

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.241 of 2017

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Umesh Kumar, S/o of Late Raghunandan Prasad, Resident of Mohalla- Kharkhura
Bhaluahi, P.S.- Delha, P.O.- R.S. Gaya, District- Gaya, Pin- 823002.

.... 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 and Housing Department, Govt. of Bihar, Patna.
4. The Superintending Engineer, Bihar Urban Development Agency, Urban Development and Housing Department, Govt. of Bihar, Patna.
5. The Executive Engineer, District Urban Development Agency, Gaya.
6. The Municipal Commissioner, Gaya Municipal Corporation, Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shambhu Nath, Adv.

For the State : Mr. Subhash pd. Singh- GA3

For the G.M.L. : Mr. Rabindra Kr. Priyadarshi, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 04-10-2017

Heard learned counsel for the parties.

In the present case, the petitioner is claiming that he was the sole person who qualified in the technical bid with respect to NIT No. E-Tender-30/2015-16 and being a single tenderer, the authority has cancelled the bid itself and has opted for fresh tender which is under challenge.

The fact of this case is that for the first time the Notice Inviting Tender no. 03/2014-15 was issued for construction of road and drain in Ward No. 3 under Municipal Corporation, Gaya but, the tender was not finalized and, as such, the Corporation has again



notified the fresh tender NIT No. E-Tender 30/2015-16. The total value of the work was Rs. 85,23,343/-. In pursuance of the NIT, the petitioner participated in the bid along with other contenders, the technical bid was opened, the petitioner could only qualify in the technical bid whereafter, in terms of the notification dated 9.5.2016, the impugned order dated 17.12.2016 has been passed for fresh/re-tender causing grievance to the petitioner.

Learned counsel for the petitioner has submitted that in fact it was a second bid, earlier the NIT was issued in the year 2014-15 but, it could not be materialized, whereafter, second NIT was issued vide tender no. E-Tender 30/2015-16 and, as such, in terms of the notification dated 9.5.2016, the higher authority than that of the authority, who has issued the bid, will take decision for a fresh tender or the single person could be granted the work order. Inasmuch as learned counsel for the petitioner has placed reliance on the order passed by this Court in C.W.J.C. No. 8869 of 2016 and C.W.J.C. No. 15235 of 2016, he has further submitted that the notification dated 9.5.2016 will not have any applicability to the present case as, admittedly, the NIT was invited prior to the notification dated 9.5.2016 but, all the actions have been taken after the said notification.

In that view of the matter, let the case of the petitioner be decided by the Chief Engineer, Bihar Urban Development Agency,



Urban Development & Housing Department who will take a final decision in the matter in accordance with law.

This Court has not given any opinion on the merit of the case.

With the aforementioned observation and direction, this writ application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.10.2017
Transmission Date	NA

