

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6895 of 2023

=====

M/s. Cobra Industrial Security Forces (India) Ltd. A company duly registered under the provisions of the Companies At, 1956, having its registered office at Tiwary Mansion, Kamla Nagar, Near Akash Trading, Kokar, PS- Sadar, Ranchi, Jharkhand and one of its Local Office at Samvedan, Ravikar Lane, Gujral Path, Keshari Nagar, PS- Shastrinagar, Patna, through its Director Sunil Kumar Tiwary, Son of Late Capt. S.N.Tiwari, Resident of Samvedan, Ravikar Lane, Gujral Path Keshari Nagar, P.S- Shastrinagar, Patna.

... .. Petitioner/s

Versus

1. The Vice- Chancellor, Bhupendra Narayan Mandal University Laloo Nagar, District- Madhepura- 852113.
2. The Registrar, Bhupendra Narayan Mandal University, Laloo Nagar, District- Madhepura- 852113
3. The Chairperson, Outsourcing Committee-cum-Pro-Vice Chancellor, Bhupendra Narayan Mandal University, Laloo Nagar, District- Madhepura- 852113

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 2620 of 2023

=====

Biswas Security Services India Private Limited a company registered under the Companies Act, 1956, having its registered address at Ground Floor, Jamuna Apartment, Boring Road, P.S. Sri Krishnapuri, Patna through its Director, Sri Atul Priyadarshi, aged about 33 years (Male), son of Binod Kumar Sinha, resident of Village Narma, P.S. Alinagar, District Darbhanga, presently residing at House No. 7MF, 5/1, Bahadurpur Housing Colony, Kankarbagh, P.S. Agamkuan, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. Bhupendra Narayan Mandal University through its Registrar, Laloo Nagar, Madhepura 852113.
3. The Registrar, Bhupendra Narayan Mandal University, through its Registrar, Laloo Nagar, Madhepura 852113.
4. The Vice-Chancellor, Bhupendra Narayan Mandal University, through Laloo Nagar, Madhepura 852113.
5. The Pro Vice-Chancellor, Bhupendra Narayan Mandal University, through Laloo Nagar, Madhepura 852113.
6. Cobra Industrial Security Force (I) Limited, having its registered office at Tiwari Mansion, Kokar, Ranchi Jharkhand 834001, and branch office at



Samvedan, C/o Sh. R.K. Singh (Retd. IAS), Gujral Path, Keshri Nagar,
Patna 800024.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 6895 of 2023)

For the Petitioner/s : Mr.Bijay Shankar Choubey, Advocate
Mr.Sekhar Singh, Advocate
Mr.Sumit Kumar, Advocate

For the University : Mr.Shashi Bhushan Singh, Advocate

(In Civil Writ Jurisdiction Case No. 2620 of 2023)

For the Petitioner/s : Mr.Avinash Shekhar, Advocate

For the State : Mr.Rajeev Ranjan, Ac to Gp20

For the University : Mr.Shashi Bhushan Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL JUDGMENT

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

Date : 13-09-2023

31.1: CWJC No. 2620 of 2023

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

“(i) To issue an appropriate writ, order of direction in the nature of mandamus commanding the Respondents to bring on record the entire documents/file related to the evaluation of the financial bids received under Tender No. :- E 83 Partfile (Proctor) for providing manpower services including Carpenter, Plumber, Data Entry Operator, Cook, Security Guard, Drivers, Electricians, Multitasking Staff, Accounts Assistant etc, dated 26.03.2021 and the decision of the tender evaluation committee.

(ii) Consequent to grant of the relief no (i), the Petitioner prays for issuance of further direction upon the Respondents to cancel the entire tender



process in relation to Tender No : - E 83 Partfile (Proctor) since the vid validity period of 120 days has already expired.

(iii) To issue an appropriate writ, order or direction in the nature of mandamus commanding the Respondents to return the Ernest Money of Rs. 5,00,000/- deposited by the petitioner for participation in the tender, along with interest of 8%.

(iv) This Hon'ble Court may further adjudicate and hold that the action of the Respondent Authorities, not disclosing the comparative chart of the financial bids and keeping the tender pending for more than two years, is an act of mala fide and complete arbitrary exercise of authority/power.

(v) To grant any other relief or reliefs which the Petitioner may be found entitled to in the facts and circumstances of the case.”

2. During course of the argument, learned counsel for the petitioner on instruction seeks permission to withdraw the Prayer No. 1.

3. Accordingly, learned counsel for the petitioner is permitted to withdraw Prayer No. 1.

4. For remaining prayer is concerned, the petitioner is not entitled in the light of Clause 8 of the Scope of Work and General Instructions for Tenders, Clause 8 reads as under:-

“8. The bids submitted shall remain valid for 120 days from the date of opening for the purpose of acceptance and award of work. Validity beyond 120 days



from the date of opening shall be by mutual consent.”

5. It is submitted that on 26.08.2021 date of opening for the purpose of acceptance and award of work has taken place. Thereafter, the validity beyond 120 days is required to be taken note of read with the opening and it shall be by mutual consent. Seeking of such mutual consent is not to all the bidders, it is only the successful bidder if he intends or if he is concerned beyond 120 days to undertake the work.

6. Therefore, the contention of the petitioner that he has not been consulted or consented and further process has been completed beyond 120 days, these two issues cannot be appreciated and that does not assist the petitioner who is unsuccessful bidder. Therefore, the petitioner has not made out a case.

7. The petitioner has also prayed for issuance of Mandamus to the concerned respondent for return of EMD amount of Rs. 5,000,00/- (Rupees Five Lakhs Only) deposited by the petitioner for participation in the tender along with the interest at 8%.

8. The concerned authority is hereby directed to take note of the grievance of the petitioner and redress the same insofar as return of EMD amount of Rs. 5,000,00/- (Rupees Five Lakhs



Only) along with 6% interest. The same shall be disbursed within a period of three months from the date of receipt of this order.

9. With the above observation, the present petition stands disposed of.

31: CWJC No. 6895 of 2023

10. In view of disposal of CWJC No. 2620 of 2023, the CWJC No. 6895 of 2023 may not survive for the reasons that it has been submitted before us that official respondents have taken a decision not to provide facilities to the petitioner insofar as execution of the work due to pendency of CWJC No. 2620 of 2023 filed by *Biswas Security Services India Private Limited* who is one of the bidders. Now, for the official respondent pendency of CWJC No. 2620 of 2023 is not a hurdle, therefore, the concerned official respondents are hereby directed to redress the grievance of the petitioner in accordance with law.

11. Accordingly, the present petition stands disposed of.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

abhishekk/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.09.2023
Transmission Date	NA

