

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11018 of 2018

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M/s ABPL Tribeni (JV) having its place of business at Village – Madhoput, P.O. - Madhopur, P.S. - Mushari, via – Silout, District – Muzaffarpur through it authorized Signatory namely Priyanka Kumar, daughter of - Umesh Kumar Trivedi at Village - Madhopur, P.O. - Madhopur, P.S. - Mushari, Via - Silout, District – Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Principal Secretary, Building Construction Department, Government of Bihar, Patna.
3. The Engineer-in-Chief, Building Construction Department, Govt. of Bihar, Patna.
4. The Chief Engineer (North), Building Construction Department, Government of Bihar, Patna.
5. The Superintending Engineer, Building Division, Building Construction Department, Muzaffarpur.
6. The Executive Engineer, Building Division, Building Construction Department, Sitamadhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nalin Kumar, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

2 27-03-2023 None appears for the respondent.

In the instant petition, petitioner has prayed for the
following relief(s):-

“1. (I) For issuance of Writ in appropriate nature for quashing of the entire process of fresh Notice Inviting Tender vide Tender No. - 02/2018-2019 (Annexure-4) issued under the signature of the Respondent



No. - 6 (Executive Engineer, Building Division, Building Construction Department, Sitamadhi) whereby and whereunder Notice Inviting Tender has been issued for awarding of the work contract of construction of Office and Residential building (with Water Supply, Sanitary Plant, Electrification) under the Nanpur Block situated within the district of Sitamadhi under Building Division, Building Construction Department, Sitamadhi, for award of work under the said Notice Inviting Tender (Annexure-4) after cancelling the previous/earlier Notice Inviting Tender vide Tender No. - 21/2017-2018 (Annexure-2) for the abovesaid same work;

(II) For issuance of Writ or order or direction for quashing of the Letter No. - 774 dated 04-05-2018 (Annexure-7) issued under the signature of the Respondent No. - 4 (Chief Engineer (North), Building Construction Department, Government of Bihar, Patna) whereby and whereunder the Technical Bid of the abovesaid Petitioner Joint Venture / Firm has been declared as disqualified on the basis of non-fulfilling required work experience and due to less quantity has been uploaded in comparison to the quantity demanded in the tender vide Tender No. - 21/2017-2018 (Annexure-2) as well as also due to upload of the Affidavit executed before Notary Public not before the 1st Class Executive Magistrate and further due to non responsive towards the Paragraph No. 4.5A(b), 4.5A(c) and Paragraph No. 12.1(iii) and 12.1(iv) of the Standard Bidding Document published by the Building Construction Department (hereinafter SBD for the sake of brevity);

(III) For issuance of Writ or order or direction for considering the Technical Bid of the Petitioner Joint Venture in capacity of Joint Venture not in the capacity of individual capacity of the Partners in the tender vide Tender No. - 21/2017-2018 (Annexure-2) and others;

(IV) For issuance of Writ or order or direction for quashing of the cancellation order of the previous / earlier Notice Inviting Tender vide Tender No. - 21/2017-2018 (Annexure-2) and issue further to proceed in the said Tender No. 21/2017-2018 (Annexure-2);



(V) For restraining the Respondents authorities to proceed in the matter of fresh Notice Inviting Tender vide Tender No. - 02/2018-2019 (Annexure-4) issued under the signature of the Respondent No. 6 (Executive Engineer, Building Division, Building Construction Department, Sitamadhi);

(VI) For any other relief/reliefs that the petitioners may be found to be entitled to in the facts and circumstances of the present case.”

Learned counsel for the respondent on instruction submitted that the present petition does not survive for consideration in view of later development.

Accordingly, present writ petition stands dismissed as infructuous.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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