

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12674 of 2024

=====

Avadhesh Kumar Jha Son of Jitendra Jha Resident of Village-Nawada, P.S.-
Nawada, Via-Bahera, District-Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Additional Chief Executive Officer-Cum-Secretary, Bihar Rural Road Development Agency, Rural Works Department, Government of Bihar, Patna.
3. The Engineer-in-Chief-Cum-Additional Commissioner-Cum-Special Secretary, Rural Works Department, Government of Bihar, Patna.
4. The Superintending Engineer, Rural Works Department, Darbhanga Work Circle, District-Darbhanga.
5. The Executive Engineer, Rural Works Department, Works Division, Biraul, District-Darbhanga.
6. The Executive Engineer, Rural Works Department, Works Division, Benipur, District-Darbhanga.
7. The Divisional Accounts Officer, Rural Works Department, Work Division, Benipur, District-Darbhanga.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Akshansh Ankit, Advocate
For the Respondent/s : Mr. Government Advocate (5)

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)



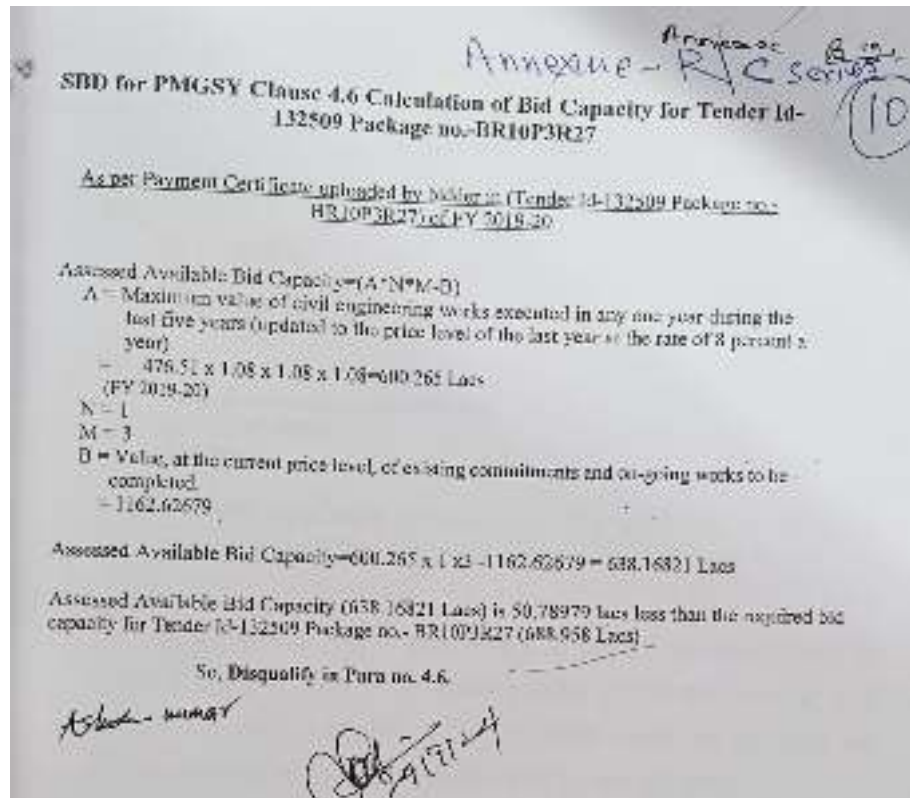
6 21-11-2024 The petitioner is concerned with a tender which was cancelled because of his disqualification. There was a further tender floated in which also the petitioner applied and lost.

2. The petitioner's contention is that his disqualification at the earlier tender was not proper. The petitioner has also challenged the fresh tender issued.

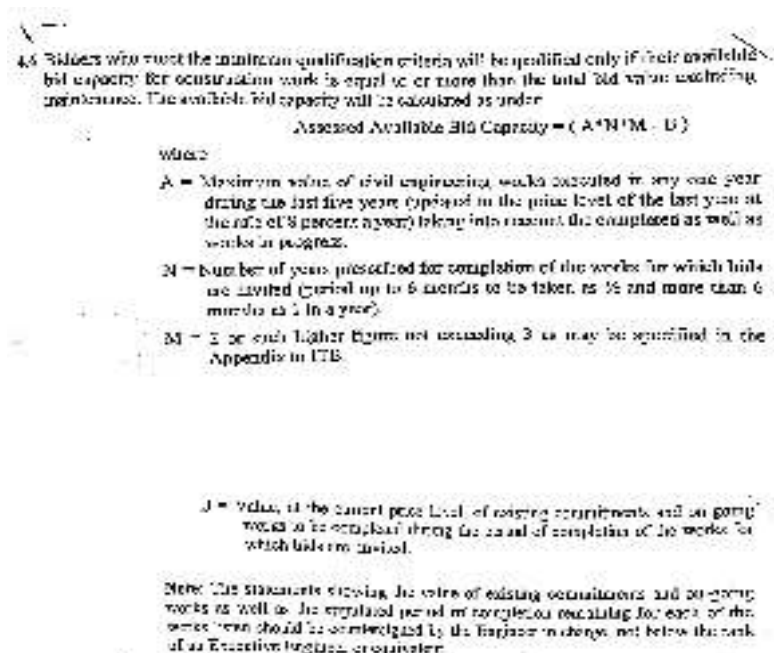
3. The petitioner's contention is that the calculation to assess the available bid capacity is wrong. The assessed available capacity has to be computed as on 07.03.2024 which is the last date of bid. The petitioner's contention is that the value at the current price level of the work commitment as computed by them is far in excess of that remaining to be done.

4. The learned Senior Counsel who appeared for the petitioner does not have any dispute with the calculation as carried out in Annexure R/C series with respect to A, N and M. The contention is that the component taken as B is far in excess of the existing commitment of the petitioner. We extract Annexure R/C series which is the calculation taken by the respondents for disqualifying the petitioner as under:





5. We extract the qualifying criteria available in the Standard Bidding Document an extract of which is produced as Annexure-6 to the writ petition.



6. The learned Senior Counsel has referred to Annexure P/10 to point out that the existing commitment is only



Rs.578.22148 lacs. However, Annexure P/10 pointed out by the learned Senior Counsel is dated 17.08.2024 and the existing commitment taken by the respondents is as on 07.03.2024.

7. As per Annexure R/C series, the assessed available capacity of the petitioner falls short by Rs.50.78979 lacs. The value at the current price level including the GST component was also taken for computing B at Rs.1162.62679 lacs which is as on 07.03.2024. There can be no reliance placed on Annexure P/10 which is as on 17.08.2024.

8. In such circumstances, we find absolutely no reason to interfere with the tender proceeding, which evaluation is based on a technical evaluation of the works executed and that remaining to be carried out, based on the formula available on the Standard Bidding Document. There is no substantiation of the figures asserted by the petitioner.

9. The writ petition stands dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Saurabh/-

U			
---	--	--	--

