

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL REVIEW No.39 of 2023

In

Civil Writ Jurisdiction Case No.13790 of 2022

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1. The Managing Director, Bihar Urban Infrastructure Development Corporation Ltd. (BUIDCo)-Cum-Chairman of Tender Committee, Rajapur Pul, West Boring Canal Road, Patna- 800001.
 2. The Chief Engineer, Design, Planning and Monitoring, BUIDCo, Patna-cum-Chairman of Technical Bid Evaluation Committee, Rajapur Pul, West Boring Canal Road, Patna- 800001.

... .. Petitioner/s

Versus

1. M/s Umang Infrastructure Awadhesh Rai (JV) through Anil Kumar Singh, proprietor of leading partner, Umang Infrastructure, having its office and residence at 48/371, Teachers Colony, Bhatta Bazar, P.S.- Purnea, District-Purnia.
- Opposite Party Ist Set
2. The State of Bihar through the Principal Secretary, Department of Urban Development and Housing, Govt. of Bihar, Patna.
 3. The Principal Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lalit Kishore, Sr. Adv.
Mr. Rabindra Kumar Priyadarshi, Adv.
For the Opposite Party No.1 : Mr. Mrigank Mauli, Sr. Adv.
Mr. Satyam Shivam Sundaram

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE SATYAVRAT VERMA



ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 05-04-2023

Heard the learned counsel for the parties.

2. The second paragraph at page No. 11 of the judgment rendered by us on 24-01-2023 in C.W.J.C. No. 13790 of 2022 (*M/s Umang Infrastructure Awadhesh Rai (JV) Vs. The State of Bihar & Ors.*) is sought to be modified, giving permission for a re-tender afresh.

3. It has been submitted on behalf of the Managing Director, Bihar Urban Infrastructure Development Corporation Ltd. (BUIDCO)-Cum-Chairman of the Tender Committee that for the reason that the opposite party No. 1 herein (petitioner in the writ petition) has been allowed to participate in the re-tender, an attempt was made to accept the *on-line* tender papers of the opposite party No. 1, but the BELTRON company, which is managing the *e-tenders*, has come with an opinion that once the process has been issued



and closed by accepting the tender papers within the requisite time, it would not be possible to accept the tender papers of the opposite party No. 1 *on-line*.

4. Under such circumstances, Mr. Lalit Kishore for the petitioners/BUIDCO has submitted that this problem can be overcome if permission is granted to the BUIDCO to cancel the earlier tender and issue a fresh tender/re-tender in which case, the tender papers of the opposite party No. 1 also could be accepted. He has come up with the afore-noted solution for the reason that except for accepting the tender papers of various aspirants, nothing further has been done with respect to such tender process.

5. There appears to be logic in the prayer made on behalf of the BUIDCO.

6. Mr. Mrigank Mauli, the learned Senior Advocate appearing for the opposite party No. 1 has submitted that because of his tender papers not having been accepted, as directed by this Court *vide* judgment



dated 24-01-2023, he has also preferred a contempt petition.

7. Under the aforesaid circumstances, we find that the second paragraph at page No. 11 of the judgment dated 24-01-2023 needs to be modified to the extent that a fresh tender/re-tender could be issued after cancelling the earlier tender, allowing fullest participation of such tenderers including the opposite party No. 1.

8. The judgment dated 24-01-2023, referred to above, is modified to the extent indicated above.

9. This review petition is, accordingly, allowed.

(Ashutosh Kumar, J)

(Satyavrat Verma, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	07/04/2023
Transmission Date	N/A

