

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12254 of 2015

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1. Baijnath Nirman India Pvt. Ltd. through its Managing Director, namely, Niranjan Keshav S/o Sri Baijnath Prasad Sharma Resident of East Gandhi Maidan, P.S. District Jehanabad.
 2. Niranjan Keshav S/o Sri Baijnath Prasad Sharma Resident of East Gandhi Maidan, P.S. District Jehanabad.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Minor Water Resources Department, Govt. of Bihar, Patna
2. The Secretary, Minor Water Resources Department, Govt. of Bihar, Patna.
3. The Chief Engineer, Minor Water Resources Department, Govt. of Bihar, Patna.
4. The Superintending Engineer, Minor Water Resources Department, Govt. of Bihar, Patna.
5. The Executive Engineer, Minor Irrigation Division, Jehanabad, District Jehanabad.

... .. Respondent/s

Appearance :

For the Petitioner/s :

For the Respondent/s :

Mr. Rakesh Prabhat, AC to SC 21

Ms. Anuradha Singh, SC 21

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL JUDGMENT

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

Date : 10-05-2023

Matter is of the year 2015.

2. None appears on behalf of petitioners.

3. In the instant petition, petitioners have prayed for the

following reliefs:

“(A) For quashing the part of the order
dated 16.03.2015 as contained in Annexure – 7 by



which allotment of fund of two schemes i.e. work of Sulic Gate in Village and construction of R.C.C. Bridge over Dharnai Paine in Benipur Road has not been granted on the ground of paucity of the fund.

(B) For commanding the respondents including the District Magistrate, Arwal to ensure the agreement of work order for construction of Sulic Gate in Village and construction of R.C.C. Bridge over Dharnai Paine in Benipur Road which is the subject matter of Tender Information Notice No. 01/13-14 as contained in Annexure – in which the petitioner found successful in technical bid and financial bid.

(C) Also for directing the Executive Engineer, Minor Irrigation Division, Jehanabad to enter into agreement with the petitioner with respect to work of Sulic Gate in Village and construction of R.C.C. Bridge over Dharnai Paine in Benipur Road which are the subject matter of considering the petitioner has been declared successful in the financial bid and technical bid.

(D) Also for declaration the petitioner is entitled to execute the work of Sulic Gate in Village and construction of R.C.C. Bridge over Dharnai Paine in Benipur Road which was the subject matter of Tender Information Notice No. 07/13-14 after agreement considering the petitioner has already declared successful in technical bid and financial bid.

(E) Also for any other relief/reliefs for which petitioner is found entitled in the eye of law and in the facts and circumstances of the present case.”

4. Petitioner - *Baijnath Nirman India Pvt. Ltd. through its Managing Director, namely, Niranjan Keshav* is successful bidder pursuant to the NIT for nine works whereas he has been allotted seven works. For remaining two works, for want of fund, it was not extended. Hence the present writ petition.

5. In the event of non-execution of those two works as on this day and if department feels that those two works are



required to be executed at this distance of time, in that event petitioners’ grievance shall be considered. If the department have already proceeded with the work with any other tender or dropping the proposed construction, in that event necessary endorsement shall be issued to the petitioners. Such a decision shall be taken by the competent authority and it is to be communicated to the petitioners within a period of three months from the date of receipt of this order.

6. Accordingly, writ petition stands disposed off.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.05.2023
Transmission Date	NA

