

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3456 of 2018

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Mr. S. K. Construction & Company, through its partner, Kushesh Prasad, son of Rajendra Prasad Sharma, resident of Mohallah- Belwaganj, P.S.- Laheriasarai, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
2. The Bihar Urban Infrastructure Development Corporation Limited, through the Managing Director, Patna.
3. The Chief General Manager, the Bihar Urban Infrastructure Development Corporation Limited, 2nd Floor, Khadya Bhawan, Road No.2, Daroga Rai Path, Patna.

.... Respondent/s

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Appearance:

For the Petitioner : Mr. N.K.Singh, Adv
For the State : Mr. ABBASH HAIDER- SC6
For the BUIDCO : Mr. Rabindra Priyadarshi, Adv

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 10-04-2018

The present writ petition has been filed for the following reliefs –

- (i) To issue a writ of mandamus or any other appropriate writ/order/direction commanding the respondent authorities to quash/set aside the communication dated 13.02.2018 through email (contained in Annexure-P/3) by which the technical bid for Tender No. BUIDCo./Yo667/14-48 (Name of work – Storm water drainage project from Donar Gumati to Tinhapul at Darbhanga) of the petitioner firm has been held technically disqualified without assigning any reason and without giving any opportunity being heard the petitioner firm.



- (ii) To issue a writ of mandamus or any appropriate writ/order/direction commanding the respondent authorities to decide the tender bid of Tender No. BUIDCo./Yo667/14-48 (Name of work – Storm water drainage project from Donar Gumati to Tinhapul at Darbhanga) in accordance with law after opening the rate bid of the petitioner which has been illegally excluded from being considered.
- (iii) To call for records of the said tender bid to ascertain arbitrary, illegal, malafide and biased decision of respondents in disqualifying the technical bid of the petitioner firm.
- (iv) To declare the tender of petitioner to be valid and competent for consideration.
- (v) To grant any other relief for which the petitioner is entitled to under the facts of the case.

2. At the very outset learned counsel for the respondents invites attention to para 16 of the counter affidavit filed on behalf of respondent nos. 2 and 3 wherein a statement has been made that the NIT No. BUIDCO/Yo/667/14-48 dated 07.09.2017 has been cancelled and fresh tender for the same work has been floated vide NIT No. BUIDCO/Yo/667/14-45 dated 21.03.2018. It is accordingly submitted that the present writ petition has become infructuous and the petitioner may be granted liberty to participate in the aforesaid fresh tender and the respondents be directed to accept the earnest money already deposited by the petitioner in the earlier NIT.

3. In view of the stand of the respondents in the counter affidavit, the writ petition stands disposed of with the observation that in case the



petitioner participates in the fresh tender, the respondents shall accept the earnest money already deposited by the petitioner in the NIT dated 07.09.2017 to that extent.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.04.2018
Transmission Date	NA

