

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13360 of 2024

Macro Ranjan Construction Private Limited, having its Registered Office at Maa Usha Complex Bidupur Bazar (Khilwat), Dist.- Vaishali Bihar through its Director Kamal Nayanam, aged about 26 Yeats, Male, S/o Rajeev Ranjan, Resident of ward No. 10, Khilwat Vaishali, Bihar- 844503.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Building Construction Department, Vishveshwariya Bhawan, Bihar, Patna.
2. The Secretary, Building Construction Department, Vishveshwariya Bhawan, Bihar, Patna.
3. The Engineer-in-Chief Cum Additional Commissioner Cum Special Secretary, Building Construction Department, Vishveshwariya Bhawan, Bihar, Patna.
4. The Chief Engineer (North), Building Construction Department, Vishveshwariya Bhawan, Bihar, Patna.
5. The Superintending Engineer, Building Circle, Muzaffarpur, Building Construction Department, Muzaffarpur.
6. The Executive Engineer, Building Division Muzaffarpur, Building Construction Department, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Chandan Kumar, Advocate
For the Respondent/s : Dr. Anand Kumar, A.C. to A.A.G.-3

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 10-09-2024

The petitioner is concerned with the cancellation of his tender as per Annexure-P/3. The specific ground for cancellation was that the petitioner's annual financial turnover in the last five years did not exceed Rs. 24,23,09,292/- in any of the financial years as required under Clause 4.5 (A) of the Standard Bid Document (S.B.D).



2. We extract Clause 4.5 (A) from the Standard Bid Document as follows:-

“4.5 (A) To qualify for award of the contract, each bidder in its name should have in the last five years as referred to in Appendix:-

(a) Achieved in any one year a minimum annual financial turnover (in all classes of civil engineering construction works only) volume of construction work of at least the amount equal to the 50 % (fifty percent) estimated cost of works for which bid has been invited. The turn over will be indexed at the rate of 8 % for a year.”

3. The certificate relied on by the petitioner as pointed out by the learned Senior Counsel is seen from Annexure-P/7. It specifically indicates that it certifies that “the Gross Turnover as well as from Civil Engineering Construction works” for the various years, of which 2018-19 comes to Rs. 24,95,44,962.00/-. In fact the specific condition as extracted hereinabove is for the annual financial turnover in all classes of Civil Engineering Construction works only, which has to be at least the amount equal to 50% (fifty percent) estimated cost of works for which the bid has been invited.

4. The certificate by the use of the words “as well as from Civil Engineering” indicates that the petitioner has



turnover other than from Civil Engineering total of which would come to the amounts indicated therein. This is not in satisfaction of the specific condition provided under Clause 4.5 (A).

5. The petitioner also submits that the rejection order has come subsequently which does not indicate the reasons. However, we find from the decision of the Technical Evaluation Committee, which has been produced by the petitioner himself, that the decision has been taken on the ground that there the condition of the tender has not been satisfied, in so far as turnover; in any of the prior years, having exceeded 50% of the estimated cost of works, specifically relatable to Civil Construction works.

6. The writ petition stands dismissed *in limine*.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Neha/-

AFR/NAFR	
CAV DATE	
Uploading Date	11.09.2024
Transmission Date	

