

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.421 of 2018
In
Civil Writ Jurisdiction Case No.5212 of 2018

Ramakant Singh, son of Late Ram Khelawan Singh, Resident of Flat No.101,
Lotus Apartment, New Patliputra Colony, P.S.-Patliputra, District and Town-
Patna.

... .. Appellant

Versus

1. The State Of Bihar through the Secretary, Department of Tourism, Bihar, Old Secretariat, Patna.
2. The Secretary, Department of Tourism, Bihar, Old Secretariat, Patna.
3. The Director, Department of Tourism, Bihar, Old Secretariat, Patna.
4. The Bihar State Tourism Development Corporation Limited (A Govt. of Bihar Undertaking) through its Managing Director, Birchand Patel Path, Patna.
5. The Managing Director, Bihar State Tourism Development Corporation Limited (A Govt. of Bihar Undertaking), Birchand Patel Path, Patna-800 001 (Bihar).
6. The General Manager, Bihar State Tourism Development Corporation Limited (A Govt. of Bihar Undertaking), Tourist Complex, Bodhgaya (Bihar).
7. The Manager, Bihar State Tourism Development Corporation Limited (A Govt. of Bihar Undertaking), Tourist Complex, Bodhgaya (Bihar).

... .. Respondents

Appearance :

For the Appellant	:	Mr. S.D.Sanjay, Senior Advocate
For the Respondent State:		Mr. Jitendra Kumar, AC to AAG-14
For the Respondent BSTDC :		Ms. Anukriti Jaipuriyar, Advocate
		Mr. Anshuman Jaipuriyar, Advocate

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 05-04-2018

After having heard learned senior counsel representing the appellant and the learned counsel representing the Bihar State Tourism Development Corporation Limited, who has put up a valiant fight to defend the interest of her client, and having gone



through the impugned order dated 22.03.2018, we do agree with the rational and reasoning given by the learned single Judge in refusing to interfere with the new tender notice keeping in mind that there has to be play in the joint for a person, who has invited tender and has commercial interest in mind.

During the course of the argument, counsel for the Tourism Corporation also informed the Court that the tender process is over, a final decision has been taken and the highest bidder has been issued letter of offer for him to comply with the terms and conditions therein.

With the above development, the matter has moved beyond the purview of challenge which was initially thrown to the notice inviting tender. The legal battle will have to be carried to the next round now where all questions of law which may be available to the affected parties may be raised. We are not inclined to interfere with the order of the learned single Judge dated 22.03.2018.

Since a 15 days time has been given to the new bidder to deposit the license fee as well as the security by way of the license fee for a year, therefore, the present appellant is granted time to wind up and hand over vacant possession of the property by 18th April, 2018.



Appeal is otherwise dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	06.04.2018
Transmission Date	N/A

