

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4344 of 2023

Shashi Ranjan Son of Sri Jai Prakash Yadav Resident of Mohalla-Khajpura,
BMP Road, B.V. College, P.S. Airport, District-Patna, Bihar.

... .. Petitioner/s

Versus

1. The Bihar Rajya Pul Nirman Nigam Limited (A Government of Bihar Enterprise, 7 Sardar Patel Marg, Patna) through its Chairman-Cum-Managing Director.
2. The Chairman-Cum-Managing Director, Bihar Rajya Pul Nirman Nigam Limited (A Government of Bihar Enterprise, 7 Sardar Patel Marg, Patna).
3. The Deputy Chief Engineer, Work Circle-2, Bihar Rajya Pul Nirman Nigam Limited (A Government of Bihar Enterprise, 7 Sardar Patel Marg, Patna).
4. The Senior Engineer, Bihar Rajya Pul Nirman Nigam Limited (A Government of Bihar Enterprise, 7 Sardar Patel Marg, Patna).

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Prabhat Ranjan, Advocate Mr. Chandan Kumar, Advocate
For the Respondent/s	:	Ms. Binita Singh, Advocate

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

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

4 03-05-2023 In the instant writ petition, petitioner has prayed for
the following relief(s):-

“(i) Quashing the direction contained in Letter No. 1061 dated 18.11.2022 (Annexure 2) and Letter No. 1102 dated 05.12.2022 (Annexure 3) in connection with Notice Inviting Tender No. 972 dated 16.10.2021 by which, in the absence of approval of Bill of Quantity, Technical Sanction and execution of Agreement, the petitioner has been directed to commence and complete the work;

(ii) Closing / cancelling the Bidding process arising out of Notice Inviting Tender N. 972 dated 16.10.2021 in connection with which, the Bid validity period of 120 days has already



expired; and

(iii) Direction upon the Respondents to return the Fixed Deposit receipt No. 697524 (Annexure 4) and 697525 (Annexure 5) both dated 20.11.2021 which have been furnished as earnest money deposit as account of the lapse of the Bid validity period.”

02. The petitioner is one of the bidders insofar as construction of a Bridge. In this regard, Notice Inviting Tender (NIT) was issued on 16.10.2021 while assigning last date of submission of bid documents as on 27.10.2021. The technical bid was supposed to be opened on 27.10.2021 in terms of NIT and it was opened only on 18.03.2022. Even though its validity period was 120 days from the last date of submission of tender documents. If these materials are taken into consideration, the validity of the bid would have expired on 27.02.2022.

03. In this backdrop, the financial bid was opened on 21.06.2022 and it was accepted by the petitioner. However, there is lapses on the part of the respondents in not undertaking further action like approval of Bill of Quantity, Technical Sanction and execution of agreement. Partly steps have been taken on 18.03.2023 and 31.03.2023 and the execution of agreement is yet to take place since the petitioner refused to execute the work on technical reasons that there is a delay on the part of the respondents in not approving the Bill of Quantity,



Technical Sanction and execution of agreement within a reasonable time.

04. We find no infirmity in not executing the work by the petitioner. At the same time, the respondents cannot direct the petitioner to commence the execution of the work in the absence of approval of Bill of Quantity and Technical Sanction read with execution of agreement. In the light of these facts and circumstances, the petitioner has made out a case, so as to quash the Letter No. 1061 dated 18.11.2022 (Annexure-2) and Letter No. 1102 dated 05.12.2022 (Annexure-3) and, accordingly, they are set aside.

05. Further, the concerned-respondents are hereby directed to return the Fixed Deposit receipt No. 697524 and 697525 dated 20.11.2021 to the petitioner. Such exercise shall be undertaken by the competent respondent authority within a period of one month from the date of receipt of this order.

06. The writ petition stands allowed.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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