

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10851 of 2023

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Ram Kripal Singh Construction Pvt. Ltd. having its Registered office at Sri Krishna Nagar, Deep Shikha Road, Begusarai through its authorized Signatory Munna Kumar, aged about 46 years, Male, son of Sri Vijay Singh, resident of Village Ahiyapur, P.S. Bikram, District Patna.

... .. Petitioner.

Versus

1. The State of Bihar through the Secretary, Building Construction Department, Government of Bihar, Patna.
2. The Secretary, Building Construction Department, Government of Bihar, Patna.
3. The Engineer in Chief cum Commissioner cum Special Secretary, Building Construction Department, Government of Bihar, Patna cum Member Departmental Tender Committee.
4. The Chief Engineer (Patna) Building Construction Department, Patna cum Member Departmental Tender Committee.
5. The Executive Engineer, Building Construction Department, Construction Division No. 2, Patna.
6. Shanti BBCPL (JV) Shanti Bhawan, near Bihar Motor Works, Bahadurpur Main Road, Kankarbagh, Patna.

... .. Respondents.

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Appearance :

For the Petitioner	: Mr. Prabhat Ranjan, Advocate.
For the State	: Mr. P.K. Verma (AAG-3). Mr. Suman Kumar Jha, AC to AAG-3.
For the Private Respondent No.6:	Mr. Rajendra Narayan, Senior Advocate. Mr. Manish Sahay, Advocate. Mr. Anil Kumar Sinha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 13-10-2023

Heard the matter for sometime:

2. In the instant writ petition, the petitioner has
prayed for the following reliefs:



(i). For quashing of the decision of the Departmental Tender Committee dated 12.07.2023, contained in Memo No.1354 (arising out of Notice Inviting Tender SBD No.06/2022-23 dated 25.02.2023) to the extent that the Technical Bid of the Respondent No.6 has been evaluated and held to be responsive notwithstanding the fact that the Bidder (Respondent No.6) does not confirm to the eligibility criteria and had rather requested to withdraw from the Bidding process.

(ii). For restraining the Respondents from finalizing the Tender in connection with Notice Inviting Tender SBD No.06/2022-23 dated 25.02.2023 and creating any third party right during the pendency of the present writ application and/or without the leave of this Hon'ble Court.



3. The petitioner has not produced complete or relevant extract of NIT dated 25.02.2023 and he intends to produce the same by means of supplementary affidavit.

4. It is to be noted that as on the date of filing of writ petition entire NIT copy was available with him. Even if it was not available with him, he could have obtained the same from the concerned authority and produced the same along with the writ petition. Therefore, filing of certain portions of NIT by means of Interlocutory Application is hereby deprecated. Further, the petitioner is stated to have filed objections to the Technical Bid in favour of Respondent No.6 on 18.07.2023 and it was rejected on 01.08.2023 during the pendency of the present writ petition he has filed Interlocutory Application to bring the decision dated 01.08.2023 and to question the same by means of amendment. This is also deprecated for the reasons that the petitioner should have waited at least 15 days from the date of filing of objection. On the other hand, he has rushed to this Court.

5. Taking note of these dates and events and contention of the petitioner, we feel not to entertain the Interlocutory Application insofar as bringing of certain documents of NIT read with the later development order dated



01.08.2023.

6. Accordingly, the present writ petition stands dismissed reserving liberty to the petitioner to file a fresh writ petition.

7. Pending IAs if any, stands disposed of.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.10.2023
Transmission Date	NA

