

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17868 of 2024

M/s Kalyani Construction, through its Managing Partner Virendra Pratap Singh @ Virendra Singh Pratap, aged about 45 years, (Male) Son of Late Sheo Shankar Singh, Resident of New Area, Bisar Tank, P.S- Civil Line, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar, through its Additional Chief Secretary Rural Work Development, Bihar, Patna.
2. Additional Chief Secretary, Rural Work Department, Bihar, Patna.
3. The Engineer-in-Chief, Rural Work Department, Bihar, Patna.
4. The Chief Engineer-2, Rural Work Department, Bihar.
5. The Superintending Engineer, Work Division, Gaya Rural Work Department.
6. The Executive Engineer, Rural Work Division, Sherghati.
7. The Trikuta Vashni Infratech Pvt. Ltd., through its Director Santosh Kumar Pandey, Resident of Village- Nawadih, P.S.- Karakat, District- Rohtas having its office of B- Bhattacharya Road, Patel Nagar, Board Colony, Patna Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Priya Ranjan, Advocate Mr. Sanjeev Kumar, Advocate
For the Respondent/s	:	Mr. P. K. Shahi, Advocate General Mr. Manish Dhari Singh, AC to AG
For Respondent No.7	:	Mr. Amrendra Narayan Rai, Advocate Mr. Jainendra Kumar, Advocate

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

(Per: HONOURABLE THE CHIEF JUSTICE)

2 28-11-2024 The petitioner is concerned with the disqualification



of the bid submitted, in pursuance to Annexure-P1.

2. Annexure-P/1 is a Notice Inviting Tender (NIT) for Rural Road Maintenance based on output and performance based contract through e-procurement mode on Model Bidding Document (MBD). The petitioners bid was considered for technical evaluation along with others and as per Annexure-P/2, the petitioners bid was found to be unresponsive, especially on the report of the Executive Engineer that it does not comply with the requirement of machinery and equipment, as per 4.4B(i) and 4.7(i) of the Model Bidding Document.

3. The MBD, though not produced, we have been handed over a copy across the Bar by the learned Counsel for the petitioner. It indicates that clause 4.4B(b) speaks of availability for construction work either owned or on lease or on hire; of the key equipments stated in the Bid Data Sheet, including equipments required for establishing field laboratory to perform mandatory tests and those stated in the Bid Data Sheet. Clause 4.7(i) speaks of misleading or false representation in the form, affidavit or attachment submitted in the proof of qualification requirements. The Bid Data Sheet is also appended with the MBD, which indicates ITB 4.4 (b) speaking of 21 equipments for road works and 19 for bridge works, the



documents of which shall be produced to ensure availability with the petitioner, either on an own basis or lease basis. The specific term of the instruction to bidders also provides an undertaking to be filed, if the said equipment and machinery are not available, to make available such machinery and equipment within 30 days of issuance of Letter of Aceptance (LOA). There is not even an averment in the writ petition with respect to the documents with regard to the machinery having been submitted or an undertaking having been furnished through an affidavit that the machinery and equipment required will be produced within a period of 30 days from the date of issuance of LOA.

4. We find absolutely no reason to entertain the writ petition and dismiss the same *in limine*.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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