

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1053 of 2016

1. Manufacturers Of Petroleum Specialties Association, a Company limited by guarantee incorporated under the Companies Act, 2013 and having its registered office at 218, Bezzola Complex Premises Co-operative Society Limited, 2nd floor, Sion Trombay Road, Chabur, Mumbai – 400071, India, through its accredited member Sri Uday Chanrakant Rege S/o Late Chandrakant Rege
 2. Sri Uday Chandrakant Rege R/o A-104, Meghdoot A CHS Ltd, Shahaji Rege Marg, Vile Parle East Mumbai- 400057. ... Petitioners
- Versus
1. South Bihar Power Distribution Company Limited through the Managing Director, Sought Bihar Power Company Limited, Vidyut Bhawan, Bailey Road, Patna
 2. Managing Director, South Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna through its Chairman-cum-Managing Director, Bihar State (Power) Holding Company Limited, Vidyut Bhawan, Bailey Road, Patna
 3. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
 4. The Chief Secretary, Government of Bihar, Patna.
 5. The Energy Secretary, Department of Energy, Government of Bihar, Patna.
 6. The Chief Engineer (S & P), South Bihar Power Distribution Co. Limited, Vidyut Bhawan, Bailey Road, Patna
 7. The Electrical Superintending Engineer (S&P), South Bihar Power Distribution Company Ltd., Vidyut Bhawan, Bailey Road, Patna
 8. The Dy. General Manager (Finance), South Bihar Power Distribution Company Ltd., Vidyut Bhawan, Bailey Road, Patna ... Respondents
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Appearance :

For the Petitioners	:	Mr.Dr. Manoranjan Prasad Singh, Adv.
For the State	:	Mr. Sanjay Kumar, AC to GA XIII
For the Corporation	:	Mr.Sanjay Kumar Giri, Adv.

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

6 09-08-2023 Heard the parties.

2. The present writ petition has been filed for the following reliefs :

- i. For annulment of NIT No. 107/PR/PDCL/2015 wherein and where under online price bid have been invited by the respondents from Public Sector Units,



Government of India only for procurement of EHV GRADE TRANSFORMER OIL which denying/debarring manifestly amounts to private sector manufacturers from participating in the tender process and to fetch order.

ii. For issuance of a writ in the nature of Mandamus and/or any other appropriate writ, order, directive commanding the respondents to re tender and give equal opportunity to both Public Sector and Private Sector Enterprises to participate in the tender process which will not only ensure a level playing field to them but also enable the Respondents to select the best product on a competitive rate without compromising with the quality.

iii. For issuance of restraining order for not proceeding with the tender process and awarding the contract to any bidder pending the hearing and final disposal of the legal proceedings.

iv. For any other appropriate relief/reliefs as your Lordships may deem fit and proper.

2. Subsequently, the petitioner has filed I.A. No. 3808 of 2016 seeking amendment of the prayer whereby the subsequent tender floated by the respondents was challenged.

3. In the counter affidavit filed by the respondents. It is specifically stated that NIT No. 107/PR/SBPDCL/2015 was cancelled on 21.03.2016 and, thereafter, another NIT bearing NIT No. 20/PR/SBPDCL/2016 was floated on 06.04.2016 and, thereafter, purchase order was also issued on 04.08.2016 by the M/s Indian Oil Corporation Limited, Patna, against NIT No. 20/PR/SBPDCL/2016.



4. Having regard to the same the prayer of the writ petition has become infructuous and the writ petition is dismissed as infructuous.

5. However, leaving it open to the petitioner to challenge the tender condition, if any, new tender is floated for supply of EHV grade transformer oil.

(A. Abhishek Reddy , J)

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