

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5395 of 2023

Vishnuvihar Engitech and Services Private Ltd. having its Registered Office at Harish Chandra Prasad, Plot No. 4, 3rd Floor, Central Bank Staff Colony, Behind N.R.L. Petrol Pump, Kumharar, Patna Bihar 800026, through its Director, Vipin Kumar, aged about 34 years, Male, son of Sri Vijay Sharma, resident of village Chhotiya, P.O. Takya Karpi, P.S. Mahakar, District Gaya, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Minor Irrigation Department, Government of Bihar, Patna.
2. The Engineer in Chief, Minor Irrigation Department, Government of Bihar, Patna.
3. The Chief Engineer, Minor Irrigation Department, Government of Bihar, Patna.
4. The Superintending Engineer cum Technical Secretary, Minor Irrigation Department, Government of Bihar, Patna.
5. The Superintending Engineer, Minor Irrigation Circle, Gaya, District Gaya, Bihar.
6. The Executive Engineer, Minor Irrigation Division, District Gaya, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Prabhat Ranjan, Advocate
For the Respondent/s	:	Mr. S.D. Yadav (AAG-9)
	:	Mr. Anil Kumar Verma, AC to AAG-9

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

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

4 13-07-2023 1. In the instant petition, petitioner has prayed for
the following relief :

*“ 1) Quashing of the decision
of the Technical Bid Evaluation Committee
dated 06.01.2023 (Annexure-2) in
connection with Notice Inviting Re-Tender*



No.11/2022 - 23 wherein, the Technical Bid of the petitioner has been rejected and held to be non responsive on the ground that "some action is contemplated in connection with the allegation of submitting fake/forged documents in an earlier Tender process"; and

ii) Restraining the Respondents from finalizing the Tender process by creating any third party rights without the leave of this Hon'ble Court during the pendency of the instant writ application."

2. Impugned action is with reference to contemplation of certain action with reference to earlier tender, as on the last date of submission of tender bid, the petitioner was not blacklisted. Therefore, mere contemplation of certain action to be taken by the official respondent against the petitioner could not be a hurdle, in so far as participation of the petitioner in a tender. On this count, petitioner has made out a case. Accordingly, the decision of the Technical Bid Evaluation Committee dated 06.01.2023 stands set aside.

3. The petitioner, technical bid, is hereby directed to be revisited by the competent authority and to proceed in accordance with law. Competent authority is also hereby directed to take note of the earlier decision of this Court passed



in CWJC No. 914 of 2023 decided on 21.03.2023.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

Skm/chandan/-

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