

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 7849 of 2020

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Larsen and Toubro Limited, a company within the meaning of the Indian Companies Act and having its registered office at L&T House, Ballard Estate, Mumbai- 400001 and Mount Poonamallee Road, Manapakkam, P.B. No. 979, Chennai- 600089, Tamil Nadu, Represented through its Authorised Representative M Arunagiri, Aged about 51 years, S/o Late- A.Mahamuni, Resident of 4H, Tower 3, Southcity Apartments, 375, Prince Anwar Shah Road, Kolkata- 700068, PIN-700068.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary Health, Government of Bihar, Patna.
3. Bihar Medical Services Infrastructure Corporation Limited, Patna through its Managing Director, Bihar Medical Services Infrastructure Corporation Limited, Patna, Bihar.
4. The Managing Director, Bihar Medical Services Infrastructure Corporation Limited, Patna, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mukul Rohatgi, Senior Advocate Mr. Y.V. Giri, Senior Advocate Mr. Alok Kumar @ Alok Kumar Shahi, Advocate
For the State	:	Mr. Ajay Behari Sinha, GA 8
For the BMSICL	:	Mr. Vikash Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 01-10-2020

This matter has been taken up for hearing through video conference. Learned counsel for the petitioner undertakes that all defects pointed out by the stamp reporter shall be removed, and compliance with the conditions of the notices of this Court with regard to acceptance of e-filing shall be made, without delay immediately upon resumption of physical functioning of the Court, and in any event within one month thereof. Learned counsel for the respondents states that they have no objection in this regard and the matter be



taken up on merits in view of the stated urgency.

2. The following reliefs as formulated by the petitioner have been claimed in the writ petition --

“(i) For issuance of writ in the nature of mandamus directing the respondents to award the contract of redevelopment of Patna Medical College & Hospital at Patna, Bihar for 250 admission medical college and 5462 bedded hospital along with other buildings to the petitioner as they have been found to be the lowest bidder upon evaluation of the financial bid in comparison to others.

(ii) For any other consequential relief/reliefs for which the petitioner is entitled by this Hon’ble Court in the facts and circumstances of the present case.”

3. Mr. Y.V. Giri, learned senior counsel appearing on behalf of the petitioner submits that despite being declared L-1 in respect of the tender for awarding contract for Redevelopment of Patna Medical College & Hospital at Patna, Bihar for 250 Admission Medical College and 5462 bedded Hospital along with other buildings, and upon further negotiations between the parties in which the petitioner also reduced its original offer, the respondents are not taking a decision in the matter of awarding the contract. The petitioner claims to have filed a representation for the purpose (Annexure-3), but the same has not been disposed of.

4. Learned counsel for the respondents appears and has been heard.

5. Having regard to the nature of the grievance of the petitioner, the writ petition is disposed of, with liberty to the



petitioner to file a fresh representation before the Principal Secretary Health, Government of Bihar, Patna (Respondent No. 2) for redressal of its grievances. If any such representation is filed within one week from today, it is expected that the respondent no. 2 shall consider and dispose of the representation expeditiously and in any event preferably within a period of three weeks thereof, after grant of an opportunity of hearing to the petitioner in accordance with law.

6. It is also made clear that in view of the ongoing Covid-19 pandemic, any correspondence between the parties may be made through e-mail and that the petitioner shall be at liberty to request the concerned authority for hearing through video conference. For this purpose, the petitioner shall furnish their mobile number and e-mail ID on the e-mail address of learned Advocate General not later than by 05.10.2020 for onward transmission to the concerned authority.

7. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

Chandran/-

AFR/NAFR	NAFR
CAV DATE	-
Uploading Date	02.10.2020
Transmission Date	-

