

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9608 of 2018

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Vikash Kumar Singh, Son of Sri Suresh Prasad Singh, Resident of Village - C/6,
Prachi Ashoka Apartment Opposite Forest Office, Nehru Nagar, P.O. + P.S. -
Patliputra, Patna - 800013.

.... Petitioner

Versus

1. The Hindustan Petroleum Corporation Limited having its registered office at 9th Floor Marathan Futorex Building, 'A Wing' Mafatlal Mills Compound, N.M. Joshi Marg, Mumbai - 400013 through its Chairman-cum-Managing Director (CMD).
2. The Senior Regional Manager, (Direct Sales), Hindustan Petroleum Corporation Limited, Burma Mines Road, Tata Nagar, Jamshedpur.
3. The Area Sales Manager (Direct Sales), Hindustan Petroleum Corporation Limited, Lok Nayak Jai Prakash Bhawan, Dak Bungalow Road, Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. S. S. Mishra,
Mr. Brisketu Sharan Pandey, Advocate

For the Respondents : Mr. Rajeev Prakash, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 02-07-2018

The present writ petition has been filed for the following

reliefs --

“(i) For issuing writ of certiorari quashing thereby the technical pre-qualification criteria so far as it is related to the tenderer should own the land in which the proposed bitumen COD is to be operated; as in the earlier advertisement the ownership of land was not the criteria and even the leased land was held suitable for allotment of tender.

(ii) For issuing writ of mandamus and directing thereby the respondents to suitably modify the technical prequalification criteria to include the lease holders of



the land to be eligible persons for applying for the proposed Bitumen COD to be selected through the Tenders No. 17000721-HD-10517, No. 17000722-HD-10517, No. 17000723-HD-10517 and No. 17000724-HD-10517 issued for inviting 'Tender for Storage and Handling of Packed Bitumen at Muzaffarpur including providing warehousing facilities, receiving of Rail Rakes of Packed Bitumen at Railway Goods Shed' for, Muzaffarpur COD, Bhagalpur COD, Gaya COD and Fatuha COD respectively.

(iii) For holding that the conditions of notice inviting tender vide Tenders No. 17000721-HD-10517, No.17000722-HD-10517, No. 17000723-HD-10517 and No. 17000724-HD-10517 issued for inviting 'Tender for storage and Handling of Packed Bitumen at Muzaffarpur including providing warehousing facilities, receiving of Rail Rakes of Packed Bitumen at Railway Goods Shed' for, Muzaffarpur COD, Bhagalpur COD, Gaya COD and Fatuha COD respectively, have conditions like the dealer must be owner of the land from which proposed Bitumen COD is to be operated; as also production of (a) copy of 7/12 extract, (b) production of nil encumbrance certificate, (c) details of registration with railways goods clearing and forwarding establishments labour board, (d) non-agriculture order are such documents which could not be produced by any eligible persons from the State of Bihar as a few of the certificates including 7/12 extract relates to Maharashtra local laws and thus the terms and eligibility criteria fixed for being eligible for applying against the tender is arbitrary and have been



deliberately introduced for the first time through corrigendum dated 09.04.2018 only to help few outsiders of the State to get the aforesaid tenders allotted in their favour.

(iv) For allowing the petitioner who is otherwise eligible and has requisite eligibility criteria to participate in the tender process and keeping the allotment of tender in abeyance until the pendency of the present writ application.

(v) For any other relief or reliefs for which the petitioners are found entitled in the facts and circumstances of the case.”

2. Learned counsel for the petitioner submits that the grievances of the petitioner have been redressed and hence, the writ petition need not be pressed.

3. The writ petition stands disposed of.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	03.07.2018
Transmission Date	N.A.

