

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1123 of 2019

M/s North East Transport Agency Through Its Proprietor Kumar Gaurav, aged 24 (male), son of Anil Kumar, R/o Sohsarai, Beech Bazar (Bichli Adan), P.S.- Sohsarai, District- Nalanda

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Bihar State Food and Civil Supplies, Bihar, Patna
2. Bihar State Food and Civil Supplies Corporation Ltd.
3. District Transport Committee, BSFC, Patna
4. District Magistrate-cum-Chairman, District Transport Committee, BSFC, Patna
5. Deputy Development Commissioner -cum- Vice Chairman, District Transport Committee, BSFC, Patna
6. Senior Additional District Magistrate-cum-Member, District Transport Committee, BSFC, Patna
7. District Transport Officer-cum-Member District Transport Committee, BSFC, Patna
8. District Manager, BSFC-cum-Member Secretary, District Transport Committee, BSFC, Patna
9. District Complaint Committee (Zila Pariwad Samiti)
10. District Officer cum Chairman District Complaint Committee

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sameer Ranjan, Advocate
For the Respondent/s	:	Mr. Alok Ranjan, AC to AAG-4
For B.S.F.C.	:	Mr. Shailendra Kumar Singh, Advocate
		Mrs. Namrata Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-01-2019 This writ application has been preferred seeking quashing of the order dated 07.09.2010 as contained in Annexure-3 to the writ application by which the tender of the petitioner has been rejected on the ground that he did not possess valid land valuation certificate.

Learned counsel for the petitioner submits that in terms of notice inviting E-Tendering for selection and empanelment of Door Step Delivery Transporting Contractors



for Transportation of Food Grains dated 23.07.2018, a certificate of the immovable property (worth not less than Rs. 15 lakhs) issued by competent authority not less than the rank of SDO/CO is one of the requirements and the petitioner had duly submitted the valuation certificate of the land issued by the Circle Officer as contained in memo no. 3066 dated 05.05.2016.

Learned counsel submits that the notice inviting E-Tendering nowhere stipulates that the valuation certificate should have been issued by the competent authority within a particular period and if no such condition exists in the notice inviting tender, the valuation certificate issued by the Circle Officer should not have been rejected on the ground that it was issued two years back.

This Court is *prima facie* satisfied with the submissions of learned counsel for the petitioner and in the given facts and circumstance, the rejection of the tender of the petitioner on the aforesaid ground alone would have been held bad by this Court but in view of the submissions of Mr. Shailendra Kumar Singh, learned counsel representing Bihar State Food and Civil Supplies Corporation (hereinafter referred to as the Corporation) pointing out that in fact all the four Tenderers have been disqualified at the technical bid stage itself



and even if the petitioner is declared successful, in ultimate analysis in terms of the policy decision dated 16.03.2018 present at Annexure-4 to the writ application, the financial bid of single bidder would not have been opened, this Court would not go into the issue for the present. The policy decision dated 16.03.2018 of the Corporation is not under challenge.

In the circumstances, the writ application does not require any interference. The Court has been informed that the Corporation has already gone for re-tendering vide Annexure-5 to the writ application.

The writ application stands disposed off.

(Rajeev Ranjan Prasad, J)

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