

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25664 of 2019

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1. Anil Gadviya Son of Devnand Prasad Singh, Resident of A.N. College, Shivpuri, P.S.- Shastrinagar, District- Patna.
 2. Lala Ratan, son of Rajendra Prasad Yadav, Resident of Ward No. 12, Sripur, P.S. and District- Madhepura.
 3. Raju Ranjan, Son of Late Devnandan Prasad, Resident of Salimpur, Park Road, P.S.- Kadamkuan, District- Patna.
 4. Rana Shiendra Kumar, Son of Rana Rajvansh Singh, Resident of Gaya Niketan, Shivji Path, Phulwari, P.S.- Phulwari, District- patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Additional Secretary, Department of Energy Government of Bihar, Patna.
2. The Bihar State Power Distribution Company Limited, Vidyut Bhawan through its Managing Director.
3. The Bihar State Power Distribution Company Limited, Vidyut Bhawan, Patna through its Director.
4. The South Bihar Power Distribution Company Limited, Vidyut Bhawan, Patna through its Director.
5. The South Bihar Power Distribution Company Limited, Vidyut Bhawan, TRW through its Chief Engineer.
6. South Bihar Power Distribution Company Limited, Rajbanshi Nagar, Patna TRW through its Project Manager.
7. North Bihar Power Distribution Company Limited, Rajbanshi Nagar, Patna, TRW through its Project Manager.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Anuj Kumar, Advocate
For the Respondent/s	:	Mr. Vinay Kirti Singh, Sr. Advocate Mr. Subhash Pd. Singh (GA- 3)

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 06-07-2020

Heard Mr. Yogesh Chandra Verma, learned Senior Advocate for the petitioners, Mr. Vinay Kirti Singh, learned Senior Advocate for the respondents and Mr. Subhash Prasad Singh, learned GA-3 for the State.



The present writ petition has been filed for quashing the tender notice bearing NIT No. 58/PR/SBPDCL/2019 on the ground that in Clause 37 of the Tender Notice, 54 agencies were to be selected, but only four agencies had participated and out of them only two have been selected who have been allotted the work. The further ground for cancellation is that there is only a marginal increase in the labour charges.

The petitioners did not participate in the Tender for the reason that at the relevant time they did not have the requisite license from the Electricity Board for participating in the Tender.

On this score alone, the present petition would not be maintainable.

If the petitioners did not participate in the Tender proceedings, they cannot challenge the terms and conditions of the Tender.

The last of the argument of Mr. Verma is that in the past, before the work was outsourced, the petitioners had been supplying manpower for repair of the burnt transformers. Therefore, the petitioners ought to have been given opportunity of participating in the Tender with an increase in the labour cost. They ought to have been given the license by the Board on time.



There is no right of the petitioners to continue working for the respondent/Power Distribution Company.

There is no merit in this petition and the same is dismissed.

It is also noted that pursuant to the Tender, two concessionaires have been selected and have been allotted the work.

However, in case, the petitioners represent before the respondent/Power Distribution Company for return their earnest money, such representation shall be considered in correct perspective and if it is permissible the same be refunded to the petitioners without any delay.

(Ashutosh Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.07.2020
Transmission Date	

