

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4640 of 2020

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Rohit Raj Construction Pvt. Ltd. through its Director Mr. Raj Kumar, aged about 34 Year (Male), Son of Sri Chandeshwar Singh, Resident of Mohalla-Chak Kanchanpur, Ward No. 1, P.O. and P.S.- Rahimapur, Vaishali, State Bihar- 844502, Registered Office- Chak Kanchanpur, P.O.- Rahimpur, Bidupur, Hajipur, District- Vaishali, State- Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Building Construction Department, Vishweshwaraiya Bhawan, Bailey Road, Patna- 15.
2. The Principal Secretary, Building Construction Department, Vishweshwaraiya Bhawan, Bailey Road, Patna- 15.
3. The Engineer-In- Chief-Cum- Additional Commission-Cum- Special Secretary, Building Construction Department, Vishweshwaraiya Bhawan, Bailey Road, Patna- 15.
4. The Additional Secretary- Internal Financial Advisor, Building Construction Department, Vishweshwaraiya Bhawan, Bailey Road, Patna- 15.
5. The Chief Engineer (North), Building Construction Department, Vishweshwaraiya Bhawan, Bailey Road, Patna- 15.
6. The Superintending Engineer, Building Construction Department, Building Circle, Darbhanga.
7. The Executive Engineer, Building Construction Department, Building Division, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manish Sahay, Advocate
For the Respondent/s : Mr.Manoj Kr. Ambastha (SC-26)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 27-09-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

- (I) **For quashing** of decision dated 28.08.2019 taken by the Departmental Tender Committee headed by the Principal Secretary (i.e. Respondent No.2), as contained in **Annexure-P-5** whereby and where under the tender of the petitioner company has been rejected on sole ground that he has been debarred by Deputy General Manager (Project) of Bihar Medical Services Infrastructure Corporation Ltd. vide its letter No.BMSICL/80065/37-2018/1789 dated 09.07.2019.
- (II) **For further** quashing of Notice for Inviting Tender (Re-Tender) No.06/2019-20) issued by the Executive Engineer (i.e. Respondent No.7), as contained in **Annexure-P-6** whereby and where under the said authority has been invited Re-Tender for the same work in pursuant to aforesaid decision dated 28.08.2019 of departmental tender committee.

- (III) **For restraining** the Respondents to create third party right in the aforesaid tender during the pendency of this writ application.

(IV) **For commanding** and directing the concerned respondents to re-consider the tender of the petitioner in accordance with law because rejection of tender is totally illegal and contrary to provision of NIT and Tender Document.

(V) **For further** passing such an Order or Orders for which the petitioner is entitled under the law in the facts and circumstances of this case.

Learned counsel for the petitioner seeks permission to withdraw this petition.

Permission is accorded.

This petition is disposed of as withdrawn.

(Sanjay Karol, CJ)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

(S. Kumar, J)