

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1578 of 2024

M/s C. K. Infrastructures Ltd. a registered company having its registered office in LU - 75, second floor, DDA shopping complex, Pitampura, New Delhi 110034 through its authorized representative namely Yashwant Kumar Rai male aged about 41 years son of Upendra Rai, resident of Tata Narhawa, Gopalpur, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Road Construction, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Road Construction, Government of Bihar, Patna.
3. The Engineer in Chief, Department of Road Construction, Government of Bihar, Patna.
4. The Chief Engineer (North), Department of Road Construction, Government of Bihar, Patna.
5. The Superintending Engineer, Department of Road Construction, Government of Bihar, Road Circle, Motihari.
6. The Internal Advisor (Finance), Department of Road Construction, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Gautam Kumar Kejriwal, Advocate
For the Respondent/s	:	Mr. P. K. Shahi, Advocate General

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 31-01-2024 The petitioner is aggrieved with the disqualification
from being considered for award of the work as per the notice



inviting tender; under which they applied, just prior to the financial bid being opened.

2. It is argued that disqualification was based on a complaint by one of the other bidders and that the disqualification was in blatant violation of the principles of natural justice. While alleging violation of principles of natural justice, the petitioner has avoided impleading the contesting bidder who made the complaint; which itself is a flagrant violation of the principles by which the petitioner now stands here, in Court.

3. The learned counsel for the petitioner submits that in the show cause notice, the complainant was not referred to, but, admits that the name was revealed in the order passed; which makes it expedient that the petitioner implead the complainant, who is a necessary party. The learned counsel prays for time to carry out the impleadment and prays for an interim order of stay since the financial bid is going to be opened. If the complainant was in the array of party, definitely we could have considered the interim prayer, which is not to say that we would have granted it.

4. However, since the writ petition is bad for non-impleadment of necessary parties, we are not inclined to



entertain the same. We dismiss the writ petition *in limine*, but
reserving liberty to file a fresh writ petition on the same cause of
action, but by impleading the necessary parties.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

Sharun/Sujit

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