

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5893 of 2024

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Sunil Kumar Gupta, Son of Shri Ramji Prasad Gupta, Resident Of Village -
Shilanath Dullipatti, Ward No 04, PO - Dullipatti PS- Jay Nagar District-
Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Bihar State Food and Civil Supplies Department, Govt. of Bihar, Patna.
2. The District Magistrate, Darbhanga.
3. The Bihar State Food and Civil Supplies Corporation, Khadya Bhawan, 4th Floor, Daroga Prasad Ray Path, Patna 800001 through the Managing Director, Bihar, Patna.
4. The Managing Director, Bihar State Food and Civil Supplies Corporation, Khadya Bhawan, 4th Floor, Daroga Prasad Ray Path, Patna 800001.
5. The District Manager, Bihar State food and Civil Supplies Corporation (B.S.F.C), District- Darbhanga having office at Near DDC Office, Laheriasarai, Darbhanga.
6. Sh. Avinash Prasad Singh, S/o Late Kashi Prasad Singh, R/O Village- Dekpura, P.O.- Moratalab, District- Nalanda.
7. Sh. Dhananjay Kumar, S/o Jagarnath Singh, R/o Mahua Singhrai, P.O. and P.S. Mahua, District- Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mrs.Namrata Mishra, Advocate Ms. Archana Jha, Advocate
For the State	:	Mr. Rakesh Prabhat, AC to SC-21
For the BSFC	:	Mr. Anjani Kumar, Sr. Advocate Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)



Date : 15-04-2024

The petitioner is before this Court challenging the rejection of the petitioner in a technical bid. The NIT, which is produced along with the supplementary affidavit, as Annexure-P/7, is dated 25.11.2022. The technical bids were opened on 10.01.2023 and there were 12 applicants, all of whom had one or other objection against them. On 16.01.2023, though the financial bid was scheduled to be opened, this did not happen. The petitioner was under the impression that the entire tender is abandoned and a new tender would come. However, later all the applicants were called for a discussion in which Respondent No. 6 and Respondent No. 7 were selected.

2. It is the submission of the petitioner that Respondent No. 6 and Respondent No. 7 had made good their objections. The petitioner also should have been permitted to make good the objection against him.

3. We see that the objection against the petitioner goes to the root of the matter i.e. with respect to production of a certificate of a personal immovable property, worth not less than Rs. 25 lacs issued by the competent authority not less than the rank of SDO/CO. Admittedly, the petitioner produced



his father's property which had co-sharers by way of his siblings also. No consent has been produced from the father or the siblings. In any event, in similar circumstances, we have held the rejection of a tender for not producing certificate of personal immovable property; with the emphasis on personal, is very crucial and the claim rejected in CWJC No. 16897 of 2023, titled as ***Vikrant Kumar Gupta vs. The State of Bihar & Ors.*** We follow the aforesaid judgment and dismiss the writ petition. The very purpose of production of certificate of personal immovable property is for proceeding for recovery, if any, defect is occasioned in the work awarded.

4. The learned Counsel for the petitioner pleaded that the petitioner may also be given an opportunity to be considered. The petitioner has produced a document, which gave one-third right to the petitioner, which is said to be produced at Page-19 of the writ petition. This is only an affidavit of the father which proclaims that the property is self- acquired and his eldest son, the petitioner has 1/3rd share in the land. This does not satisfy the condition of the personal immovable property since the 1/3rd share over the self-acquired property of his father does not crystalize when the



father is alive.

5. We find absolutely no reason to entertain the writ petition. The writ petition stands dismissed.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	18.04.2024
Transmission Date	

