

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12980 of 2022

M/s. Sona Construction at village Chapkahi, P.O. Basbatti, P.S. Supaul, District Supaul, Bihar through its partner Ashok Kumar Singh, aged about 57 years, Male, son of Late Upendra Narain Singh, resident of Village Chapkahi, P.O. Basbatti, P.S. Supaul, Dist. - Supaul, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Engineer in Chief, Rural Works Department, Government of Bihar, Patna.
3. The Chief Engineer-2, Rural Works Department, Bihar, Patna.
4. The Superintending Engineer, Rural Works Department, Works Circle, Madhepura, Bihar.
5. The Executive Engineer, Rural Works Department, Works Division, Tribeniganj, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Prabhat Ranjan
For the Respondent/s : Mr.Ajay (Ga5)

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

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

3 31-10-2023 In the instant writ petition, petitioner has prayed for
the following relief(s):-

“(i) Quashing of the decision of the Technical Bid Evaluation Committee contained in Letter No. 952 dated 18.08.2022 whereby, the Technical Bid of the petitioner has been declared non responsive and thus disqualified for the reason that the Tender documents are not as per the requirements of Clause 4.7(ii) of the Instructions to Bidders; and



(ii) Restraining the Respondents from finalizing the Tender process during the pendency of the present writ application without the leave of this Hon'ble Court.”

02. The impugned order dated 18.08.2022 (Annexure-2) reads as under:-

Annexure 2 -33-

दिनांक- 18.03.2022 को हुई निविदा समिति की बैठक की कार्यवाही

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सकनीकी बीड मूल्यांकन समिति द्वारा सम्बन्धित विचारोपरान्त सर्वसम्मति से निर्णय लिया गया कि उक्त कार्य के निविदाकार यथा :-

1. राजेश कुमार झा, पीठ आई.टी.-515466 के द्वारा निविदा में संलग्न करणदाता नाम की करिडोर 4.2 (B) एवं 4.4(B)(II) के अनुसूच नहीं होने के कारण पूर्ण तकनीकी बीड में अयोग्य घोषित किया जाता है।
2. S.R. Engicons Pvt. Ltd., पीठ आई.टी.-515074 को SRR के मनुसूचन अर्थात् पूरा करने के आशोक में योग्य घोषित किया जाता है।
3. भारत रतन मंदीरा, बीड, आई.टी.-516754 को SRR के मनुसूचन अर्थात् पूरा करने के आशोक में योग्य घोषित किया जाता है।
4. मेसर्स सोना कॉन्स्ट्रक्शन, पीठ आई.टी.-515348 के द्वारा निविदा में संलग्न करणदाता नाम की करिडोर 4.7 (II) के अनुसूच नहीं होने के कारण पूर्ण तकनीकी बीड में अयोग्य घोषित किया जाता है।
5. अशोक कुमार, पीठ आई.टी.-516666 को SRR के मनुसूचन अर्थात् पूरा करने के आशोक में योग्य घोषित किया जाता है।

इस विविध में भाग लेने वाले विविधकार तकनीकी सीख क्षमता के निर्णय के विरुद्ध अपना
अपवाद/परिहार पर तकनीकी सीख की कार्यवाही अपवाद/तो के परमाणु 05(प्रीम) कार्य दिवस तक
हमारे कर सकते हैं। 05(प्रीम) कार्य दिवस वालीम होने के परमाणु परि अपवाद/परिहार पर दिवस
जका है तो उस पर विचार नहीं किया जायेगा।

(बी) गैलरी (आर)
 प्रमोशनल प्रोडक्ट्स डिपार्टमेंट
 एमएल एडमिनिस्ट्रेशन
 लॉड प्रोडक्ट डिपार्टमेंट

(१०) साधन सार
कार्यपालक अनिवार्य
मार्गिक कार्य दिवस
प्राप्त प्रमाण दिवसीय

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Signature Not Verified

Digitally signed by  J. H. J. van der Maas

03. While evaluating the technical bid of the petitioner, the concerned committee/authority has rejected the same on the score that the petitioner failed to fulfill Clause 4.7(ii) of the Instructions to Bidders (ITB). It is only a conclusive and it is not supported by reasons to the extent that whether the petitioner has produced certain documents or not. If he has produced certain documents, to what extent it is not in compliance of the aforementioned provisions or Instructions to Bidders are not forthcoming. In other words, there is a total non-application of mind in rejecting the petitioner's technical bid.

04. Accordingly, the impugned order/letter No. 952 dated 18.08.2022 (Annexure-2) stands set aside. The matter is remanded to the concerned authority for a fresh evaluation of the petitioner's technical bid. The concerned committee/authority is hereby directed to evaluate the petitioner's technical bid properly and assign the reasons as to what extent there is any defect insofar as compliance of Clause 4.7(ii) of the Instructions of Bidders. In this regard, detailed speaking decision shall be taken by the concerned authority and communicate the same to the petitioner within a reasonable period of one month from the date of receipt of a copy of this order.



05. The writ petition stands allowed.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

Ashish/-
Annu Kumar/-

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