

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13183 of 2015

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1. Mundrika Prasad, son of Late Keshav Prasad, Resident of Village-Shahpur (Tikri Road) P.S.- Town, District- Aurangabad, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Co-operative Department, Government of Bihar, Patna.
2. The Principal Secretary, Co-operative Department, Government of Bihar, Patna.
3. The Managing Director, Bihar State warehousing Corporation, Patna
4. The Deputy General Manager (commercial), Bihar State warehousing Corporation, Patna.
5. The Divisional Manager (B) H.O., Bihar State warehousing Corporation, Patna.
6. Sri Govind Prasad, Son of ate Baijnath Prasad, Resident of Madlotganj (Near Raliway Cinema) P.S.- Kotwali, District- Gaya, Bihar.

.... Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Siya Ram Sahi, Advocate Mr. Purushotam Sharma
For the State	:	Mr. Arvind Kumar, AC to SC 28
For the Corporation	:	Mr. Mukundji, Advocate
For Respondent No.6	:	Mr. Chitaranjan Sinha, Sr. Advocate Mr. Binay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

6 05-04-2016 The petitioner prays for quashing of letter No. 961, dated 1.6.2015, whereby the respondents have awarded rake handling and transportation contract in favour of respondent No.6 in violation of guidelines pertaining to tender No.6 of 2014-15.

The petitioner has challenged the impugned award of tender primarily on the ground that respondent No.6 did not fulfill the tender conditions mentioned in the tender notice, dated

11.8.2014 (Annexure-1), particularly condition Nos. 7 and 16

which are quoted herein below for easy reference:

“7. Attested copy of Certificate of Experience (Not below the rank of DM, GM/RM) for Rake & Godown handling, stacking & transportation for three years out of preceding five years from the date of issue of NIT.

16. List of trucks owned with attested Xerox copies of R.C. Book. Minimum 5(five) trucks of 9 MT each or equivalent are required to be owned by the tenderer for BSWC. The tenderer is also required to enclose a statement showing renting out of required no. of trucks/tractor trolleys to the tenderer with documentary proof”.

In support of his assertion that respondent no.6 did not fulfill condition no.7, the petitioner has referred to the experience certificate of handling rake and transportation granted by Divisional Manager (B) H.O, BSWC, Patna, dated 22.5.2014 (Annexure-4).

He next submits that respondent No.6 did not have minimum of five trucks of 9 MT on the date of registration in the year 2012. Besides this, the tender process should have been completed in maximum of 60 days including 15 days grace period. However, the tender process was completed in 270 days.

A counter affidavit has been filed on behalf of respondent No.3 as well as private respondent. It has been stated by Respondent No.6 that he fulfills all the requisite conditions laid



down in the tender notice. He prepared all the requisite documents including Bank statements and Income Tax Returns. He submits that it is utterly wrong on behalf of the petitioner to plead that he does not fulfill the required 3 years experience at the time of submission of tender. In support of his submission, he has referred to experience certificate, dated 27.8.2014 (Annexure-B to the counter affidavit) issued by Dy. General Manager (B), Bihar State Warehousing Corporation from which it would appear that he had experience for rake handling and godown stacking in BSWC at Mohania/Kudra from the year 2010. He further submits that he had requisite number of trucks bearing registration No. HR-29C-6151, BHB-4179, BR2G-9655, BHB-8225, BHB-2555, BR2A-3161. He submits that there is no requirement that he should have possessed these trucks in the year 2012.

I have heard learned counsel for the parties and perused the materials on record.

I find from perusal of certificate, dated 27.8.2014, issued by Bihar State Warehousing Corporation that respondent No.6 has requisite experience for rake handling and godown stacking. Further more, from the documents annexed, I also come to the conclusion that respondent No.6 had requisite numbers of trucks on the date of issuance of tender.

On the other hand, I find that the petitioner himself did not satisfy the requisite conditions for approval of the technical bid as he did not fulfill the criteria of having requisite turn over.

In the result, I find no merit in this writ application. It is, accordingly, dismissed.

(Samarendra Pratap Singh, J)

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