

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5358 of 2019

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Aditya Super Agricons Pvt. Ltd. having its Registered Office at village Chauriya Tola, P.O. Dhoom Nagar, P.S. Jagdishpur, District West Champaran through its Director, Brijesh Kumar, aged about 42 years, Male, son of Ramashray Prasad, resident of village Chauriya Tola, P.O. Dhoom Nagar, P.S. Jagdishpur, District West Champaran.. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Government of Bihar, Patna.
2. The Chief Engineer, (C), North Bihar Wing, C.D.O. Building, Bihar, Patna.
3. The Superintending Engineer, Road Circle Motihari, District Motihari, Bihar.
4. The Executive Engineer, Road Construction Department, Road Division, Bettiah, West Champaran, Bihar..

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan, Advocate
For the Respondent/s : Mr. Sushil Kumar (SC 22)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 11-10-2022

Heard learned counsel for the parties.

Petitioner has prayed for following reliefs:-

- i) Quashing of the decision of the Technical Bid Evaluation Committee dated 22.01.2019 (copy whereof has never been served/ communicated to the petitioner) whereby the Technical Bid of the petitioner has been held to be non responsive and thus rejected on hypertechnical Grounds;



- ii) Quashing of the consequential Notice Inviting Tender NO. RCD/BTH – 33/ 2018 – 19 dated 09.02.2019 whereby the work has been re-advertised pursuant to the decision of the Tender Committee; and
- iii) Direction upon the respondents to open and process the Bid of the petitioner which has already been submitted in pursuant of the earlier Notice Inviting Tender No. RCD/BTH – 18 / 2018 – 19

It is fairly stated that with the passage of time, the present petition has become infructuous save and except for the petitioner's right for receiving the amount deposited as earnest money for which petitioner prays liberty to approach the respondents by filing a representation within a period of four weeks from today for redressal of the grievance(s).

Ordered accordingly.

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and



preferably within a period of four months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of on the following terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of four months from the date of its filing along with a copy of this order;

(c) The order assigning reasons shall be communicated to the petitioner;

(d) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(e) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;

(f) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;



(g) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(h) Liberty reserved to the petitioner to approach the appropriate forum/Court, should the need so arise subsequently on the same and subsequent cause of action;

(i) We have not expressed any opinion on merits. 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)

(Partha Sarthy, J)

Spd/-Amrendra

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.10.2022
Transmission Date	NA

