

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9132 of 2016

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Dhirendra Construction Pvt. Ltd. Official Address as -S.K. Nagar Motihari P.S.- Nagar Thana, District- East Champaran, Motihari, through its Director Rajeev Kumar, Son of Sri Jamuna Prasad Singh, Resident of Mohalla- Lakshman Chowk, Bankers Colony, Banjaria, P.S.-Motihari Town, District- East Champaran, Motihari,

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary Rural Workds Department, Government of Bihar, Patna
2. The Engineer-in-Chief, Rural Works Department, Bihar, Patna
3. The Chief Engineer- 3, Rural Works Department, Bihar, Patna
4. The Superintendent Engineer, Rural Works Department, Works Circle, Motihari
5. The Executive Engineer, Rural Works Division, Dhaka, East Champaran, Motihari
6. M/S R.N. Construction through the Director Ravi Shankar Verma, Son of Radha Krishna Verma, Resident of -Bhavanipur Jirat, P.O.+ P.S.- Chatauni, District- East Champaran, Motihari
7. M/S Sri Ram Builders Address- Arya Samaj Chowk, Chhatauni, Motihari, P.S- Motihari Sadar, District- Motihari.

.... Respondent/s

with

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7. M/S Sri Ram Builders, Address- Arya Samaj Chowk, Chhatauni, Motihari, P.S- Motihari Sadar, District Motihari.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar,
Mr. Akash Keshav
Ms. Ranjeeta Singh
For the State : Mr. Jay Prakash Sharma, AC to GP-11
Mr. Kumar Pankaj, AC to SC-5

CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL JUDGMENT

Date: 12-08-2016

Heard learned counsel for the petitioner and
learned counsels for the State.

Both the writ applications arise out of
disqualification of the petitioner with respect to NIT No.
RWD/MMGSY/DHAKA/ET/05/2015-16 issued by the Executive
Engineer, Rural Works Department, Works Division, Dhaka,
Motihari in relation to Sl. Nos. 12 and 14 of the said NIT.

The rejection of the petitioner's technical bid is on
account of the Bank Guarantee not being in the exact proforma as
provided under the SBD.

Learned counsel for the petitioner submits that the
facts of the present matter are identical to that of CWJC No. 7885
of 2016 with respect to the present petitioner which has been
allowed by order dated 25.7.2016.

Learned counsel for the respondents is unable to
show any distinction between the present matter and the matter

earlier decided in the case of the petitioner by order dated 25.7.2016.

In the said circumstances, the present writ applications are also allowed in terms of the order dated 25.7.2016 passed in CWJC No. 7885/2016. The orders disqualifying the petitioner at the stage of technical bid in both the matters are quashed.

It is further directed that the case of the petitioner shall be considered upon opening of the financial bid of the petitioner and one M/s. R.N. Construction, Respondent No.6 in both the writ applications. Both the re-tender notices dated 16.5.2016 with regard to items at Sl. Nos. 12 and 14 are also quashed.

(Ramesh Kumar Datta, J)

S.Pandey/-

AFR/NAFR	
CAV DATE	
Uploading Date	31.08.2016
Transmission Date	