

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5216 of 2018

=====

M/s Sai Shree Balajee Construction And Developers Pvt. Ltd. Through Its
Director Shiv Narayan S/o Sri Roshan Lal Garg R/o R.P. Manson, 3rd mile,
Opp. Sona Wheels, P.O. - Salugarha - 734008, Ward No. - 42, P.S. -
Bhaktinagar, Dist. - Jalpaiguri, West Bengal.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Managing Director, BSEIDC Ltd. Shiksha Bhavan, Saidpur, Near Kilkari, Patna.
2. The Chairman and all members of Tender Evaluation Committee, BSEIDC Ltd. Shiksha Bhawan, Saidpur, Near Kilkari, Patna.
3. The Chief Technical Advisor, BSEIDC Ltd. Shiksha Bhawan, Saidpur, Near Kilkari, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr. Girijish Kumar, Advocate

=====

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

Date : 17-03-2023

None appears for the petitioner.

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

"i. For quashing the order of disqualification of technical bid dt-06.01.2018 and 22.01.2018, passed by the tender evaluation committee in connection with NIT No. 26 of 2017-18 dt-22.09.2017, work no-1 and NIT No-27 of 2017-18, dt-26.09.2017, Work No-25 & 30 published by Chief Technical Advisor, BSEIDC Ltd. Patna and petitioner company had submitted above tender along with other tender on 31.10.17 with all documents as well as quashing the



order of disqualification shown on the web site dt.06.01.2018 and 22.01.2018 by which the technical bids of the petitioner has been disqualified on no nest ground saying that Certificate of executed quantity required as per 4.5(A)C not submitted though the petitioner had submitted work experience in which clearly mentioned executed quantity of materials issued by Ex. Engineer, BSEIDC Ltd. mentioning the value of work is Rs.1,32,53,107.00. The petitioner company had submitted 6 tender in above department where the technical bids of three work declared qualified but above noted three technical bids of three works were declared disqualified due to the choice of respondents. Hence his technical bids is not responsive and financial bid is not opened. Thus disqualification of technical bids are bad in law and Violation of Natural justice, and hence it is not tenable in the eye of law, as there was valid work experience and sufficient quantity of materials certificate submitted required under the NIT, and Technical bids thus there was no reason to disqualify the technical bid.

ii. Further for staying to open the financial bids of above named work of NIT both published through NIT No. 26 of 2017-18 dt- 22.09.2017, work no-land NIT No-27 Of 2017-18, dt-26.09.2017 Work No-25 & 30 and after hearing the Petitioner be pleased to quash the same as the petitioner's disqualification is nonest and he is lowest tenderer/bidder, so in the public interest also without opening his financial bid, the tender is illegal.

iii. For issuance of writ of mandamus for directing the respondents concerned to open the financial bid of the petitioner bidder and to award the tender in favour of petitioner if his bids found lowest and till pendency of this writ application, and after hearing the petitioner be further pleased



to direct the respondents concerned to open his financial bid holding the technical bid of the Petitioner unresponsive, under malafide intention. They are just to award the tender of their choice contractor and for this drama of disqualification is played. Although the petitioner bidder has quoted lowest below to the scheduled rate.

iv. For declaring the action of the respondent to be illegal and bad as without following mandates of the principle of natural justice as well as departmental letter no. 12876 (S) dt. 17.11.2006 which speaks that before disqualifying the technical bid the bidders must be noticed and heard, but nothing has been done in the present case.

v. For granting any other relief/s for which the petitioner be found entitled in the eye of law."

3. There is no interim order. In the result, the present petition has become infructuous in the light of the fact that subject-matter of work is already stated to have been executed within time-limit stipulated.

4. Accordingly, the present writ petition stands dismissed having become infructuous.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

rakhi/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	21.03.2023
Transmission Date	N.A.

