

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 10955 of 2023

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1. M/S Mascot Health Services Pvt. Ltd. having its registry office at 2nd Floor LSC, DDA Market, J Block, Vikaspuri, New Delhi through its authorized representative Shashi Ranjan Singh, S/o - Sri Binod Prasad Singh, R/o - Mohalla Senapath Darbhanga, P.S. - (Darbhanga) T, District - Darbhanga.
 2. Shashi Ranjan Singh, S/o Sri Binod Prasad Singh, R/o Mohalla Senapath Darbhanga, P.S. - Darbhanga (T), District - Darbhanga., authorized representative, M/S Mascot Health Services Pvt. Ltd. having its registry office at 2nd Floor LSC, DDA Market, J Block, Vikaspuri, New Delhi.

... .. Petitioner/s

Versus

1. Bihar Medical Services Infrastructure Corporation Ltd. Swasth Bhawan IGIMS Campus, Sheikhpura, Patna through its Managing Director.
2. The Managing Director, Bihar Medical Services Infrastructure Corporation Ltd. Swasth Bhawan IGIMS Campus, Sheikhpura, Patna.
3. The General Manager (Procurement), Bihar Medical Services Infrastructure Corporation Ltd., SwasthBhawan, IGIMS Campus, Sheikhpura, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr Sanjay Singh, Sr Advocate with
M/s Rajeev Kr Singh, Prabhojot Singh, Advocates
For the Respondent/s : Mr Lalit Kishore, Sr Advocate with
Mr Vikash Kumar, Advocate

CORAM: HONOURABLE MR JUSTICE P B BAJANTHRI
and
HONOURABLE MR JUSTICE JITENDRA KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P B BAJANTHRI)

Date : 11-08-2023

In the instant petition, the petitioners have prayed for the
following reliefs:

*(i) To quash the notice inviting
tender reference No BMSIC/DRUGS/23-10
dated 19.06.2023 issued by General
Manager (Procurement), Bihar Medical*



Services Infrastructure Corporation Ltd, Swasth Bhawan, IGIMS Campus, Sheikhpura, Patna (Resp No 3), so far it related to Azithromycin 250 MG, Azithromycin 500 MG and Azithromycin Oral Liquid 200 mg/5 ml which are at serial No 2, 3 and 4 of Annexure 1 of the tender notice dated 19.06.2023 whereby and whereunder tender for rate contract and supply of the said drugs for different health care facilities of State of Bihar has been invited for the period of 2 years. A copy of tender notice dated 19.06.2023 is annexed as Annexure 1 to this application.

(ii) To direct the respondents to extend the validity of agreement dated 23.08.2021 executed between petitioners and respondents for the drugs as above said till August 2024 in pursuance to the consent dated 11.04.2023 obtained by respondents from the petitioners.

And for any other appropriate relief (s) in the facts and circumstances of this case.

2 Learned senior counsel for the petitioners, on instructions, submitted that he is not pressing the reliefs sought in the present petition. On the other hand, it is submitted that in the light of communication dated 24.07.2021 (Annexure 3), the contractual period could be extended by one year on mutual consent in terms of paragraph 4 and the same has been acted upon by the concerned respondent. In so far as processing papers, the petitioners have also furnished materials as demanded by the respondents vide Annexure 6.



3 Thus, grievance of the petitioners is to consider extension of one more year.

4 The aforesaid relief cannot be granted either in directing the concerned authority to consider the grievance of the petitioners in so far as extending contract for one more year for the reasons that respondents have already issued a fresh tender on 19.06.2023 and the process must have been in vogue. Therefore, question of issuing any direction is not warranted in so far as extension of one year contract in the light of Annexure 3 is concerned.

5 Accordingly, petition stands disposed of, as not maintainable.

(P B Bajanthri, J)

(Jitendra Kumar, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.08.2023
Transmission Date	NA

