IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6560 of 2024

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Dhiraj Kumar S/o Sri Sudheer Kumar Singh, Proprietorship firm having its office at Ratanpur, Police Station- (Ratanpur O.P.) Begusarai Town, District- Begusarai, through its Proprietor namely Dhiraj Kumar, Son of Sri Sudheer Kumar Singh, Resident of village and Post- Ratanpur, Ward No. 21, Police Station- (Ratanpur O.P.) Begusarai Town, District- Begusarai.

... ... Petitioner/s

Versus

1. The State of Bihar Through the Additional Chief Secretary, Food and Consumer Protection Department, Government of Bihar.
2. The Additional Chief Secretary, Food and Consumer Protection Department, Government of Bihar.
3. Bihar State Food and Civil Supply Corporation Ltd., Through the Managing Director, Khadya Bhawan, Daroga Rai Path, R. Block, Road No. 2, Patna.
4. The Managing Director, Bihar State Food and Civil Supply Corporation Ltd., Khadya Bhawan, Daroga Rai Path, R. Block, Road No. 2, Patna.
5. The District Magistrate-cum-Chairman, District Transport Committee, Sheikhpura.
6. The Deputy Development Commissioner, Sheikhpura.
7. The Additional Collector, Sheikhpura.
8. The District Transport Officer, Sheikhpura.
9. The District Supply Officer Cum Chairman District Grievance Committee, Sheikhpura.
10. The District Manager, Bihar State Food and Civil Supply Corporation Ltd., Sheikhpura.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Ranjan Shukla, Advocate Mr. Rohit Raj, Advocate
For the B.S.F.C.	:	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 : 22-04-2024

The petitioner is aggrieved with the rejection of his tender which was for the reason that the bank statements were not properly authenticated. The learned Counsel for the petitioner also relies on a judgment of the Hon’ble Supreme

Court in ***Rashmi Metaliks Ltd. & Anr vs. Kolkata Metropolitan Development Authority & Ors., (2013) 10 SCC 95.***

2. We heard the learned Counsel for the petitioner and the learned Senior Counsel for the respondents.

3. The specific condition from the NIT (notice inviting tender) is as follows:-

> *"8.(xi) Statement of Bank account duly attested by the branch manager of bank with Signed & seal for last six months preceding the publication of Tender Call Notice."*

4. The above said statement shall also be self attested. It is pointed out by the learned Counsel that he had submitted the bank statement as seen from Annexure 6 which is self attested and has the seal of the bank and signature of the Branch Manager.

5. The decision in ***Rashmi Metaliks Ltd. (supra.)*** was on the question of whether the income tax returns filed would constitute a basic requirement for a valid bid. It was held that the income tax return could have assumed the character of an essential term, only if one of the qualifications were either the gross income or the net income on which tax was attracted. The subject tender did not have such a stipulation, which in many of the tenders the Hon'ble Supreme Court found would be contained as a salutory stipulation.

6. In so far as the present NIT is concerned, there

was a specific stipulation that it should contain the seal of the bank and signature of the Branch Manager. Annexure 6; the bank statement produced by the petitioner, contains only the round seal of the bank and a signature without any authentication of the designation of the signatory.

7. In such circumstances, we are of the opinion that the rejection of the bid was perfectly in order. The learned Counsel for the petitioner also has a contention with respect to the delay in opening the tender and informing the petitioner which information of rejection was passed on just fifteen minutes prior to finalization of the tender.

8.The delay and the short time granted does not commend us to cause any interference, especially since there was no possibility of a rectification being made on prior information given to the bidder.

9. We find absolutely no reason to entertain the writ petition and the same stands dismissed.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

supratim/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.04.2024
Transmission Date	NA