

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3167 of 2023

Abhay Kumar S/o Yogendra Prasad, R/o Chackapsaid, Permanandpur, P.O.-
Permanandpur, P.S.- Sonapur, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Rural Works Department, Govt. of Bihar, Patna.
2. The Engineer-in Chief, Rural Works Department, Govt. of Bihar, Patna.
3. The Chief Engineer-I, Rural Works Department, Govt. of Bihar, Patna.
4. The Chief Engineer-4-cum Nodal Officer, Rural Works Department, Govt. of Bihar, Patna.
5. The Technical Secretary to Engineer-in-chief, Rural Works Department, Govt. of Bihar, Patna.
6. The Superintending Engineer, Works Circle Patna, Rural Works Department, Govt. of Bihar, Patna.
7. Th Executive Engineer, Work Division Danapur, Rural Works Department, Govt. of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Singh, Advocate Mr. Praveen Ranjan, Advocate
For the Respondent/s	:	Mr. Kumar Alok (Sc7)

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

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

5 03-05-2023 In the instant petition, petitioner has prayed for the
following relief(s):-

“1) That the present writ application has been filed by the Petitioners with a prayer to set aside the decision taken by the Technical Bid Committee, Rural Works Department, Bihar dated 04.01.2023 (Annexure- 1) with respect to Tender ID-121717 under Package No.MR-N/22-23 Danapur/13 whereby and



where under the technical bid of the Petitioner as rejected on flimsy and non-existent ground in a most arbitrary and mechanical manner.

ii) The Petitioner has further prayed to hold and declare that the technical bid of the petitioner in Tender ID-121717under Package No.MR-N/22-23 Danapur/13 is valid and further direct the Respondents to open the financial bid of the Petitioner.

iii) By way of interim relief the petitioner has prayed for a direction upon the Respondent Authorities to not to award tender bearing Tender ID-121717under Package No.MR-N/22-23 Danapur/13 to any bidders during the pendency of the writ application.

iv) The petitioner has also prayed to stay the further proceeding of Tender ID-121717under Package No.MR-N/22-23 Danapur/13 wherein financial bid was opened, however, tender has not been awarded to any participating bidders till date by the Respondents concerned.

v) For any other order/orders for which petitioner is entitled for in the facts and circumstances of the case.”

2. Short question for consideration in the present petition is whether the petitioner has violated Clause 4.7(i) of MBD in non-disclosure of existing commitments and on-going construction works in terms of Clause 1.3.2 of MBD or not?

3. Respondents are of the view that the petitioner had



undertaken on-going projects, namely, (i), (ii) and (iii) at Page 7 of the counter-affidavit, which reads as under:-

“7.....

(i) Kewatia Shitalpur Parse Road to Mahmadpur L0628 Road, at Sl No. 1 of MIS report

(ii) NH-19 to Harijan Tola hote hue Hemantpur Manpur, at Sl No. 2 of MIS report

(iii) Bhagwat Siv Mandir to Giri Tola hote hue Faridanpur Bindeshwari Singh Chowk Tak, at Sl No. 5 of MIS report.”

3. The aforesaid material information reveals that there were on-going project as on the last date of submission of bid in the month of November 2022.

4. Learned counsel for the petitioner submitted that in the rejoinder affidavit he has highlighted the aforementioned works were completely executed by him in the month of August 2022. Therefore, the question of existing commitments and on-going construction works insofar as aforementioned three works are concerned is incorrect. Hence, rejection of the petitioner's technical bid on the score that petitioner has failed to furnish the above information is contrary to factual aspects of the matter to the extent that the above mentioned contract works were already executed by the petitioner in the month of August 2022



therefore, it can't be treated as existing commitments and on-going construction works as on the last date of submission of bid in the month of November 2022.

5. In view of these facts and circumstances, the petitioner has made out a case. Accordingly, Annexure-1 dated 04.01.2023 is set aside and writ petition stands allowed.

6. The petitioner's bid shall be considered for further proceedings by the competent authority at the earliest.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

Himanshu/-
Ashish/-

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