

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15530 of 2022

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Jagdeo Swangsewi Sanstha Rambagh through its Secretary Arun Kumar Sah, aged about 46 Years, Gender- Male, Son of Late Jagdeo Sah, Resident of Village- Professor Colony Rambagh, Purnea, Police Station, Sadar, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development Housing Department, Government of Bihar, Patna.
2. The District Magistrate, Madhepura.
3. The Administrator cum Executive Officer, Nagar Panchayat, Murliganj.
4. The Empreo Resources Development India Private Limited, Kishanganj, Kumar, Dharamganj Majia Road, Kishanganj.
5. The Environ Solutions, through its Director Subir Sen, Silliguri, West Bengal.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate
For the Respondent/s : Mr. Abbas Haider, SC 6

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)

Date : 16-11-2022

Heard learned counsel for the parties.

The petitioner has filed the instant application for the following reliefs:

“(i) For quashing the Order of disqualification issued by the Respondent No. 3 dated 14.10.2022 communicated to the petitioner on mail and bid ID of the petitioner, whereby and whereunder his firm has been disqualified in technical evaluations in tender no. GEM/2022/B/2514257.

(ii) For quashing the Order of rejection of the



representation submitted against the disqualification of firm of the petitioner dated 17.10.2022 whereby and whereunder the petitioner has been communicated on mail and bid ID that due to non submission of dedicated Telephone Number the firm of the petitioner has been disqualified in tender no. GEM/2022/B/2514257.

(iii) For giving a direction to make re-evaluation of all the documents submitted by all the Contractors in the Tender in question for the ends of Justice, so that it will reveal that the reason assigned by the Respondent authority for disqualification of the petitioner's firm, has been complied with by the Respondent No. 4 and 5, who has been declared qualified in technical bid.

(iv) For grant of stay of further process of the Tender no. GEM/2022/B/2514257 in question till disposal of the writ petition.

(v) For giving a direction to allot tender in favour of the petitioner's firm who possesses all requisite criteria of the N.I.T. published for the said Tender.

(vi) Any other relief/reliefs for which the petitioner is found entitled in the eye of law in the fact and circumstances of the present case.”

The facts in brief are that pursuant to a Notice Inviting Tender (NIT) dated 8.9.2022, the petitioner firm submitted its bid online on 19.9.2022. As per the petitioner's case all the required documents were submitted and the original documents were also submitted on 21.9.2022. Three other contractors participated in the said tender. It is further case of the petitioner



that he received information through mail to the effect that the technical bid was opened on 14.10.2022 and that the result of the technical evaluation was available online. On enquiry it transpired that the petitioner firm had been disqualified in the technical evaluation on the ground that the dedicated toll free telephone number for service support had not been provided. It is the case of the petitioner that he had provided the dedicated toll free telephone number through the letter head submitted in the online bid and the respondent authorities had committed illegality in rejecting the tender of the petitioner in their technical evaluation. In support of his contention learned counsel for the petitioner refers to the telephone number/mobile number given on top of his letter head, Annexure-5 to this application.

Having heard learned counsel for the parties and having perused the material, it transpires that Notice Inviting Tender relating to bid GEM/2022/B/2514257 dated 8.9.2022 was published by the Urban Development and Housing Department, Government of Bihar inviting bids for the purpose of 'Collection and Disposal Waste Management Service- Collection, Lifting, Transportation, Unloading, Segregation of garbage, Ways of disposal; Dry Waste'.



On perusal of the bid document it transpires that one of the essential conditions was with respect to service and support ie the bidder was required to provide a dedicated/toll free telephone number.

On perusal of the bid document submitted by the petitioner on its letter head, which has been brought on record as Annexure-5 to this application it appears that two mobile phone numbers of the Secretary of the petitioner firm has been printed on the said letter head. However as required as per the bid document, no dedicated/toll free number has been provided by the petitioner in the bid.

As stated above, tender invited was for the purpose of giving a contract of one year for the purpose of collection, transportation, segregation and disposal of the waste, the method of waste disposal and included door to door garbage collection from residential areas. It may be stated here that the purpose of toll free number is to enable the customers to call without being charged for it. The cost for all incoming and outgoing calls are paid by the business. The petitioner not having provided the dedicated/toll free number in his bid, which in the opinion of this Court was an essential condition, the respondent authorities rightly disqualified the bid of the



petitioner in the technical evaluation. The Court finds no
illegality in the action/order impugned.

There being no merit in this application, the same is
dismissed.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Bibhash/

AFR/NAFR	
CAV DATE	
Uploading Date	19.11.2022
Transmission Date	

