

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10833 of 2022

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1. M/s. BRai Construction Company and Lalan Kumar @ BRCC and Lalan (JV) represented through its partner Mr. Shailendra Rai (Male), age 52 son of Late B Rai having its registered office at Gupteshwar Complex, Bekar Bandh, Dhanbad, Jharkhand 826001.
 2. Lalan Kumar Son of Shri Mahendra Prasad Singh Resident of Radha Rani Sinha Road, PO Adampur, P.S.- Adampur, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. Development Commissioner-cum-Chairman, Board of Directors, Bihar Medical Services and Infrastructure Corporation Ltd. Patna.
3. Additional Chief Secretary, Department of Health, Govt. of Bihar, Patna.
4. Bihar Medical Services and Infrastructure Corporation Limited, through its Managing Director, Shastri Nagar, Off Bailey Road, Patna, Bihar.
5. Managing Director, Bihar Medical Services and Infrastructure Corporation Limited, Shastri Nagar, Off Bailey Road, Patna, Bihar.
6. Chief General Manager (Project), Bihar Medical Services and Infrastructure Limited.
7. Ranjit Kumar, son of not known Chief General Manager (Project), Bihar Medical Services and Infrastructure Corporation Limited.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Aditya Prakash Sahay, Advocate
For the Respondent/s : Mr. Binod Kr. Yadav (SC 18)

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 22-12-2022 Petitioners have prayed for the following relief(s):-

“a. For issuance of order(s), direction(s), writ(s) particularly in the nature of writ of Certiorari for quashing part of the proceeding bearing file no. BMSIC/75030/07-2022 dated 15.07.2022 passed



by Technical Tender Committee, Bihar Medical Services & Infrastructure Corporation Limited (BMSICL) with respect to Group no.02 "Construction of 150 Aryurvedic College, 200 bedded hospital, Hostel & residence at RajkiyaAyodhya Shiv KumariAryurvedic College and Hospital at village Bharra, Begusaral, Bihar" whereby and where under out of fourtenders, one tender was found to be responsive and the tender submitted by the petitioner no.1 has been found to be non-responsive after getting legal opinion, due to the reason that the Earnest Money Deposit submitted by the petitioner was in the name of one of the partner of Joint Venture. The view taken by the respondents are hyper technical view and in past the same corporation has accepted several EMDs submitted by one of the partner of Joint Ventures and had accepted their respective tenders.

b. For issuance of order(s), direction(s), writ(s) particularly in the nature of writ of mandamus for a direction upon the respondent authorities to accept the technical as well as financial bid of the petitioners.

c. For any other relief(s) for which the petitioners are entitled”

Learned counsel for the petitioners, under instructions, states that, in view of the intervening developments, the petition may be permitted to be withdrawn.



Prayer allowed.

Petition is disposed of as withdrawn.

Interlocutory application(s), if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

K.C.Jha/-DKS

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