

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7878 of 2024

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M/s Shreyash Enterprises Virendra Niwas, Water Pump Lane, Pirmuhani, P.S.-Pirmuhani, District-Patna, through its Proprietor Anand Kaushal, aged about 40 years, Male, son of Sri Nawal Kishore Kumar, Resident of Sai Carnation Apartment, Flat No. 101, Near Bahadurpur Petrol Pump, P.S.-Patrakarnagar, Kankarbagh, District-Patna-800 020.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Building Construction Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Building Construction Department, Government of Bihar, Patna.
3. The Engineer in Chief cum Additional Commissioner cum Special Secretary, Building Construction Department, Bihar, Patna.
4. The Electrical Executive Engineer, Electric Work Division No. 2, Building Construction Department, Bihar, Patna.
5. Cool Care Homes (M/S Cool Care Homes Private Limited), House No. 142, Road No. 22, Sri Krishna Nagar, Patna-800001.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ranjeet Kumar, Advocate Mr. Shikhar Mani, Advocate Mr. Rishabh Gupt, Advocate Mr. Kanishk Kaustubh, Advocate
For the Respondent/s	:	Mr.Vikas Kumar, AC to AG

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

Date : 16-05-2024

The petitioner is aggrieved with his disqualification and qualification of the 5th Respondent in a tender in which both



of them bid.

2. We specifically told the learned Counsel appearing for the petitioner that unless the petitioner successfully challenges the disqualification, there can be no ground against the qualification of another bidder.

3. The disqualification of the petitioner was by Annexure-P/7. The disqualification was also because of the credit facility certificate given by the Bank for 10% of BOQ amount having not been uploaded. The last date of tender, as is evident from the NIT, Annexure-P/1, was 17.02.2024. The petitioner accepts that the bank certificate was not uploaded. The petitioner has produced a hard copy of the certificate issued by the bank as on 16.02.2024.

4. In such circumstance, there was no reason why the petitioner did not upload the certificate. When the petitioner admits to the defect, the tender document cannot be accepted, especially since it is a competitive tender. We find the disqualification of the petitioner to be proper in which circumstance, the petitioner does not have the *locus standi* to challenge the qualification of the 5th Respondent. But that does not preclude the authority from looking at the qualification of the 5th Respondent to find out if it is proper or not, if it is so



desired.

5. The writ petition would stand dismissed.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	17.05.2024
Transmission Date	

