

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2031 of 2023

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M/S Sangam Mediserve Pvt. Ltd. having its Registered office at 189 Sector-D, Shantipuram, Phaphamau, Prayagraj- 211012 (Uttar Pradesh) through one of its Director namely Sandeep Kumar Singh, Aged about 46 years, Male, Son of Lal Sahab Singh, Resident of 189-D, Shantipuram, Phaphamau, Lehra, P.S. Prayagraj, District Allahabad known as Prayagraj (Uttar Pradesh).

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretry, Department of Health and Family Welfare, Government of Bihar, Vikash Bhawan, Baily Road, Patna.
3. The Principal Secretary, Department of Environment, Forest and Climate Change, Government of Bihar, Vikash Bhawan, Patna.
4. The Bihar State Pollution Control Board, through the Member-Secretary, Parivesh Bhawan, Plot No. NS-B/2 Patliputra Industrial Area, Patliputra, Patna.
5. The Member Secretary, Bihar State Pollution Control Board, Parivesh Bhawan, Plot No. NS-B/2 Patliputra Industrial Area, Patliputra, Patna.
6. The Executive Director, State Health Society, Pariwar Kalyan Bhawan, Sheikhpura, Bailey Road, Patna.
7. The Bihar Medical Services and Infrastructure Corporation Ltd., 4th Floor, Bihar State Building Construction Company Ltd., Hospital Road, Shahtri Nagar, Patna through its Managing Director.
8. The Managing Director, Bihar Medical Services and Infrastructure Corporation Ltd., (BMSICL), 4th Floor, Bihar State Building Construction Company Ltd., Hospital Road, Shahtri Nagar, Patna.
9. The General Manager (Procurement), Bihar Medical Services and Infrastructure Corporation Ltd., (BMSICL), 4th Floor, Bihar State Building Construction Company Ltd., Hospital Road, Shahtri Nagar, Patna
10. The District Magistrate, Madhepura.
11. The District Magistrate, Bhojpur.
12. Sri S. Chandra Shekhar, presently posted as the Member- Secretary, Bihar State Pollution Control Board, Parivesh Bhawan, Plot No. NS-B/2 Patliputra Industrial Area, Patliputra Industrial Area, Patliputra, Patna.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 376 of 2023

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M/s Sangam Mediserve Pvt. Ltd. Having its Registered office at 189 Sector-D, Shantipuram, Phaaphamnu, Prayagraj- 211012 (Uttar Pradesh) through one of its Directors namely Sandeep Kumar Singh, aged about 46 years, Male, Son of Lal Sahab Singh, Resident of 189-D, Shantipuram, Allahabad, Phaphamau, Lehra, P.S.- Prayagraj, District- Allahabad known as Prayagraj, (Uttar Pradesh).

... .. Petitioner/s

Versus

1. The Union of India through the Additional Secretary, Department of Environment, Forest and Climate Change, Government of India, New Delhi.
2. The Additional Secretary, Department of Environment, Forest and Climate Change, Government of India, New Delhi.
3. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
4. The Principal Secretary, Department of Health and Family Welfare, Government of Bihar, Vikash Bhawan, Baily Road, Patna.
5. The Principal Secretary, Department of Environment, Forest and Climate Change, Government of Bihar, Vikash Bhawan, Patna.
6. The Chairman, Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi- 110032.
7. The Regional Director, Central Pollution Control Board, 502, Southern Conclave, 1582, Rajdanga Main Road, Kolkata- 700107.
8. The Member- Secretary, Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi- 110032.
9. The Chairman, Bihar State Pollution Control Board, Parivesh Bhawan, Plot No. NS-B/2 Patliputra Industrial Area, Patliputra, Patna (Bihar)- 800010.
10. The Member- Secretary, Bihar State Pollution Control Board, Parivesh Bhawan, Plot No. NS-B/2 Patliputra Industrial Area, Patliputra, Patna (Bihar)- 800010.
11. The Executive Director, State Health Society, Pariwar Kalyan Bhawan, Sheikhpura, Baily Road, Patna- 800014.
12. The Director, Indira Gandhi Medical Institute of Medical Sciences, Sheikhpura, Baily Road, Patna- 800014.
13. The District Magistrate-cum-Collector, Collectorate, Patna.
14. The Civil Surgeon, Office of Civil Surgeon, Gardanibagh, Patna.
15. Member Secretary, State Level Environment Impact Assessment Authority, Bihar having its office at 2nd Floor, Beltron Bhawan, Shastri Nagar, Patna.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 2031 of 2023)

For the Petitioner/s :

