

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9420 of 2021

M/S. M.K. Gupta and Company through its partner Mr. Nikhil Kumar Gupta, Male, Aged about - 33 Years, S/o Mahesh Kumar Gupta, R/o Sarbati Bhawan, M.K. Gupta and Co. Hillcart Road, Near 3 Gen Diagnostics, Ward No. 10, P.O. and P.S.- Siliguri, District - Darjeeling - 734001 (West Bengal) having its Registered Office at Metro Heights, 2.5 Mile, Sevoke Road, P.O. and P.S.- Siliguri, District - Darjeeling - 734001 (West Bengal).

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Water Resource Department, Bihar, Patna.
2. The Principal Secretary, Water Resource Department, Bihar, Patna.
3. The Superintending Engineer, Flood Control Planning and Monitoring Circle, Sinchai Bhawan, Patna.
4. The Chief Engineer, Flood Control and Drainage, Water Resource Department, Katihar Camp, Purnea.
5. The Superintendent Engineer, Flood Control and Drainage Circle, Purnea.
6. The Executive Engineer, Flood Control and Drainage Division, Kishanganj.
7. M/s Santalall and Brothers, NH- 31, Near Calex Chowk, Kishanganj - 855108, Bihar.

... .. Respondents

Appearance :

For the Petitioner/s : Ms.Anukriti Jaipuriyar
For the Respondent/s : Mr.Lalit Kishore (Ag)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

2 11-02-2022 This matter has been taken up for hearing online because of COVID-19 pandemic restrictions.

The dispute in the present writ application relates to award of contract pursuant to notice inviting tender dated 07.01.2021 for flood protection work of Gachpara Mouzabari



embankment from 00.00 to 4.00 km under Kishanganj Block in the district of Kishanganj.

The petitioner's grievance is that its technical bid was rejected on hyper technical ground and technical bid of respondent No. 7 was accepted, overlooking major flaws in the tender documents.

It appears to be an admitted position that the work was awarded to respondent No.7 and the work has been completed by respondent No.7. In such circumstance, no interference is required by this Court. If, according to the petitioner, the contract was wrongly awarded to respondent No.7 because of which the petitioner has to suffer any loss, it shall be at liberty to take recourse to appropriate civil remedy before competent Court of civil jurisdiction.

This writ application stands disposed of accordingly.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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