

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3695 of 2017

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1. Manoj Kumar Son of late Dinesh Singh Resident of Village- Kamta, P.O.-
Hathiyawan, P.S.-Shekhpura, District- Shekhpura.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development & Housing Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Urban Development & Housing Department, Govt. of Bihar, Patna.
3. The Chief Engineer, Bihar Urban Development Agency, Urban Development & Housing Department, Govt. of Bihar, Patna.
4. The Superintending Engineer, Bihar Urban Development Agency, Urban Development & Housing Department, Govt. of Bihar, Patna.
5. The Executive Engineer, District Urban Development Agency, Nawada.
6. The Executive Officer, Nagar Parisad, Nawada.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shambhu Nath
For the State : Mr. Y. P. Singh, AAG7
For Respondent No.6 : Mr. Susumita Mishra

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 24-07-2017

Heard the parties.

In the present writ petition, petitioner is seeking a relief for quashing the order, as contained in letter no.1202 dated 30.6.2016 (Annexure-1), passed by the Superintending Engineer, Urban Development & Housing Department Government of Bihar, Patna by which his bid has been rejected on the ground of single bidder.

A tender vide NIT No. 7 of 2015-16 was floated for construction work of Brahmania Paieen, Nawada and pursuant thereto the petitioner has also dropped a sealed cover tender.



Apart from petitioner one M/s Binay Construction also participated in the tender. At the stage of scrutiny technical bid M/S Binay Construction was declared disqualified, in consequence, the petitioner remained single bidder. The impugned order has been issued thereby cancelled the tender on the ground petitioner remained single tenderer placed reliance on instruction issued by the Government of Bihar vide letter no.3162(S) dated 9.5.2016 (Annexure-2) which stipulates in case of single tenderer requires re-advertisement.

Learned counsel for the petitioner submits that notification has been issued on 9.5.2016 whereas tender was published on 6.8.2015 and as such this notification is not applicable. inasmuch as even after notification was issued the department has continued to grant work in case of single tenderer to their favourits to substantiate his submission, he has produced different works orders which have been issued to different contractors, as contained in Annexures 12, 13 and 14 to the writ petition dated 12.2. 2017 as has been claimed that they were single tenderers. So they, themselves are not consistent in following the instruction with respect to single tenderer. In some cases they are allotting the work to the single tenderer but in some cases they are refusing to allot the work depicts application of different yardsticks.



Learned counsel for the State has submitted that as because the Government has come out with a notification whereby in case of single tenderer it requires re-advertisement. But counsel for the State faced problem in controverting the fact that in certain cases the department itself has granted the work to single tenderer failed to place reliance on instruction. It is not in disputed that present is also squarely covered by the judgment of this Court passed in C.W.J.C. No.8869 of 2016.

In such view of the matter, if the case of the petitioner is covered by the aforesaid judgment, in such circumstances, the impugned order dated 30.6.2016 is set aside, directed to give same benefit as has been given to petitioner of aforesaid writ petition within a period of two weeks from the date of receipt/production of a copy of this order.

Accordingly this writ petition is allowed.

Vinay/-

(Shivaji Pandey, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	1.8.2017
Transmission Date	NA

