

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4272 of 2013

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M/S Sharda Construction, a Partnership Firm Having its Office at New Area, Maharajganj Road, Aurangabad, Bihar through its Partner Sri Kaushal Kumar Singh, Son of Late Ambika Narayan Singh, Resident of New Area, Aurangabad, P.S. and District - Aurangabad (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Rural Works Department, 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 Chief Engineer-1, Rural Works Department, Govt. of Bihar, Patna
5. The Superintending Engineer (Headquarter), Rural Works Department, Govt. of Bihar, Patna.
6. The Superintending Engineer, Rural Works Department, Works Circle, Aurangabad.
7. The Executive Engineer, Rural Works Department, Works Division, Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raj Kishore Prasad

For the Respondent/s : Mr. Manoj Kumar, AC to SC-28

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

5 21-04-2016 Heard Mr. Raj Kishore Prasad, learned counsel appearing for the petitioner and Mr. Manoj Kumar, learned Assisting Counsel to Standing Counsel No.28 for the State.

The petitioner is aggrieved by the decision of the Tender Committee dated 24.12.2012 whereby the petitioner has been disqualified in technical bid held in respect of Tender ID No.9124 issued for construction of road in between Punpun Ghat Pauthu to Feshra Dharmapura Parasiya via Makhara Katya Rampur in the district of Aurangabad. The grounds on which the technical bid was rejected are that the information required in terms of Clause 4.8 of the Standard Bidding Document was not

furnished which required certain information to be placed by way of affidavit.

A counter affidavit has been filed supporting the impugned decision. Mr. Raj Kishore Prasad, learned counsel appearing for the petitioner with reference to the rejoinder thereto has submitted that necessary documents which form part of the records had been filed by the petitioner and thus there was no default. He further submits that for a similar default in relation to another contract, the error committed was subsequently rectified by the respondents under the orders of this Court in CWJC No.4344 of 2013 (M/s Sharda Construction vs. The State of Bihar). He thus submits that the action was not correct and the petitioner has been wrongfully disqualified but while making such submission he fairly admits that by passage of time this matter has become academic because the contract is concluded.

In the circumstances discussed where the contract has reached its conclusion I do not feel persuaded to adjudicate on merits of the dispute raised. The writ petition is accordingly disposed of.

(Jyoti Saran, J)

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