

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6205 of 2019

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Sharwan and Sunny Construction Pvt. Ltd. a company registered under the Provisions of the Indian Companies Act, having its registered office at Village- Jasoia, P.O. and P.S. and District- Aurangabad, Bihar-824101 through one of its Director namely Sri Santosh Kumar Singh, Son of Sri Binod Singh, Resident of Village- Jasoia, P.O., P.S. and District- Aurangabad, Bihar- 824101.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Engineer-in-Chief, Rural Works Department, Government of Bihar, Patna.
3. The Chief Engineer-I, Rural Works Department, Government of Bihar, Patna.
4. Secretary to Chief Engineer-I, Rural Works Department, Government of Bihar, Patna.
5. The Executive Engineer, Rural Works Department, Works Circle, Sasaram.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashish Giri, Adv.
Mr. Rajat Kr. Tiwary, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 07-01-2020

The bid of the petitioner was rejected at the technical stage as being unresponsive to the tender requirement.

2. It has been submitted on behalf of the petitioner that he does not wish to challenge the aforesaid decision in the change circumstances, but insists and prays for return of the security deposit, which has since been



withheld by the respondents.

3. No condition has been appended in the tender papers that in case of the rejection of the bid of any tenderer, the security deposit shall be forfeited. In that view of the matter, holding back the security deposit of the petitioner is unjustified.

4. In case, the petitioner makes a representation before the concerned authority, *viz.*, the Executive Engineer, Rural Works Department, Works Circle, Sasaram (respondent No. 5), seeking return of his security deposit within a period of four weeks, the same shall be acted upon in accordance with law within a further period of four weeks thereafter.

5. With the aforesaid observation/direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
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