

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15130 of 2014

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M/s Modern Laboratories, having its registered office at 45/D-2 Sanwar Road, Industrial Area, Indore (M.P.) through its authorized representative Gopal Kumar Rastogi, son of Mani Lal Rastogi, C/o M/s. Rastogi Pharmaceutical, Rastogi Bhawan, Maharaj Harish Chandra Marg, Dr. B.B. Ghosh Lane, Motijhil, Muzaffarpur, P.S. Muzaffarpur Town, District- Muzaffarpur

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Animal Husbandry and Fisheries Department, Government of Bihar, Patna
3. The Director, Animal Husbandry and Fisheries Department, Government of Bihar, Patna
4. The Deputy Secretary, Animal Husbandry and Fisheries Department, Government of Bihar, Patna
5. The Joint Secretary (Headquarter), Animal Husbandry and Fisheries Department, Government of Bihar, Patna

.... Respondents

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Appearance:

For the Petitioner : Mr. Vijay Kumar Singh, Advocate
For the Respondents : Mr. KUNDAN BHADUR SINGH

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 23-02-2016

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

2. The present writ petition has been filed for a direction to the respondent authorities to open the financial bid of tenderers whose technical bids have been accepted by the Tender Committee in its meeting dated 10.12.2013 and finalize the tender in accordance with law within a reasonable period of Tender Inviting Notice No. PR-9258 (Animal)/13-14 dated 23.11.2013.

3. At the very outset learned counsel for the petitioner states that the cause of action no longer survives in view of the tender itself having been cancelled during the pendency of the writ petition as disclosed in letter dated 09.09.2014 (Annexure-B) to the counter affidavit. It is therefore, submitted that in view of such cancellation of tender, the respondents be directed to refund the security deposit of the petitioner which admittedly requires to be refunded in terms of the said letter.

4. Having regard to the limited prayer of the petitioner, the writ petition is disposed of with liberty to the petitioner to approach the Director, Animal Husbandry and Fisheries Department, Government of Bihar, Patna (Respondent No. 3) with a representation seeking refund of its security deposit. If such a representation is made within a period of two weeks from today, the same shall be considered and disposed of, ensuring steps for payment of the security deposit within a period of four weeks thereafter.

(Vikash Jain, J)

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