

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1999 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 7885 of 2016**

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M/s R. N. Construction through the Director Ravi Shankar Verma, son of Radha Krishna Verma, resident of Bhavanipur Jirat, P.O. & P.S.- Chatauni, District- East Champaran at Motihari.

.... Appellant/s

Versus

1. Dhirendra Construction Pvt. Ltd., Official Address as S. K. Nagar Motihari, P.S. Nagar Thana, District-East Champaran, Motihari, through its Director Rajeev Kumar, son of Sri Jamuna Prasad Singh, resident of Mohalla-Lakshman Chowk, Bankers Colony, Banjaria, P.S. Motihari Town, District-East Champaran, Motihari.

... .. Petitioner /Respondent 1st party.

2. The State of Bihar through the Principal Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Engineer-in-Chief, Rural Works Department, Bihar, Patna.
4. The Chief Engineer-3, Rural Works Department, Bihar, Patna.
5. The Superintending Engineer, Rural Works Department, Works Circle, Motihari.
6. The Executive Engineer, Rural Works Division, Dhaka, East Champaran, Motihari.

... .. Respondents 2nd Parties

7. M/s. Jai Muni Infra Structure, Address Village-Turkauliya, P.O.+ P.S.-Areraj, District- East Champaran, Motihari.

.... Respondent 3rd Party

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Appearance :

For the Appellant	:	Mr. Y. V. Giri, Senior Advocate Mr. Shashi Bhushan Pandey
For respondent No.1	:	Mr. P. K. Shahi, Senior Advocate Mr. Ranjeet Kumar, Advocate
For the State	:	Mr. Manish Kumar, AC to AAG-6

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 20-02-2017

The preset Letters Patent Appeal is directed against an order passed by a learned Single Judge of this Court on 25th July, 2016 whereby, the rejection of the technical bid of the writ applicant



in pursuance of a tender notice dated 1st March, 2016 was set aside and consequently, subsequently tender notice issued on 17th of May, 2016 was also set aside.

The present appeal was filed on 21st November, 2016, but with defects raised by the Stamp Reporter. The Letters Patent Appeal after the removal of defects came up for hearing for the first time on 17th February, 2017 when it was stated by the learned State Counsel that the contract has been awarded to the writ applicant and that the said firm is actually executing the contract.

Today, learned State Counsel points out that the contract was awarded to the writ applicant on 17th January, 2017 and thereafter, some work has been executed by the contractor.

Since the order passed by the learned Single Bench has been implemented by the State, we find that having granted the contract, it will not be prudent for this Court to interfere in the process which culminated into grant of contract in favour of the writ applicant.

The present Letters Patent Appeal is also barred by limitation, but no application for condonation of delay has been filed. We have been informed that such an application has been filed today. In view of the said fact, we do not find that the present Letters Patent Appeal which is barred by limitation warrants any consideration



more so when in pursuance of the order passed by the learned Single Bench, contract has been awarded to the writ applicant.

Consequently, Letters Patent Appeal stands dismissed.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

Sunil/-

AFR/NAFR	A. F.R.
CAV DATE	N. A.
Uploading Date	22.02.2017
Transmission Date	

