

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16957 of 2022

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Himani Refrigeration and Co. through its Proprietor Assim Kumar, Male,
aged about 51 years, son of Jagda Nand Prasad, Resident of 73-K, Harish
Chandra Nagar, Sheikhpura, Dhelwan, Police Station- Beur, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Building Construction Department, Government of Bihar, Patna.
2. The Principal Secretary, Building Construction Department, Government of Bihar, Patna.
3. The Engineer in Chief-cum-Additional Commissioner-cum-Special Secretary, Building Construction Department, Government of Bihar, Patna.
4. The Chief Electrical Engineer, Building Construction Department, Government of Bihar, Patna.
5. The Electrical Superintendent Engineer, Electrical Works Circle, North Bihar, Patna.
6. The Electrical Executive Engineer, Energy Works Division, Building Construction Dept. Muzaffarpur.
7. The Managing Director Bihar State Electronics Development Corporation Ltd. (Beltron), Patna.
8. Coll Care Home through the Proprietor having its registered office at House No. 142, Road No. 22, Sri Krishna Nagar, Police Station-Kotwali, District-Patna.
9. The Registrar General, Honble Patna High Court, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Ranjan, Advocate
For the State	:	Mr. Manoj Kr. Ambastha (SC-26)
		Mr. Santosh Kumar Mishra, AC to SC-26
For the Beltron	:	Mr. Girijish Kumar, 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 : 25-02-2023

Counter affidavit filed on behalf of respondent is taken
on record.

2. Heard learned counsels for the parties.



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

"(i) For a writ of mandamus commanding the respondents to open the Technical Bid submitted by the petitioner in respect of Tender No. NIT/07/22-23 for installation of Air Conditioner in different court rooms and chambers at Civil Court, which is being withheld for no cogent reason with a view to give undue favour to certain parties.

(ii) For a writ of mandamus directing the respondent no. 7 to disclose the result of Technical and Financial Bid in respect of successful tenderer, as the petitioner is one of the tenderers, who has successfully submitted his Bid and the action of the respondent no. 7 withholding the name of successful tenderer is a colourable exercise of power to favour certain particular tenderer.

(iii) For a writ of certiorari to quash the order dated 21.09.2022 passed by respondent no. 3, who has altered the essential terms of tender by waiving the requirement of having electric license on a representation made by a tenderer in a pre-Bid Meeting, as he was disqualified in terms of the tender and thus the respondent no. 3 has exceeded his jurisdiction in altering the terms and conditions of tender.

(iv) For a writ of mandamus to hold and declare that the Technical Evaluation Committee has erred in holding the Technical Bid of the respondent no. 8 to be responsive, despite the fact that respondent no. 8 did not meet the eligibility criteria as laid down in the Tender Document.

(v) For any other relief /reliefs to which the petitioner is found entitled in the facts and circumstances of the case."

4. Learned counsel for the respondent submitted that



award of contract has been ordered in favour of the petitioner.
Therefore, the present petition does not survive for consideration.

5. At this stage, learned counsel for the petitioner submitted that further process of agreement and other issues like issuance of work order are incomplete. In this regard, the concerned respondent is hereby directed to take note of and expedite the matter at the earliest.

6. With the above observations, present writ petition stands disposed of.

7. At this stage, learned counsel for the respondent submitted that matter is already at the stage of process of agreement and it was made known to the petitioner and he is required to comply certain clauses and fulfill the requisite material information. If it is so, the petitioner is hereby directed to take note of these material information and proceed in the matter.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

rakhi/-

AFR/NAFR	
CAV DATE	N.A.
Uploading Date	01.03.2023
Transmission Date	N.A.

