

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2824 of 2019

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M/s S and P Infrastructure Developers Pvt. Ltd. a registered Company having its registered office at N 07, New Delhi House 27, Barkhamba Road, New Delhi 110001 through its authorized representative Sri Shatrudhan Mishra, male, aged about 54 years, S/o Late Mr. Ambika Mishra, resident of Ward No. 08, Narayanapur, Ramnagar, West Champaran, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Road Construction, Govt. of Bihar, Patna.
2. The Engineer in Chief cum Additional Commissioner cum Special Secretary, Department of Road Construction, Govt. of Bihar, Patna.
3. The Chief Engineer (South) Department of Road Construction, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Gautam Kumar Kejriwal
For the Respondent/s : Mr. Rakesh Ranjan, AC to GP-22

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 12-04-2019 This writ application has been preferred for quashing the decision of the Tender Evaluation Committee to disqualify the petitioner with respect to package no.44A/OP RMC 2/RCD Road Division No.1, Aurangabad.

Mr. Kejriwal, learned counsel for the petitioner submits that from Annexure-3 to the writ application it would appear that vide letter no.492E dated 18.01.2019 the Departmental Tender Committee has disqualified this petitioner in the technical bid but no reason thereof has been disclosed. Learned counsel, however, submits that the bid of the petitioner in this package was opened on 07.01.2019, on the very next day



on 08.01.2019 the registration of the petitioner was placed under suspension. The said order of suspension of the registration of the petitioner was challenged before this Court in CWJC No.1383 of 2019 which was heard and allowed on 01.02.2019. Learned counsel submits that the petitioner understands that for the aforesaid reason the petitioner was disqualified in respect of the present tender.

Learned counsel for the State is present. However, no counter affidavit has been filed in this case till today.

In the given facts and circumstances of the case, the petitioner is given liberty to file an appropriate representation before the competent authority of the Department pointing out the order passed by this Court in CWJC No.1383 of 2019 and request the authorities to revisit their decision as contained in Annexure-3 to the writ application if the same has been taken only because the registration of the petitioner was under suspension. If a such representation is filed, the authorities concerned in the Department shall consider the same in accordance with law.

This Court has not gone into the merit of the contentions and it will be a totally independent decision of the competent authority of the Department.



The writ application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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