

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.767 of 2023

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Maa Shanti Construction Private Limited, Village- Bijwani, Tola- Koirgawn, Bijbani East, Block and P.S. Bankatwa, District- East Champaran at Motihari through its Proprietor Birendra Kumar Pandit (male), aged about- 44 years, son of Jang Bahdur Pandit, resident of village- Koirgawn, Bijbani, P.O. and P.S. Bankatwa, District- East Champaran at Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Engineer-in-Chief, Rural Works Department, Government of Bihar, Patna.
4. The Chief Engineer-3, Rural Works Department, Government of Bihar, Patna.
5. The Executive Engineer, Rural Works Department, Works Division, Sikrahana, District- East Champaran at Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Awnish Kumar, Advocate
For the Respondent/s : Smt. Archana Meenakshee (GP6)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 22-02-2023

In the instant petition, petitioner has prayed for following

reliefs:-

*“(I) For issuance of an appropriate writ in the nature of **MANDAMUS**, commanding and directing the Respondent Authorities for issuance of letter of acceptance and execution of agreement for construction of Bhawanipur to Guabari Road in view of the work order issued by the Respondent no.4 vide his letter no. 8051 dated 22.11.2021 and to allow the petitioner to*

complete the work as per the revised schedule from the date of execution of agreement in between the petitioner and the Respondent no.5.

*(II) For issuance of an appropriate writ in the nature of **MANDAMUS**, commanding and directing the Respondent nos. 2 to 4 to revise the estimate of the said work as per the market value of the construction materials today and for payment of construction cost to the petitioner as per the revised rates after its realization from the Respondent no.5 since it is the Respondent no.5 because of whom the work has been delayed for more than six months from the date of issuance of work order by the Respondent no. 4 despite reminders by the petitioner to the Respondent no. 5 for issuance of letter of acceptance and execution of agreement in accordance with law.*

(III) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.”

2. Short question for consideration is that the Executive Engineer who was supposed to enter into an agreement pursuant to the process of notice inviting tender dated 24.09.2020 read with the fact that petitioner is a successful bidder in both technical bid and financial bid but failed to do so and further proceedings have been withheld on a complaint and it is under scrutiny by the official respondents.

3. Concerned authorities are hereby directed to take a decision and communicate the same to the petitioner within a period of 15 days from the date of receipt of this

order . In the event of any hurdle it must be reasoned decision.
If there are no hurdle in that event finalise tender process at the
earliest.

4. Accordingly, the present petition stands
disposed of.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

Daya/
Himanshu/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.02.2023
Transmission Date	NA