

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6686 of 2022

1. S.B. Engicon Private Limited having its registered Office at Royal City, West Judges Colony, Road, No.4, South of Sudha Dairy Bailey Road, Saguna, Patna-801503 through its Managing Director namely Sinchu Nath
2. Sindhu Nath Son of Ra Rishal, Resident of West Judges Colony, Road No.4, South of Sudha Dairy Bailey Road, Saguna, Patna-801503, Managing Director, S.B. Engicon Private Limited.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Road Construction Department, Government of Bihar, Patna.
3. Engineer-in-Chief (Works Management) Road Construction Department, Government of Bihar, Patna.
4. The Chief Engineer South Division, Road Construction Department, Government of Bihar, Patna.
5. The Officer on Special Duty-Cum-Internal Financial Advisor, Road Construction Department, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate
For the Respondent/s : Mr. Amit Prakash, GA-13

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

Date : 27-07-2022

Heard learned counsel for the parties.

Petitioners have prayed for the following relief(s):-



- (i) For issuance of a writ in the nature of mandamus directing the concerned respondents not to reject the technical bid/tender of the petitioners on the basis of observation made in the meeting dated 07.09.2020 of the departmental tender committee whereby while rejecting the tender of the petitioners direction was issued to take action as per Bihar Contractor Registration Rules 2017 and till further orders the petitioners were debarred from participating in future bid, since it has already been decided vide order dated 10.02.2022 that the petitioners firm have not committed any illegality however inspite of the same the respondents recently on 18.02.2022 have rejected the technical bid of the petitioner on the basis of the decision taken by the departmental tender committee in its meeting dated 07.08.2020.
- (ii) To further hold that the rejection of the technical bid by the



departmental tender committee on the basis of earlier observation in the meeting dated 07.08.2020 is patently illegal without jurisdiction and not sustainable in the eye of law.

- (iii) To further direct the concerned authorities not to reject the technical bid of the petitioner on such flimsy ground.
- (iv) To further hold that the decision of the departmental tender committee to debar the petitioner for participating in future tender while opening the technical bid is illegal, void ab-initio.
- (v) For further to hold that the part of the decision dated 07.08.2020 of the departmental tender committee as communicated vide memo No.5543 dated 10.08.2020 whereby and whereunder the petitioner was debarred from participating in any tender till further orders has no force since after show cause the reply of the petitioner has been accepted and the charges have not been found proved.
- (vi) For other necessary relief/reliefs to which the petitioner may be found entitled to in the facts of the case?



Shri Amit Prakash, learned Government Advocate No. 13, under instructions, states that the order debarring the petitioners stands withdrawn and, as such, petitioners’ bid for future tenders shall be considered in accordance with law.

Statement accepted and taken on record.

In view of the same, learned counsel for the petitioners does not press the present petition.

The instant petition stands disposed of as not pressed.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	29.07.2022
Transmission Date	

