

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.16066 of 2024**

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Qutubuddin Khan S/o Late Shahban Khan Resident of Village-Tetaria, P.S.-  
Hussainganj, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Planning and Development Department, Govt. of Bihar, Patna.
2. The Chief Engineer, Local Area Engineering Organization, Planning and Development Department, Govt. of Bihar, Patna.
3. The Executive Engineer, Chief Engineer Office (Headquarter), Local Area Engineering Organization, Planning and Development Department, Govt. of Bihar, Patna.
4. The Superintending Engineer, Local Area Engineering Organization, Works Division 02, Chhapra.
5. The Executive Engineer, Local Area Engineering Organization, Works Division 02, Siwan

... .. Respondent/s

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**Appearance :**

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|----------------------|---|-----------------------------------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Shekhar Singh, Advocate<br>Mr. Satyendra Rai, Advocate<br>Mr. Sumit Kumar, Advocate |
| For the Respondent/s | : | Mr. Government Advocate (5)                                                             |

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

**Date : 24-10-2024**

The petitioner is aggrieved with the fact that the petitioner's bid as L1 was declined to be considered for reason of the annual turn over of five years having not been submitted.

2. The petitioner applied under Annexur-P/1 Notice Inviting Tender (NIT) under Group No. 1 and 2 for construction of Panchayat Sarkar Bhavan at Kharsanda Panchayat under Block-Hussainganj, Dist.-Siwan and for construction of



Panchayat Sarkar Bhavan at Madkan Panchayat under Block-Hussainganj, Dist.-Siwan respectively. The petitioner's technical bid for Group No. 1 was found to be qualified as per Annexure-P/2 dated 27.07.2024 and the bid in Group No. 2 was also found to be qualified by Annexure-P/3 dated 31.07.2024. However, later, the petitioner was issued with Annexure-P/5, in which it was stated that the three years annual turn over for the last five years was not submitted properly.

3. The learned Counsel for the petitioner pointed out Annexure-P/6, from which it is clear that the petitioner's technical bid was qualified validly, which would have contained the annual turn over also.

4. On a specific query as to the certificate that is insisted upon in the NIT, the petitioner submits that Annexure-P/6 was given, which is a self-declaration of the annual turn over and not a Chartered Accountant's certificate. The petitioner also has a contention that if at all there was a defect at the stage of technical bid, he should have been permitted to rectify it.

5. We heard the learned Government Advocate appearing for the respondents also, who insists that the annual turn over should be as insisted upon in the NIT, which is the certificate of the Chartered Accountant with UDIN.



6. Annexure-P/4, which is a consideration of the bid of the petitioner, does not in fact find the annual turn over to have been submitted as per the NIT. It only indicates that the details are attached. Subsequently, noticing that the annual turn over was not furnished in accordance with the NIT, Annexure-P/5 was issued, to which the petitioner replied as per Annexure-P/6. By Annexure-P/6, the petitioner specifically contended that the annual turn over was submitted along with the NIT and also enclosed a document, as the annual turn over furnished with the bid document.

7. We see from the document enclosed with Annexure-P/6 that it is a self-declaration and not the certification of the Chartered Accountant with UDIN.

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

**(K. Vinod Chandran, CJ)**

**( Partha Sarthy, J)**

Sujit/-

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| AFR/NAFR          | NAFR       |
| CAV DATE          |            |
| Uploading Date    | 25.10.2024 |
| Transmission Date |            |

