

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.891 of 2024

M/s SIS Limited a company registered under the Companies Act, 1956, having its registered office at Annapoorna Bhawan, Patliputra Telephone Exchange Road, Kurji, Patna, Bihar - 800010, through its Authorized Representative/Signatory, Mr. Upendra Kumar Singh, Associate Vice President, aged about 55 years, S/o Late Shiv Kumar Singh, R/o H.No. A- 4, Vigyan Vihar Colony, Near Air Strip P.S. Barwadda, Dhanbad, Jharkhand-826004.

... .. Petitioner/s

Versus

1. State of Bihar through the Principal Secretary, Health Department, Government of Bihar, Patna.
2. Indira Gandhi Institute of Medical Sciences (IGIMS), through its Director, having its office Sheikhpura, Patna - 800014, Bihar.
3. Bihar State Electronics Development Corporation Limited (BELTRON) through its Managing Director, having its registered office at Beltron Bhawan P.S. Shashtri Nagar, Patna, Bihar, India, 800023.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Mrigank Mauli, Senior Advocate
Mr. Brisketu Sharan Pandey, Advocate
Mr. Anupam Kishore Sinha, Advocate

For the Respondent No.1: Mrs. Binita Singh, Standing Counsel- 28

For the Respondent No.2: Mr. Sunil Kumar Singh, Advocate

For the Respondent No.3: Mr. Girijesh Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-01-2024

The petitioner is concerned with the Notice Inviting Tenders having E-Tender Notice No.02/Watch & Ward Services/2023-24/MS Cell and E-Tender Notice No.03/Watch & Ward Services/2023-24/MS Cell for which the last date of



uploading the bids was 30.10.2023.

2. Learned Senior Counsel appearing for the petitioner based on Annexure-P/7 submits that it has been admitted that on 30.10.2023 between 3:36 PM to 5:35 PM, due to technical reasons, the portal was down and there could not have been any uploading of tenders.

3. We have to notice that the tender documents were to be submitted during a period which started from 12.10.2023 and up to 30.10.2023. There is no reason why the petitioner tried to upload his tender at the last moment. Yet again, we see that the writ petition has been filed on 16.01.2024 after about four months. When we enquired with the learned Government Pleader as to the stage at which the tender is, it has been submitted that the tender is at the stage of opening of financial bid.

4. We see absolutely no reason to interfere with the tender proceedings.

5. Learned Senior Counsel appearing for the petitioner submits that a representation had been filed before the authority, but that does not absolve the petitioner from approaching this Court immediately since it is a tender process which cannot be stalled on the unsuccessful uploading on such specious reasons.



The whimsical arguments raised with delay, cannot be allowed for invocation of the extraordinary, discretionary remedy. This is a fit case to deny exercise of discretion.

6. The writ petition is dismissed *in limine*.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	23.01.2024
Transmission Date	

