

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19368 of 2017

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Smt. Pranita Singh W/o Sri Kundan Prasad Singh, Resident of Singheshwar Kothi, P.S.- Singheshwar District- Madhepura Bihar.

... .. Petitioner/s

Versus

1. State Bank Of India Represented Through Its Zonal Manager at Zonal Office, Near Kala Bhawan, Purnea.
2. The Regional Manager, State Bank of India, Regional Business Office, Madhepura.
3. The Branch Manager, State Bank of India, Singheshwar Branch, Madhepura.
4. Sanjeev Ranjan Das, Ex-Branch Manager, Singheshwar Branch, Son of Late Nalini Ranjan Das, at present posted at Branch Manager, Parsa Branch, State Bank of India, District- Saran.
5. Suraj Kumar Singh, son of Sri Niranjan Prasad Singh, Resident of village- Rampatti, P.S.- Singheshwar, District- Madhepura, Pin- 852128.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	None
For the Respondent/s	:	Mr. Anjani Kumar Mishra, Advocate Mr. Ambarish Bhardwaj, Advocate

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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)

3 04-05-2023 None appears for the petitioner.

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

“(i) For issuance of a writ in the nature of certiorari for quashment of letter dated 31.08.2017 bearing reference no. BM-2017-18-67 issued by Respondent no. 4 in the light of Memo No. RBO/P&E/AKR/110 dated 08.08.2017 issued by Respondent No. 3 whereby and



whereunder Respondent no. 5 has been invited to provide DG Set services resending the contract granted to the husband of the petitioner in the year 2008 and renewed to time to time till its termination from 01.09.2017.

(ii) For a declaration that notice inviting tender dated 24.07.2017 and also the tendering process are in the teeth of the DG Set Hiring Policy of the Bank which is based on CVC Guidelines.

(iii) For a declaration that in the light of the CVC Guidelines where annual hiring charges of DG Sets are above Rs. 2 lakh open tenders are to be invited from the vendors/contractors in this line after advertisement in one local news paper and one National news paper, and also loading the advertisement in Bank's website as well as gov.tender's site but in the instant case despite the annual hiring charges of DG set being more than Rs. 2 lakh, the guidelines of Bank/CVC have been flagrantly violated by the respondent Bank.

(iv) For holding that the entire tender exercise which was put up on Bank's notice board only is vitiated on the ground of been arbitrary, malafide, discriminatory and against the guidelines of the respondent Bank.

(v) For holding respondent no. 4 guilty of conspiring and flouting the Bank's own D.G. Set Hiring Policy for his personal gains paying scant regard to the interest of the Bank.

(vi) For holding that the petitioner who has been providing adequately satisfactory services of DG set since 2008 and has invested huge amount in purchase of DG sets and who happens the land lord of the Bank premises and whose technical plan DG set room under the supervision of Bank's engineer was constructed on the land of the petitioner has been left high and dry for reasons. best known to the Bank authorities.

(vii) For holding that that in



terms of CVC Guidelines/Bank's DG Set hiring policy, an endeavour should have been made by the Bank to take generator power through the land lord and that not having been done when the land lord himself has been the service provider since 2008 and was/is willing to render such services is ex-facie arbitrary and over the top.

(viii) For any other reliefs for which the petitioner may be entitled in the facts and circumstances of this case.

And in the interim the petitioner prays for the following relief during the pendency of this writ:-

(IX) The petitioner prays for the shifting of the D.G.Set of respondent no. 5 allegedly installed on the platform illegally constructed on the land in breach of the lease agreement dated 28.08.2014."

2. The petitioner was a successful bidder insofar as supplying DG Set services in the year 2011 for a period of three years and it was further extended from the year 2014 to 2017. Thereafter, respondents have resorted to fresh tender and it was processed.

3. Para-13 of the counter affidavit stated as under:-

"That in response to notice, Singheshwar Branch received 6 sealed envelopes. The vendors had offered lump sum amount for hiring charge inclusive fuel charge because technical knowhow to maintain DG set fitted with calibrated meter and running how meter is not readily available in the area. The tenders were opened by a Tender opening committee at RBO, Madhepura on 04th August 2017. In this tender, Pranita Singh instead of her husband Kundan Singh also submitted her tender. The outcome of this tender has been ascertained as hereunder:-



Sr.	Name of Vender	Enclosed Draft no. B/C & A most	Rate quoted with buet-molic leter & Maintenance
i.	Pranita Singh	Dft. No.- 529455 Rs. 25000	Rs. 68,000/=
ii.	Jai Shankar Prasad	Dft. No. - 494564 Rs. 25000	Rs. 40,000/=
iii.	Sujit Kumar Singh	Dft. No. -529454 Rs. 25000	Rs. 42,000/=
iv.	Suraj Kumar Singh	Dft. No. -529245 Rs. 25000	Rs. 29,000/=I.-1
v.	Smt Seema Devi	Dft. No. -529459 Rs. 25000	Rs. 35,000/=
vi.	Rajesh Singh	Dft. No. -529453 Rs. 25000	Rs. 31,000/=

4. In the light of the aforementioned statement of the respondent, the petitioner – Smt. Pranita Singh is not L-1 bidder, on the other hand, 5th respondent - Suraj Kumar Singh was L-1 bidder.

5. In view of these facts and circumstances, the petitioner has not made out a case. Accordingly, writ petition stands dismissed.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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