

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22378 of 2019

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Systematic and Advance Construction Private Limited A Private limited company incorporated under the Provision of the Companies Act, 1956, having its Principal Place of business at 2nd Floor, Block-A, Moti Bhawan, Behind R.B.I., P.S. Gandhi Maidan, Town and District Patna through its Managing Director Shri Pankaj Kumar son Shri Ajay Kumar resident of Flat No. 101, Triveni Niwas, R.K. Avenue Road, Rejendranagar, P.S. Kadamkuan, Town and District Patna, (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar Through the Secretary, Rural Works Department, Govt. of Bihar, Patna.
2. The Secretary, Rural Works Department, Govt. of Bihar, Patna.
3. The Additional Chief Executive Officer cum Secretary (BRRDA) Rural Works Department, Govt. of Bihar, Patna.
4. The Engineer in Chief Rural Works Department, Govt. of Bihar, Patna.
5. The Nodal Officer, PMGSY Cell Rural Works Department, Bihar, Patna.
6. The Superintending Engineer Works Circle, Rural Works Department, Saharsa (Bihar).
7. The Executive Engineer Works Division, Rural Works Department, Khagaria (Bihar).
8. M/S Laxman Kumar Through its Proprietor Shri Laxman Kumar Prasad resident of Sector-4, Ashiana Nagar, Ramnagari, Patna, P.S. Rajiv Nagar, District- Patna (Bihar).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	None
For the Respondent/s	:	Mr.Kameshwar Prasad Gupta (GP10) Mr. Satya Vrat, AC to GP-10

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 02-01-2023 Petitioner has prayed for the following relief(s):

“i) For issuance of a writ in
the nature of certiorari or any other



appropriate writ for quashing of the result of technical as well as Financial bid declared and published by the Bid Committee of R.W.D. with regard to the works namely Construction of RCC Bridge at CH-2550 in 3rd KM of Sonmanki of Anandpur Maran (VR-1) issued under PMGSY Scheme of the department vide Tender Reference No. BR-17R-183, Tender ID- 2019_ECBIH_78689_2, which (both technical as well as financial) have been opened on same day i.e. 28.09.2019 in utter violation of statutory provision inclusive of relevant clause of PMGSY-SBD enforced for the time being, whereby and where under the Private Respondent M/s Laxman Kumar has been illegally declared successful, being lowest bidder than the Petitioner.

ii) For issuance of a writ in the nature of certiorari or any other writ for quashing of the proceeding of the Departmental Bid Committee of the meeting dated 01.11.2019 and its consequential order vide Memo No. 5377 dated 01.11.2019 issued under the signature of Engineer in Chief, R.W.D. Govt. of Bihar, whereby and where under the aforesaid Tender (Tender ID. 78689) has been disposed of and Respondent Engineer in Chief has directed the



Superintending Engineer, Work Circle, Saharsa and Executive Engineer, Works Division Khagaria to issue Letter of Acceptance within a period two days in favour of Private Respondent.

iii) For issuance of a writ in the nature of mandamus or any other appropriate writ for commanding the respondents to initiate de novo process for the tender of the aforesaid works proving ample opportunity to participate all eligible candidates including the petitioner in tender process relating to aforesaid works.

iv) For issuance of a writ in the nature of mandamus or any other appropriate writ for restraining the respondents from taking consequential action/process in the matter of aforesaid work of Construction of RCC Bridge at CH-2550 in 3rd KM of Sonmanki to Anandpur Maran (VR-1) including the execution of agreement and commencement thereof as such works has been awarded on the basis of wrong selection process and in violation of concerned clause of PMGSY-SBD.

v) For holding that whole process of tender in the aforesaid works taken by the Respondents is in gross violation of provision of the PMGSY-SBD and the same is illegal, invalid,



unreasonable, arbitrary and malafide.

vi) For issuance of any other appropriate writ, order or direction which your Lordships may deem fit and proper in the facts and circumstances of the case.”

On 13.12.2022, we had passed the following order:

“Learned counsel for the respondents states that the work already stands allotted in favour of third party.

Despite repeated calls, none has entered appearance on behalf of the petitioner.

However, in the interest of justice, matter is adjourned.

List this case on 20th of December, 2022, in the category of “Order Matters”.”

Even today, despite repeated calls and pass over, none appears for the petitioner.

Petition is dismissed for default.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

K.C.Jha/DKS

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