

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15311 of 2024

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Debashree Construction India Pvt. Ltd. a company registered under Companies Act, 1956 having its office at Nawjadik Sadan, New Area Aurangabad, Bihar - 824102 through its authorized signatory Shailendra Singh (Male, aged about 57 years) son of Late Mungeshwar Singh resident of Village Kunda, PO Kunda, PS Aurangabad, Hasauli, Dev, Aurangabad, Bihar - 824102.

... .. Petitioner/s

Versus

1. The State of Bihar through The Principal Secretary, Rural Works Department having its office at 5th Floor, Vishwesharia Bhawan, Bailey Road, Patna.
2. Engineer in Chief, Rural Works Department, Works Division, having its office at 5th Floor, Vishwesharia Bhawan, Bailey Road, Patna.
3. Chief Engineer, Rural Works Department, Works Division, having its office at 5th Floor, Vishwesharia Bhawan, Bailey Road, Patna.
4. Superintending Engineer, Rural Works Department, Works Division, Aurangabad.
5. Executive Engineer, Rural Works Department, Works Division, Aurangabad.
6. Shanti Construction having its office at Karma Road, Aurangabad, Bihar - 824101.
7. Shakti Construction having its office at New Area, Near Bal Vihar School, Aurangabad, Bihar - 824101.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. D.V. Pathy, Advocate
		Mr. Sadashiv Tiwari, Advocate
For the Respondent/s	:	Mr. Standing Counsel (16)

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

Date : 05-10-2024

1. The petitioner is aggrieved with the disqualification made on consideration of a complaint made by the respondent nos. 6 and 7. Pursuant to an NIT, 15 bidders had submitted their



tenders out of which one alone was disqualified as per Annexure-3. Two of the qualified bidders raised objections against the technical bid qualification of the others, including that of the petitioner; who also stood qualified. A further meeting was conducted by the Technical Committee in which by Annexure-5, the petitioner's bid was found to be not qualified technically. The reason stated was that the certificate of the bank did not contain the date.

2. The petitioner admits that the certificate did not contain the date and produced Annexure-4 dated 7.9.2024, which is said to be in clarification of the earlier certificate issued. The disqualification was made on the allegation of violation of Clause 4.2 (g) of the Model Bidding Document (MBD). The Model Bidding Document has not been produced but as stated by the petitioner's Counsel itself, it is for uploading the bank certificate showing the credit facilities. Admittedly, the certificate uploaded did not contain a date, in which circumstance, there was no clarity as the date on which such credit facilities were available to the petitioner and whether it was valid at the time of bidding. This was a valid objection on which the cancellation of the disqualification at the technical bid stage was made. A further clarification issued as per Annexure-4



cannot be accepted since it is far after the last date of bid submission.

3. In the above circumstances, we find absolutely no reason to entertain the writ petition and we dismiss the same *in limine*.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Shiv/-

AFR/NAFR	
CAV DATE	N/A
Uploading Date	07.10.2024
Transmission Date	

