

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10276 of 2024

Amit Kumar-Alok Kumar, Patna (JV) (In short A A Patna (JV), through its power of attorney holder Mr. Alok Kumar, aged about 37 Years (Male), Son of Shri Vinay Kumar Sinha, Resident of Mohalla- Vijay Nagar, Hanuman Nagar, Kankarbagh, House No. F/40, P.O.- Bahadurpur, P.S.- Patrakar Nagar, District- Patna-20.

... .. Petitioner/s

Versus

- 1. Bihar Urban Infrastructure Development Corporation Ltd. (A Govt. of Bihar Undertaking), BUIDCo Ltd. through its Chairman, West Boring Canal Road, (Rajapur Pul), Patna-1.
- 2. The Chairman, Bihar Urban Infrastructure Development Corporation Ltd. (A Govt. of Bihar Undertaking), BUIDCo Ltd. West Boring Canal Road, (Rajapur Pul), Patna-1.
- 3. The Managing Director-Cum-Chairman of Tender Committee, Bihar Urban Infrastructure Development Corporation Ltd. (A Govt. of Bihar Undertaking), BUIDCo Ltd. West Boring Canal Road, (Rajapur Pul), Patna-1.
- 4. The State of Bihar through Engineer-in-Chief-Cum Member of Tender Committee, Urban Development and Housing Department, Old Secretariat, Bihar, Patna-15.
- 5. The Chief General Manager-Cum-Member of Tender Committee, Bihar Urban Infrastructure Development Corporation Ltd. (A Govt. of Bihar Undertaking), BUIDCo Ltd. West Boring Canal Road, (Rajapur Pul), Patna, Bihar- 800001.
- 6. The General Manager (South Wing)-Cum-Member of Tender Committee, Bihar Urban Infrastructure Development Corporation Ltd. (A Govt. of Bihar Undertaking), BUIDCo Ltd. North Bihar Wing, West Boring Canal Road, (Rajapur Pul), Patna, Bihar- 800001.
- 7. The Internal Financial Advisor-Cum-Member of Tender Committee, Urban Development and Housing Department, Old Secretariat, Bihar, Patna-15.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Narain, Sr. Advocate Mr.Manish Sahay, Advocate Mr. Anil Kumar Sinha, Advocate Mr. Siddharth Aditya, Advocate
For the Respondent/s	:	Mr. Lalit Kishore, Sr. Advocate Mr. Rabindra Kumar Priyadarshi, Advocate Mr. Ayush Kumar, Advocate Mr. Kanishka Shankar, Advocate
For the State	:	Mr.Government Pleader-5



CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 11-12-2024

Shri Lalit Kishore, learned Senior Counsel appearing for the respondents, submits that though the Technical Evaluation Committee recommended after the second Notice Inviting Tender (NIT); wherein also the petitioner became the sole successful tenderer, for consideration by the Board of Directors, the Managing Director itself took a decision to go for a fresh NIT. However, it is also submitted that as of now, the Managing Director has decided to refer the matter to the Board of Directors, for consideration as to whether the sole tender on the second NIT should be accepted or not.

2. The learned Senior Counsel also produces the following agenda across the Bar:-

“Agenda 79/8

Retender of Construction of Storm Water Drainage System for Bodhgaya Nagar Parishad Area, Bodhgaya, Bihar under Atmanirbhar Bihar Saat Nishchay 2 - To take note of

BUIDCo had invited tender for Construction of Storm Water Drainage System for Bodhgaya Nagar Parishad Area, Bodhgaya, Bihar under Atmanirbhar Bihar Saat Nishchay 2 vide NIT no. BUIDCo/Yo-2069/2021-105 dated 12.10.2023. Only single bid was received and



hence the tender was cancelled.

Re-tender was invited vide NIT no. BUIDCo/Yo-2069/2021-113 dated 13.12.2023. Again single tender was received. Keeping in view of the less participation and to enhance competition, the tender was cancelled and re-tender was invited vide NIT no. BUIDCO/Yo-2069/2021-09 dated 06.06.2024 some clauses of the Bid document was also revised vide Addendum no.1 dated 26.07.2024. All related documents are attached herewith as Annexure G.

The Board is requested to take note of the same.

Managing Director
BUIDCO”

3. It is also submitted that the Board will consider the issue within ten days. Hence, the third NIT shall not be proceeded with, until the Board takes a decision in the matter. If the Board decides to accept the sole tenderer, definitely, the third NIT will have to be dropped. However, if the Board decides not to entrust the work to the sole successful bidder at the second NIT, the respondent will be entitled to go further with the third NIT.

4. The Board shall pass a speaking order, which shall be communicated to the petitioner. We make it clear that the petitioner would be entitled to challenge the Board's decision, if



required.

5. Writ petition stands disposed of.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	11.12.2024
Transmission Date	

