It is also pointed out by learned Government Advocate that the petitioner has been blacklisted by order dated 5.7.2016 and for the said reason also his technical bid cannot be considered apart from the fact that the work experience has not been uploaded by the petitioner making him ineligible for being considered.

It is the stand of learned counsel for the petitioner that the work experience was uploaded by downloading from the site of the respondents themselves. However, in view of the fact that the petitioner is at present under blacklisting order for which an LPA on behalf of the petitioner is pending, it may not be proper to issue any positive direction in favour of the petitioner.

For the aforesaid reason, the writ application is disposed of with liberty to the petitioner to participate in the fresh tender process, if so advised, considering that the order of blacklisting subsists against it and with the further direction that the petitioner who had the work experience under the previous tender but may not continue to have the same because of the fresh period that may be involved in the fresh tender would not be disqualified on that count.

(Ramesh Kumar Datta, J)

spal/-

U			
---	--	--	--