

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.482 of 2016

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Rajgrihi Singh S/o Late Ramchhabila Singh, R/o Village- Turjki, P.O.-
 Kaniyar, P.S.- Dinara (Bhanas), District- Rohtas

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, P.H.E.D., Government of Bihar, Vishwasaraiya Bhawan, Baily Road, Patna null null
3. The Chief Engineer, P.H.E.D., (Mechanical), Vishwasaraiya Bhawan, Baily Road, Patna
4. The Superintendent Engineer, P.H.E.D. (Mechanical), at Vetenary College Campus, Patna- 14
5. The Executive Engineer, PHED (Mechanical), at Vetenary College Campus, Patna- 14

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar

For the Respondent/s : Dr. A.K. Upadhyaya- S.C.2
 Mr. Naresh Prasad, A.C. to S.C.

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR
DATTA
ORAL ORDER

2 08-09-2016

I.A. No.6983 of 2016

The interlocutory application has been filed for addition of prayer so as to challenge the fresh re-tender notice dated 22.08.2016 bearing Tender No.8/2016-17, by which part of the earlier tender is sought to be re-tendered.

In the facts and circumstances of the case, the prayer for addition of relief is allowed.

I.A. No.6983 of 2016 is, accordingly, disposed of.

The petitioner having participated in a tender process



pursuant to Tender Notice bearing No.06 of 2015-16 was ultimately not selected during the technical bidding. The petitioner was the only tenderer and the process of his tender was pending before the re-tenders were issued by N.I.T. dated 30.11.2015 bearing Tender No. 13 of 2015-16. Thereafter, a further NIT for the part of the work has been issued, being Tender No.08 of 2016-17, on 22.08.2016.

The only grievance of the petitioner is that the respondents have not followed the procedure prescribed in a high level meeting presided over by the Chief Secretary, Principal Secretary, Water Resources Department, Principal Secretary, P.H.E.D. and the Secretary, P.W.D. in which it was decided that in the case any tenderer is declared unsuccessful then a notice is to be given to him granting a week's time to file his objection, which should be disposed of before opening the financial bid.

It is submitted by learned counsel for the petitioner that the petitioner's representation filed before the Principal Secretary, PHED has not yet been disposed of and a fresh tender was issued earlier and for part of the tender another tender has been recently issued.

On a consideration of the facts and circumstances of the case, the writ application is disposed of with a direction to the

Principal Secretary, PHED, Government of Bihar to consider and dispose of the representation of the petitioner by a speaking order within one week from the date of receipt/production of a copy of this order. Any decision on the fresh tender notice shall only be taken after the disposal of the representation of the petitioner.

(Ramesh Kumar Datta, J)

V.P.Sinha/-

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