

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2737 of 2021

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Nalanda Engicon Pvt. Ltd. (JV) through its Authorized Signatory Bibekanand Kumar, Male aged about 42 years, son of Late Sachidanand Prasad having its Registered Office at 14, Shri Ram Tower, West of Jalan Shop, Main Road, Kankarbagh, P.S. - Kankarbagh, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary Urban Development Department, Government of Bihar, Patna
3. Bihar Urban Infrastructure Development Corporation Ltd. (BUIDCO) through its Managing Director, Razapur Pul, P.S.- Budha Colony, Town and District- Patna
4. The Managing Director, Bihar Infrastructure Development Corporation Ltd. Ltd. (BUIDCO), Razapur Pul, P.S.- Budha Colony, Town and District- Patna
5. JMC-JWIL Joint Venture, 6th Floor, Kalpataru Synergy, Opp. Grand hayatt, Santacruz, P.S.- Santacruz, Mumbai- 400055, Maharashtra, India

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shekhar Singh, Advocate

For the Respondent/s : Mr. Lalit Kishore, A.G.

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 22-11-2021 Petitioner has prayed for the following relief(s):-



- a) For quashing the decision of the Technical Evaluation Committee contained in minutes of meeting dated 17.06.2020 alongwith all of its consequential orders/actions relating NIT No. BUIDCO/YO-1248/2019-140 dated 17.04.2020 whereby technical bid of respondent no. 5 has been declared qualified on erroneous ground and technical bid of petitioner has been erroneously rejected on wrong interpretation of work experience as well as other grounds.
- b) Alternatively, the petitioner prays for cancellation of entire tender and publish a fresh tender on the ground that the sole successful bidder has erroneously chosen in unfair way despite having various disqualifications as pointed out in this writ petition and to publish fresh tender.
- c) For any other relief/s be issued, order/orders be passed and direction/directions be given in the given facts and

circumstances of this case for which the petitioner may be found entitled.

Learned counsel for the respondents states that the present petition has become infructuous inasmuch as work stands awarded in terms of Notice Inviting Tender (NIT) dated 17.04.2020.

Learned counsel for the petitioner states that the



award of such work is contrary to the terms of the tender.

Be that as it may, in view of the intervening developments, we find that present petition to have outlived its purpose.

At this stage, Shri Shekhar Singh, learned counsel for the petitioner states that petitioner shall be content if a direction is issued to the respondents to consider and decide the petitioner's representation dated 23.06.2020, Annexure-3 page 26 of the writ petition.

Learned counsel for the respondents states that the respondents shall positively do so within a period of three months from today.

Statement accepted and taken on record.

The present petition stands disposed of.

Liberty reserved to the petitioner to challenge order passed as also the intervening developments, if the need so arises, on the same and subsequent cause of action;

We have not expressed any opinion on merits of the matter. All issues are left open;

The petition stands disposed of in the aforesaid



terms.

Interlocutory Application(s), if any, stands disposed
of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Ashwini

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