

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3628 of 2017

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1. Rajesh Mohan, Son of Sri Madan Mohan Rai, Resident of village - Sher, P.S. Sindhwalia District Gopalganj and Proprietor of Sai Traders Gurhatta Patna City, P.S. Distt. - Patna

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary Bihar, State Food and Consumer Protection Deptt. Govt. of Bihar, Patna
2. The Managing Director, Bihar State Warehousing Corporation, Patna
3. The Divisional Manager, Bihar State Warehousing Corporation, Patna
4. The Chief Engineer, Bihar State Warehousing Corporation, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar
For the State : Mr. Lalan Kumar, AC to GP 9
For the Corporation : Mr. Mithilesh Rai.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 04-04-2017

Heard the parties.

In the present writ petition, petitioner is challenging the action of the respondent in refusing to allow him to participate in technical bid on the ground that he has given property details which are not standing in the name of the applicant.

The Bihar State Warehousing Corporation (hereinafter referred to as the Corporation) invited tenders on 15.12.2016 for appointment of registered transporter and handling agent for the work of transportation of food grains/fertilizers in the State to be stored in godown/centres situated in Bihar for the period of



two years. Petitioner has also applied online as has been claimed by him. For category I whose turnover should be 5 crores continuously for two years and category II their turnover should be continuously 00.50 crores in two financial years during 5 financial years and immovable and movable property value of Rs. One crores should stand in the name of the contractors and Rs.50 lacs should be deposited in the bank or solvency certificate issued by the Bank.

On scrutiny it was found that online application does not satisfy the conditions mentioned in the advertisement as has been invited by the Corporation.

For remaining in the fray of technical bid, the petitioner was required to file an affidavit showing the property standing is his own name but he has failed to file the affidavit where as counsel for the petitioner submits that the property which has been mentioned in the tender paper belongs to joint family and is worth of Rs. 5 crores whereas requirement is Rs. One crores only. As per Clause 2, in the case of partnership firm, Ltd. Authorized person would file an affidavit in case of limited company power of attorney is to file affidavit, in the case of single ownership the person will have to give an affidavit with respect to ownership of the property/ joint Hindu family



property the person has to give an affidavit that he is Karta of Jointly Hindu Family Property but the petitioner as per the instruction has not acted upon.

Counsel for the petitioner submits that before rejecting the application no opportunity of hearing was given as right, mere filing application does not create any right in his favour as the selection was at initial stage in view of the fact that the petitioner has not filed an application in terms of the advertisement and as such question of hearing does not arise.

This Court does not find any merit in this writ petition. It is accordingly dismissed.

Vinay/-

(Shivaji Pandey, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.4.2017
Transmission Date	NA

