

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 3927 of 2019

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Uttar Pradesh Rajkiya Nirman Nigam Ltd. (A U.P. Govt. Undertaking, An ISO 9001-2000 Certified) Registered Office- ishmeshwaraiya Bhawan, Vibhuthi Khand, Gomtinagar, Lucknow- 226010, Through its GM, O.P. Pathak, Aged about 54 years, Son of Late Sri Kanti Krishna Pathak, Resident of 98, 2nd Main 7th Cross, Behind Corporation Bank Kengeri Satellite Town, Bangalore South, Kengeri Bangalore, South Bangalore, P.S- Kengeri Satellite town, Karnataka- 560060.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Cum Commissioner, Building Construction Department, Government of Bihar, Patna.
2. The Engineer-in-Chief-Cum- Additional Commissioner-Cum-Special Secretary Building Construction Department, Government of Bihar, Patna.
3. The Chief Engineer (Patna) Building Construction Department, Government of Bihar, Patna.
4. The Executive Engineer Construction Division No.1 Building Construction Department, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjeet Kumar and Mr. Kundan Kumar, Advocates
For the Respondent/s	:	Mr. Raj Ballabh Prasad Yadav, AAG 11

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 27-05-2019

Heard learned counsel for the petitioner and learned
AAG-11 for the State.



2. The petitioner has moved the Court for the following reliefs:

“(i) For setting the decision of the Tender Evaluation Committee, Building Construction Department, Government of Bihar, Patna, dated 18.02.2019, whereby the tender of the petitioner company in S.B.D. e-tendering Invitation Notice Tender No. 15/2018-19 relating to construction Staff Housing Type A 432 units in Plot B-1, under Gardanibag Housing Development at Patna, Bihar has been found non responsive and since all the bidders except one has been found responsive, a decision has been taken to cancel the tender and issue re-tender in view of order contained in Notification No. 7806 dated 30.09.2016 issued by the Finance Department. The tender of the petitioner company has been found non responsive for the following reason.

Solvency certificate of Rs. 52.09 Crore certified by petitioner’s banker is of a previous date issued before the date of issuance of NIT.

(ii) For a further direction to the respondents authorities to evaluate the bid of the petitioner company and declare it as qualified and open the financial tender along with other qualified bidders.

(iii) For any other relief for which the petitioner may be deemed entitled too.”

3. At the very outset, learned counsel for the petitioner submitted that the petitioner had also filed tender for another work in which also the tender bid was rejected on the same ground on which the tender bid has been rejected in the present case. It was submitted that challenge to the same in CWJC No. 3915 of 2019 resulted in judgment dated 30.04.2019 by a co-ordinate Bench by which the writ petition was allowed and the Court directed the



respondents to consider the technical bid of the petitioner afresh within 15 days from the date of receipt/production of a copy of the order and take an independent decision in accordance with the NIT/Tender document. Copy of the same has been produced before the Court.

4. On 08.05.2019, the Court had recorded that the learned counsel for the State had taken time to go through the aforesaid judgment on the point as to whether the present case is squarely covered by the said judgment. Today, learned AAG-11 submitted that the said decision fully covers the present case.

5. Having regard to the aforesaid, the Court does not find any occasion to take a different view.

6. Accordingly, adopting the judgment dated 30.04.2019 passed in CWJC No. 3915 of 2019, the present writ petition is also allowed. The impugned order dated 18.02.2019 of the Tender Evaluation Committee of the Building Construction Department, Govt. of Bihar, as contained in Annexure-1 to the writ application, is quashed to the extent it relates to the petitioner for the tender in question.

7. The respondents shall consider the technical bid of the petitioner afresh within 15 days from the date of receipt/



production of a copy of this order and take an independent decision in accordance with the NIT/Tender document.

(Ahsanuddin Amanullah, J.)

P. Kumar

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