

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.480 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 17933 of 2014**

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Suraj S.S. Construction Pvt. Ltd. through its Director namely Kishore Yadav, S/o Late Bhumi Yadav, Resident of Bari Mahuli, P.O. - Basudeopur, Munger- 811202.

.... Appellant/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna
2. Commissioner cum Secretary, Rural Work Department, Govt. of Bihar, Patna
3. Engineer in Chief, Rural Works Department, Govt. of Bihar, Patna
4. Superintending Engineer, Road Works Department, Munger (Work Circle, Munger).
5. Executive Engineer, Rural Works Department, Works Division Kharagpur, Tarapur (Munger).
6. Executive Engineer Lakhisarai, Works Division Lakhisarai.
7. Divisional Accounts Officer R.W.D., Works Division Kharagpur, Tarapur (Munger).
8. District Magistrate, Munger
9. Nita Choudhary, M.L.A., Tarapur Assembly, Munger.

.... Respondent/s

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Appearance :

For the Appellant/s :
For the Respondent/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 04-07-2017

Seeking exception to an order dated 04.12.2014 passed by the learned Writ Court in C.W.J.C. No. 17933 of 2014, this appeal has been filed.

2. Appellant Company participated in a process for awarding of work and when the appellant's financial bid was rejected holding the appellant to be disqualified by the Technical Committee



on account of the experience provision, the writ petition in question was filed. In the writ petition it was found that the appellant was a new company and merely because certain Directors of the Company were earlier associated with an experienced company, the learned Writ Court found that the terms and conditions of the tender document were violated and did not interfere into the matter. That apart, certain subsequent developments with regard to blacklisting of the appellant company were also taken note of to say that in rejecting the bid of the appellant no error has been committed.

3. Taking note of the aforesaid and that there is a delay of one year and 45 days in filing of the appeal, the contract in question was awarded way back in the year 2015, now we see no reason to make any indulgence into the matter.

4. The Letters Patent Appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	05.07.2017
Transmission Date	

