

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.279 of 2023

In
Civil Writ Jurisdiction Case No.9710 of 2023

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1. The State of Bihar Through Principal Secretary, Rural Works Department, Government of Bihar, Patna.
 2. The Principal Secretary, Rural Works Department, Government of Bihar, Patna.
 3. The Engineer-in-Chief, Rural Works Department, Government of Bihar, Patna.
 4. The Project Director, MMGSY, Patna, Bihar.
 5. The Chief Engineer-2 Rural Works Department, Patna Bihar.
 6. The Superintending Engineer, Rural Works Department, Work Division, Purnea, Bihar.
 7. The Executive Engineer, Rural Works Department, Work Division, Barsoi, Bihar

... .. Petitioner/s

Versus

Jawahar Lal Yadav, Son of Hari Kisun Yadav, Resident at Village- Paut, P.O.- Agarsanda, P.S. Arrah Muffasil, District- Bhojpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Behari Sinha, GA 8
		Mr.Suryakant Kumar (A.C. To G.A. 8)
For the Opposite Party/s	:	Smt.Seema Ghazala, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 01-03-2024

Re: I.A. No. 1 of 2023

Heard I.A. No. 1 of 2023 in Civil Review No. 279 of
2023.



2. This Interlocutory Application has been filed for amendment in party position by adding M/s Tripuati Enterprises, Prop-Kishan Kumar Tibrewal, S/o Satya Narayan Tibrewal, Dr. Kalinath Road Khalpara Siliguri M Corp Darjeeling, West Bengal as Respondent No. 2 in this case.

3. The aforementioned relief is not maintainable in civil review petition. Accordingly, I.A. No. 1 of 2023 stands rejected.

4. Review petitioner has prayed for the following relief(s):-

“That this application for review of the order dated 21.08.2023 passed in CWJC No. 9710 of 2023 by Hon’ble Court comprising Hon’ble Mr. Justice P.B. Bajanthri and Hon’ble Mr. Justice Arun Kumar Jha whereby and whereunder the Hon’ble Court has been pleased to dispose of the said writ application in the following terms:-

“4. Perusal of the conditions imposed in the NIT read with the aforementioned letter, one cannot draw inference that a contractor who is facing criminal proceeding and not convicted is not entitled to participate in the tender. Merely, pendency of criminal proceeding would not be a hurdle. The letter dated 25.01.2021 is not specific to the extent that if a contractor is



facing criminal proceeding in that event he is ineligible to participate. Moreover, merely pendency of criminal proceedings would not bar a contractor to participate in NIT issued by the Government/Organization, in the absence of any specific bar.”

5. With the consent of the respective parties, review petition is taken up for final disposal. On 21.08.2023 we have disposed CWJC No. 9710 of 2023, Para 4 reads as under:-

“4. Perusal of the conditions imposed in the NIT read with the aforementioned letter, one cannot draw inference that a contractor who is facing criminal proceeding and not convicted is not entitled to participate in the tender. Merely, pendency of criminal proceeding would not be a hurdle. The letter dated 25.01.2021 is not specific to the extent that if a contractor is facing criminal proceeding in that event he is ineligible to participate. Moreover, merely pendency of criminal proceedings would not bar a contractor to participate in NIT issued by the Government/Organization, in the absence of any specific bar.”

6. Learned counsel for the review applicant submitted that before disposal of the aforementioned writ petition work was allotted on 11.08.2023. This was not brought to the notice of this



Court by either of the parties resulted in filing of the present civil review petition. Having regard to the fact that certain material information was existing as on 21.08.2023 to the extent that work was allotted on 11.08.2023. Hence, the review petitioners have made out a case to recall the order dated 21.08.2023.

7. Accordingly, the present review petition stands allowed and CWJC No. 9710 of 2023 restored on the file.

8. Having regard to the relief sought in CWJC No. 9710 of 2023 read with the fact that on 11.08.2023 work was allotted, therefore, CWJC No. 9710 of 2023 does not survive for consideration. Accordingly, CWJC No. 9710 of 2023 stands disposed of as it has become infructuous.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

abhishekk/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.03.2024
Transmission Date	NA

