

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.331 of 2020

Hani Khatoon W/o Md. Bablu Prop of M/S B H Cattering Service Residence
of Isopur, Phulwarisarif, P.S. Phulwarisarif, District- Patna.

... .. Petitioner/s

Versus

1. The Union of India through the General Manager, East Central Railway Hajipur, P.O. Digghi Kala, P.S. Hajipur, District- Vaishali at Hajipur.
2. The Senior Divisional Commercial Manager, , East Central Railway Hajipur, P.O. Digghi Kala, P.S. Hajipur, District- Vaishali at Hajipur.
3. The Chief Commercial Manager, , East Central Railway Hajipur, P.O. Digghi Kala, P.S. Hajipur, District- Vaishali at Hajipur.
4. The General Manager, East Central Railway, Hajipur, District- Vaishali.
5. The D R M, East Central Raiway, Samastipur.
6. The Sr. D F M, East Central Railway, Samastipur.
7. The Group General Manager, Indian Railway Catering and Tourism Corporation Limited, Corporate Office 9th Floor, Bank of Baroda Bhawan 16 Sansad Marg, New Delhi- 110001
8. The Director Railway Board Central Railway, Hajipur, P.O. Digghi Kala, P.S.Hajipur, District- Vaishali at Hajipur.
9. Ms Bibha Roy, Plot No. 30, Bhudeshwar Colony, Bhubneshwar - 751006

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Uday Prasad Singh, Advocate

For the UOI : Mr. Abhay Shankar Jha, CGC

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 27-09-2022 Petitioner has prayed for the following relief(s):-

1. That this writ application is being filed for issuance of a writ in the nature of mandamus or any other appropriate writ /s , order/s direction /s commanding the respondents not to proceed with the issuance of work orders in connection of the works relating to Notice no.



COM/GMU/CATG/SPJ/18 dated 22/10/2018 of Notice Inviting Tender No. COM/GMU/CATG/SPJ/18 (Annexure – 1) issued by the respondent and COM/GMU/CATG/SPJ/18,DATE 12/11/2018(Annexure _1) issued by the concerned respondent , in the interest of the Public exchequer as

the petitioner is the lowest tender whose rate was found below the schedule price whereas the tender has been finalized with another favorite tenderer whose rate is at schedule price , in most arbitrary and whimsical manner as also in complete violation of rule of finalization of public work tender including without adhering the process of negotiation of rate , at the cost of public exchequer.

This application is also being filed for commanding the respondents to allot/issue fresh LOA for continuation of allotted stall to the petitioner whose rate has been found below the schedule price and is ready to furnish Earnest / Security Money.

This application is also being filed for other relief as well.

2. That the petitioner seeks for indulgence of this Hon'ble court for the following reliefs :-

- i. The respondents specially respondent No. 5 be commanded not to issue the work orders in pursuance of finalization of works relating to Notice Inviting Tender (N.I.T.) No. COM/GMU/CATG/SPJ/18,DATE 12/11/2018 (Annexure _1) as the same has been finalized in favour of favorite tenderer of the respondents at a higher rate i.e. at schedule price whereas the rate of the petitioner is below the schedule price and that too without adhering the process / procedure of negotiation of rate in most arbitrary and whimsical manner as also at the cost of public exchequer.
- ii. The respondents be commanded to allot the works in question to the petitioner who is lowest tenderer (i.e. below schedule price) and is ready to furnish adequate Earnest / Security Money but the



- respondent authority could not disclose details of the ID 19 so that a huge amount of public money can be saved from plundering .
- iii. The erring respondent's officials be commanded to be suitably punished for such financial irregularities and negligence due to calculative faulty finalization of the tender in question for future lesson in any forth coming public tenders of the respondents.
 - iv. The erring respondents official be command to complete tender process as per law ,and gave details of the allotment of the ID 19.
 - v. Any other relief / s for which the petitioner is found entitled, may be extended.

Shri Uday Prasad Singh, learned counsel for the petitioner states that with the passage of time, the present petition has become infructuous.

As such, the present petition is dismissed as infructuous.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Anjani/-

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