

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4784 of 2019

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M/s Maruti Enterprises through its partner namely Mr. Amit Kumar, aged about 37 Years (Male), son of Late Ashwani Kumar Verma, Resident of Pokhara Mohallah, Rajendra Chowk, Gudari Road, Police Station- Town Hajipur, District- Vaishali, Regd Office- Gudari Road, Rajendra Chowk, Hajipur, Vaishali-844101.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Government of Bihar, Vishweshwaraiya Bhawan, Bailey Road, Patna- 15.
2. The Principal Secretary, Road Construction Department, Government of Bihar, Vishweshwaraiya Bhawan, Bailey Road, Patna- 15.
3. The Engineer-in- Chief-cum- Additional Commissioner- Special Secretary Road Construction Department, Vishweshwaraiya Bhawan, Bailey Road, Patna- 15.
4. The Chief Engineer (Com), (North Bihar Wing) Road Construction Department, Vishweshwaraiya Bhawan, Bailey Road, Patna- 15.
5. The Superintendent Engineer Road Construction Department, Saran Road Circle, Hajipur.
6. The Executive Engineer Road Construction Department, Road Division, Chapra (Saran).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. P. K. Shahi, Sr.Adv. Mr.Manish Sahay, Adv.
For the Respondent/s	:	Mr.Subodh Kumar, AC to SC-26

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-03-2019 This writ application has been preferred for quashing of the decision dated 25.02.2019 passed by the Departmental Tender Committee headed by the Principal Secretary of the Department, as contained in Annexure-P-4 to the writ application, by which the technical bid of the petitioner has been rejected, allegedly on most arbitrary grounds. The petitioner has also



challenged the Notice Inviting Tender No.32 of 2018 dated 22.02.2019 as contained in Annexure-P-11 to the writ application.

At this stage, when the matter is called out, learned counsel for the State has placed before this Court a copy of the memo no.594 dated 09.03.2019 issued under the signature of the Executive Engineer, Road Division, Chapra to demonstrate that in fact the prayer no.1(II) of the petitioner has become infructuous because the very NIT of which quashing has been sought for in the writ application has been cancelled.

Learned counsel for the State has further submitted that it would be apparent from the impugned decision dated 25.02.2019, as contained in Annexure-P-4, that while rejecting the technical bid of the petitioner on the prima-facie grounds available to the respondents, the petitioner was called upon to submit his objection which was required to be considered by the concerned respondents. The objection was to be submitted by 27.02.2019 and following the stipulations present in Annexure-P-4 the petitioner has submitted his objection as contained in Annexure-P-9 dated 27.02.2019. It is submitted that in terms of Annexure-P-4 itself the Annexure-P-9 dated 27.02.2019 is liable to be considered by the competent authority.

Mr. P. K. Shahi, learned senior advocate representing the petitioner has expressed an apprehension saying that the



committee which has rejected the technical bid of the petitioner may not exercise its independent mind towards the objections submitted by the petitioner as contained in Annexure-P-9.

Learned counsel for the State has assured that it would not be the case, the Tender Committee or the competent authority whosoever may be, shall give an independent and fresh consideration to Annexure-P-9.

Taking note of the aforesaid submissions on behalf of the State, this Court would direct the competent authority i.e. the Tender Committee presided by the Principal Secretary of the Department to look into the objection of the petitioner, as contained in Annexure-P-9, with an independent and fresh mind without being prejudiced by the fact that the Committee has rejected the technical bid of the petitioner.

Let an exercise be taken and a final decision be taken in this regard within a period of thirty days from the date of receipt/production of a copy of this order. The reasoned decision shall be duly communicated to the petitioner.

The writ application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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