

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23908 of 2019

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M/S Star Build Max Pvt. Ltd. Balua Tal Motihari, District-East Champaran, through its Proprietor Parvej Ahmad Khan, aged about 47 Years, Gender Male, Son of Haseen Ahmad Khan, Resident of Balua Tal, Motihari, P.O.-Motihari, P.S.-Motihari Town, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Road Construction Deopartment, Government of Bihar, Patna.
2. The Engineer-in Chief, Road Construction Department, Government of Bihar, Patna.
3. The Additional Secretary-Cum-Internal Finance Advisor, Road Construction Departmet, Government of Bihar, Patna.
4. The Chief Engineer, East Zone, Road Constructuion Department, Government of Bihar, Patna
5. The Superintending Engineer, Road Construction Department, Work Circle Darbhanga, Darbhanga.
6. The Executive Engineer, Road Construction Department, Government of Bihar, Patna, Road Division Benipur at Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar, Advocate
For the Respondent/s : Mr.Sushil Kumar (GP22)

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

Date : 27-09-2022

Heard learned counsel for the parties.

Petitioner has prayed for following reliefs:-

- i.) For setting aside the order contained in Memo No. 8312(E), Patna dated 30-10-2019 whereby the Technical Bid Committee disqualified the petitioner erroneously/illegally in terms of ITB Cl.4.7 in NIT No. RCD/Benipur/03/2019-20 and it was also ordered to upload the decision on the e-proc website and also on the departmental website inviting objection up till 07.11.2019)

- ii.) For setting aside the order contained in Memo No. 1312 Dated 09.11.2019 issued by the Executive Engineer, Road Construction Department, Road Division, Benipur, whereby objection submitted by the petitioner dated 08.11.2019 was rejected on the ground that the objection was submitted on 08.11.2019, one date after the dead line i.e. 07.11.2019, ignoring the fact that the decision of the Departmental Evaluation Committee was uploaded on the E-Proc website on 08.11.2019 and the personal notice of disqualification was also sent through E-mail on 08.11.2019.
- iii.) For a further direction upon the respondent authorities to declare this petitioner qualified in the Technical Bid as the petitioner fulfils the eligibility criteria mentioned in the ITB Cl.4.7. with regard to the work namely "Construction of High Level RCC Bridge (4x12) 10th Km of Kalali Chowk, Balha Chowk to Masankhon Road for the year 2019-20.
- iv.) For a direction upon the respondent authorities to produce a copy of the Financial Bid relating to "Construction of High Level RCC Bridge (4x12) 10th Km of Kalali Chowk, Balha Chowk to Masankhon Road for the year 2019-20 if any, and after production thereof it may be quashed.
- v.) For any other relief/reliefs for which petitioner may be deemed entitled.

Learned counsel for the petitioner seeks permission to withdraw this petition.

Accordingly, this petition is disposed of as withdrawn.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.09.2022
Transmission Date	NA