

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6476 of 2019

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M/s Nityanand Singh Contractor and Order Supplier, Office at Srikrishna Nagar, Motihari, P.S.-Nagar Moihari, P.O.-District-Motihari through its namely, Nityanand Singh, Son of Late Mahashay Singh, Resident of Village-Mura, P.S.-Gobindganj. P.O.-Chandi Asthan, District-East Champaran

... .. Petitioner/s

Versus

1. The Union of India through the Department of Telecommunication, Government of India, New, Delhi
2. The Chief Managing Director, B.S.N.L., a Government of India Enterprise, New Delhi
3. The C.G.M.T., Bihar Circle, B.S.N.L., Patna
4. The GMTD, BSNL, Chapra
5. The Telecom District Manager (TDM), BSNL, Motihari
6. The SDE (Planning), Officer of the TDM, BSNL, Motihari
7. The SDE (Sales and Marketing), BSNL, Motihari
8. The SDE, Raxaul and Dhaka, BSNL Motihari
9. The Account Officer (Cash), BSNL, Motihari
10. The SDE (Areraj), BSNL, Motihari
11. The A.O. (Ashwarya), BSNL Motihari
12. The M/S Suman Transmission, through its Proprietor Pramod Kumar Priyadarshi, Tilka Manjhi, Bhagalpur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjeet Kumar, Advocate
For the Respondent/s	:	Mr. Harendra Prasad Singh, Advocate
	:	Mr. Awadhesh Kumar Pandey, Sr. CGC
	:	Mr. Radhika Raman, CGC

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 17-10-2022

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

“i) For setting aside the communication
sent through E Mail dated 02-02-2019 sent by the



tendering authority of BSNL, Bihar it has been communicated that the petitioner has been disqualified in NIT No. TDM/MTH/TENDER RING WORK 2018-19 Line No. 2 for the work namely for work namely Trenching, HDPE/PLB pipe laying & OF cable pulling and allied works in Zone namely 1 (Dhaka, Motihari, Raxaul). Without assigning any reason.

ii) For setting aside the another communication sent through E Mail dated 02-02-2019 sent by the tendering authority of BSNL, Bihar it has been communicated that the petitioner has been disqualified in Line No. 1 of the same NIT i.e. NIT No. TDM/MTH/TENDER RING WORK 2018-19 Line No. 1 for the work namely for work namely Trenching, HDPE/PLB pipe laying & OF cable pulling and allied works in Zone II namely (Arreraj, Pakridayal, Barachakai)

iii) For a further direction to the respondent authorities to produce a copy of the decision of the Tender Evaluation Committee (TEC) as well as financial bid as all the bidders were declared ineligible by the Technical Evaluation Committee which was also affirmed by the Chief Account Officer, BSNL, Motihari but subsequently TDM BSNL, Motihari connivance with private respondent declared him eligible and directed for opening of his financial bid.

iv) For a further direction to the respondent authorities to produce the copy of the agreement relating to both the NITs which they have entered into with the private respondent and after production thereof the same may be quashed.

v) The petitioner prays for issuance of a direction to the respondent authorities to declare the petitioner eligible and only then open the financial bid a fresh with all fairness and impartially and in accordance with law.

vi) For any other relief/reliefs for which the petitioner may be deemed entitled too.”

In view of reply filed by the respondents wherein it stands recorded that the NIT in question stands cancelled, the



present petition stands disposed of having become infructuous.

Interlocutory application, if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	18/10/2022
Transmission Date	

