

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8025 of 2016

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M/s. Parmar Enterprises, through its Managing Partner Kripa Kant Singh
Son of Late Ramashish Singh resident of village - Balua, P.S. Paharpur,
District - East Champaran, Bihar

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Secretary, Rural Works Department, Government of Bihar, Patna
3. The Engineer in Chief, Rural Works Department, Government of Bihar, Patna
4. The Deputy Secretary cum Internal Financial Advisor, Rural Works Department, Government of Bihar, Patna
5. The Chief Engineer - 3, Rural Works Department, Government of Bihar, Patna
6. The Executive Engineer, Rural Works Department, Works Division, Areraj, District East Champaran, Bihar

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan with Mr. Chandan Kumar,
Advocates

For the Respondent/s : Mr. Kumar Pankaj, AC to S.C.5

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

4 21-10-2016 Heard learned counsel for the petitioner and learned counsel for the State.

It is not in dispute that the present matter relates to re-tender as there was no successful tenderer in the first tender. In the re-tender, which was floated on 1.12.2015, the petitioner emerged as the sole qualified tenderer after his bid was technically evaluated. Thereafter the respondents opened the financial bid of the petitioner also on 9.2.2016 and subsequently the tender has been cancelled on the ground of single tenderer relying upon the Circular dated 1.3.2016 amending the Bihar Financial Rules.

Learned counsel for the petitioner submits that the present matter is squarely covered by the decision of this Court dated

21.7.2016 in CWJC No. 8869 of 2016 (M/s. R.R. Company vs. The State of Bihar & Ors.) and its analogous case, wherein it has been held that any tender would be covered by the Rules prevailing at the time the notice inviting tender was issued and thus the provision of the amended Bihar Financial Rules as from 1.3.2016, which in any case does not relate to works contract or even of the resolution of the Public Works Department dated 9.5.2016 will not be applicable in the present matter.

In the present matter, the authorities had also opened the financial bid and thus it was not open to them to go back in the matter.

In the aforesaid circumstances, in view of the law laid down in the R.R.Company case (supra), the writ application is allowed and the respondents are directed to proceed in the matter of award of contract in the light of the decision in the said case within a period of two weeks from today.

(Ramesh Kumar Datta, J)

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