Shri S.D. Sanjay, Sr. Advocate
with Mr. Mohit Agarwal, Ms. Priya Gupta
and Mr. Rahul Kumar, Advocates



For the State : Mr. Rajeshwar Singh, GA 10
(In Civil Writ Jurisdiction Case No. 376 of 2023)
For the Petitioner/s : Shri S.D. Sanjay, Sr. Advocate
with Mr. Mohit Agarwal, Ms. Priya Gupta
and Mr. Rahul Kumar, Advocates
For the State : Mr. Rajeshwar Singh, GA 10
For the UOI : Dr. K.N. Singh, ASGI
For the IGIMS : Mr. Sunil Kumar Singh, Advocate
For the CPCB : Mrs. Binita Singh, Advocate
For the BSPCB : Mr. Parijat Saurav, Advocate
For the State Health Society: Dr. Anand Kumar, Advocate
For the SEIAA : Mr. Kumar Ravish, Advocate
For the Private respondent: Mr. Surendra Kumar Singh, Advocate

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

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

9 13-07-2023 In the instant petition, petitioner has prayed for the
following reliefs:-

"(i) For Quashing the part of Notice Inviting e-Tender bearing No. CL/884/2022/210 dated 22.12.2022 floated by the Respondent Bihar State Pollution Control Board, Patna whereby e-tender has been invited for selection of entrepreneur or service provider for setting up and operating Common Bio-Medical Waste Treatment Facility (CBWTF) in Bihar (Patna-2, Gopalganj, Madhubani-1, Sasaram-1, Muzaffarpur-1, Bhagalpur and Gaya-1) to the extent with respect to exclude the districts of Madhepura, Supaul, Saharsa, Purnea, Katihar, Kishanganj and Araria and also the districts of Patna, Bhojpur, Nalanda, Buxar and Rohtas as Respondent BMSICL had earlier floated e-tender bearing NleT Reference No. BMSICL/2019-20/ME 153 inviting tender for establishing and operating CBWTF in Madhepura covering Government and Private Healthcare Facilities in the districts of Madhepura,



Supaul, Saharsa, Purnea, Katihar and Kishanganj and another tender bearing e-Tender NIT Reference No. BMSICL/2018-19/ME 155 for establishing and operating CBWTF at Koelwar covering district of Patna, Bhojpur, Nalanda, Buxar, Kaimur wherein the petitioner was declared L-1;

(ii) For holding that the part of the impugned NIT dated 22.12.2022 has been arbitrarily published by the Respondent Bihar State Pollution Control Board, Patna without considering the fact that the Respondent BMSICL had earlier published two NITs for establishment and operation of CBWTF under public private partnership mode covering many districts included in the impugned NIT wherein the petitioner has been declared L-1 and the same has not yet been withdrawn by the Respondent BMSICL;

(iii) For direction upon the Respondent BMSICL to conclude the proceedings of the tenders published by it bearing NIT Reference No. BMSICL/2019-20/ME 153 and e-Tender NIT Reference No. BMSICL/2018-19/ME 155 wherein the petitioner was declared L-1 and lands from the concerned District Magistrates have also been demarcated and allotted for establishment of new CBWTF in favour of the petitioner;

(iv) For any other relief or reliefs to which the petitioner is found entitled in the facts and circumstances in this case."

2. On 28.02.2023, the following order was passed by

this Court:-

"Matter related to tender process



in respect of establishing Common Bio-Medical Waste Treatment Facility in various districts of State of Bihar.

Bihar Medical Services and Infrastructure Corporation Limited (for short 'corporation') have processed the notice inviting tender on 18.10.2019 and it has reached the state of opening of financial bid. For want of land process of NIT issued by the corporation could not be finalised. When things stood thus, State Pollution Control Board proceeded to issue notice inviting e-tender on 22.12.2022. The petitioner is a successful bidder as claimed by him with reference to NIT issued by the corporation. Therefore, there is an overlapping as to who is the competent authority whether Bihar Medical Services and Infrastructure Corporation Limited or State Pollution Control Board is the subject matter.

In this regard, the Chief Secretary, Government of Bihar, Patna is hereby directed to file affidavit with the relevant rules and apprise this Court who is the competent authority to proceed with the NIT in respect of establishment of Common Bio-Medical Waste Treatment Facility in various districts of the State of Bihar before the next date of hearing.

Relist this matter along with CWJC No. 376 of 2023 on 21.03.2023."

3. During pendency of the present petition, subject matter of NIT has been cancelled vide Memo No. 1506 dated 26.06.2023. Therefore, both the present petitions stand disposed off as it has become infructuous reserving liberty to the



respective petitioner to question the competency of the authority with reference to observation made on 28.02.2023 in future tenders.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

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