

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4426 of 2023

Rajdhani Fuel Station a proprietorship firm, Gola Road, Bailey Road, P.S. Rupaspur, Danapur, District Patna through its proprietor Vikash Kumar, aged about 40 years, son of Late Saryug Prasad Rai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Mines and Geology, Government of Bihar, Patna.
2. The Principal Secretary, Department of Mines and Geology, Government of Bihar.
3. Bihar State Mining Corporation Limited, Vikas Bhawan, New Secretariat, Bailey Road, Patna through its Managing Director.
4. The Managing Director, Bihar State Mining Corporation Limited, Vikas Bhawan, New Secretariat, Bailey Road, Patna
5. General Manager, Bihar State Mining Corporation Limited, Patna.
6. Authorized Officer, Bihar State Mining Corporation Limited, Patna.
7. Officer-in-Charge, Tender Committee Team-3, Bihar State Mining Corporation Limited.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Raj Nandan Prasad, Adv. Mr. Nagadeo Choubey, Adv.
For the Respondent/s	:	Mr. Gyan Prakash Ojha (Ga7)
For the Mines	:	Mr. Naresh Dikshit, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-08-2024 Mr. Raj Nandan Prasad, learned counsel for the petitioner submits that he will remove the defects in course of the day.

2. Heard Mr. Raj Nandan Prasad, learned counsel for the petitioner and Mr. Naresh Dikshit, learned Special P.P. Mines.

3. The present writ petition has been preferred for the following relief(s):

(i) for issuance of a writ in the nature of writ of certiorari or any other



appropriate writ, order or direction, quashing the order contained in Annexure-3 whereby the petitioner has been directed to deposit the required amount as per LOI within a period of 24 hours failing which the earnest money of the petitioner has been forfeited and the petitioner firm will be debarred for next five years from participating in e-tender by the respondent authorities on non-est and misconceived grounds;

(ii) for issuance of a writ in the nature of Mandamus or any other appropriate writ, order or direction, commanding the respondent authorities to adjust the final amount as per the balance number of days of tender or to cancel the tender and returned the earnest money of the petitioner.

4. The grievance of the petitioner is that though he participated in the **Tender no. 06/2022-23/Arwal/Cluster-23** on 30.12.2022 and according to the respondent, he was declared successful, the grievance is that he never received the letter No. 110 dated 11.01.2023 by which **LOI (Letter of Intent)** was issued. He submits that somehow he procured the letter no. 175 dated 23.01.2023 by which he was directed to make the



payment within 24 hours or he will be blacklisted.

5. The learned counsel submits that there is another letter which he somehow procured is letter No. 196 dated 25.01.2023 by which he was granted another opportunity. He has taken this Court to paragraph 9 of the petition in support of his contention that the petitioner never received any letter whatsoever from the respondent authorities.

6. Though this Court is not convinced with the submissions put forward by the learned counsel for the petitioner inasmuch as learned Special P.P. Mines took this Court to Annexure-4 to show that at least on 24.01.2023, the petitioner had got knowledge about the letter dated 23.01.2023, which he acknowledged by way of e-mail to the respondents with a request that he may be given some time as he is out of station.

7. At this stage, learned counsel for the petitioner submits that it will suffice if he is allowed to make a representation with all the connecting documents before the respondent no. 4, the Managing Director, Bihar State Mining Corporation Limited, Bihar (henceforth for short 'the Corporation'. Learned Special P.P. Mines has no objection to the petitioner seeking opportunity to prefer representation.



8. In that background, the writ petition stands disposed of granting liberty to the petitioner to approach the respondent no. 4, the Managing Director of ‘the Corporation’ in next two weeks along with the representation/all the supporting documents. In case he prefers the representation in next two weeks, the concerned respondent shall take up the matter and after going through the records as also giving him an opportunity to present his case, dispose it of within a period of next two months from the date of representation.

9. The present writ petition stands disposed of.

(Rajiv Roy, J)

Vijay Singh/-

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