

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3914 of 2023

Vats Infratech Pvt. Ltd., Builder Contractor and Supplier, Sukanto Palli Gate Bazaar, Ward No. 33, Siliguri, 734007, West Bengal through its Director Sourav @ Sourav Shekhar, Aged about 30 years, Son of Rampreet Kunwar, Resident of Village - Majirwakhurd, P.S. - Misir Batraha, District - Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Additional Chief Executive Officer-Cum-Secretary, Bihar Rural Road Development Agency, Patna.
3. The Engineer-In-Chief, Rural Works Department, Government of Bihar, Patna.
4. The Chief Engineer, Rural Works Department, Bihar, Patna.
5. The Superintending Engineer, Rural Works Department, Bihar, Patna.
6. The Executive Engineer, Rural Works Department, Work Division, Kishanganj - 2.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Advocate
For the Respondent/s : Mr. Ajay (GA 5)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 21-03-2023

In the instant petition, petitioner has prayed for following reliefs:

“i. For issuance of direction to the respondent authorities to ensure payment of admitted dues of the petitioner for Rs. 1,23,112+2,28,185/- for which two Cheques bearing Cheque No. 908780 &



908781 were issued by the Executive Engineer and Accountant Rural Works Department, Work Division, Kishanganj but because of certain technicalities in between the said Executive Engineer and Nodal Officer, PMGSY Bihar Rural Road Development Agency, Patna, the cheque could not cleared and consequently the validity of the cheque expired for no fault on the part of the petitioner.

ii. That the petitioner further prays that the respondents authorities be held liable to pay 18% interest on the aforementioned admitted dues, for which the cheque was admittedly issued, but because of dispute between two officer, the cheque could not be cleared.

iii. For any other relief/reliefs for which the petitioner may be deemed entitled to.”

2. Petitioner's technical bid was rejected for non-compliance of the 4.2 which reads as under:-

“4.2 All bidders shall include the following information and documents with their bids in Section 3, Qualification



Information unless otherwise stated in the Appendix to ITB:

(a) copies of original documents defining the constitution or legal status, place of registration, and principal place of business; written power of attorney of the signatory of the Bid to commit the Bidder;

(b) total monetary value of civil construction works performed for each of the last five years;

(c) experience in works of a similar nature and size for each of the last five years, and details of works in progress or contractually committed with certificates from the concerned officer not below the rank of Executive Engineer or equivalent;

(d) evidence of ownership of major items of construction equipment named in Clause 4.4 B (b) (i) of ITB or evidence of arrangement of possessing them on hire/lease/buying as defined therein.

(e) details of the technical personnel proposed to be employed for the Contract having the qualifications defined in Clause 4.4 B(b) (ii) of ITB for the construction.

(f) reports on the financial



standing of the Bidder, such as profit and loss statements and auditor's reports for the past three years;

(g) evidence of access to line(s) of credit and availability of other financial resources/ facilities (10 percent of the contract value) certified by banker (the certificate being not more than 3 months old.)

(h) authority to seek references from the Bidder's bankers;

(i) information regarding any litigation or arbitration during the last five years in which the Bidder is involved, the parties concerned, the disputed amount, and the matter;

(j) proposals for subcontracting the components of the Works for construction/up-gradation, aggregating to not more than 25 percent of the Contract Price; and subcontracting of part/full routine maintenance of roads after completion of construction work.

(k) the proposed programme of construction and Quality Management Plan proposed for completion of the work as per technical specifications and within the stipulated period of completion.”

(Under line supplied)

3. It is undisputed fact that CWJC No. 16341 of 2022 was



pending consideration as on 30.01.2023. It is to be noted that last date of submission of application for tender bid was 10.01.2023. Therefore, one has to draw inference that litigation CWJC No. 16341/2022 was pending consideration insofar as petitioner is concerned as on 10.01.2023. In not revealing or disclosing pending litigation of CWJC No. 16341 of 2022 as on last date of submission of tender application on 10.01.2023 and rejection of technical bid is in order. Therefore, we find no infirmity in the impugned action of the concerned respondent in rejecting the petitioner’s technical bid.

4. Accordingly, writ petition stands dismissed.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

Daya/
Himanshu/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.03.2023
Transmission Date	NA

