

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17403 of 2023

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Abhiraj Kumar, son of Shyam Kishore Yadav, Resident of Village- Muruki
Shankarpur, Ward No. 01, P.O.- Kumma, P.S.- Sursand, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Work Department, Bihar, Patna.
2. The Chief Engineer 03, Rural Work Department, Government of Bihar, Patna.
3. The Engineer in Chief, Rural Work Department, Govt. of Bihar, Patna.
4. The Superintendent Engineer, Rural Work Department, Work Circle, District- Sitamarhi.
5. The Executive Engineer Office the Engineer-03, Chief-03, Government of Bihar, Patna.
6. The Executive Engineer, Rural Work Department, Work Division, Pupri, District- Sitamarhi.
7. The Nodal Officer, State Project, Rural Work Department, Govt. of Bihar, Patna.
8. The Secretary to the Engineer in Chief (Technical) Rural Work Department, Govt. of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Advocate
For the Respondent/s : Mr. Government Advocate (5)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HARISH KUMAR)

Date : 19-04-2024

The petitioner by filing the present writ petition
seeks quashing of the order dated 18.10.2023, as contained in



letter no. 5816 (Annexure-1), as also the order dated 16.11.2023 contained in letter no.04/484/5912/2023 (Annexure-3) whereby the bid of the petitioner has been declared disqualified by the Technical Bid Committee.

2. Learned counsel for the petitioner assails the impugned order disqualifying the technical bid. The bid of the petitioner was in response to notice inviting tender ID No. 127095 for construction of the RCC Bridge from Bachopatti to Nimahi Path. The bid has been erroneously rejected in the meeting of the Technical Bid Committee on the ground that the papers submitted along with the bid documents with respect to financial year 2020-21, showed a difference of amount under the profit and loss account and in the gross receipts. Besides the same, the petitioner has also not furnished UDI number. In such circumstances, the bid of the petitioner has been found to be not in terms of Clause 4.3(f), 4.4A(a) and 4.8 of the SBD and Clause 26 of the NIT.

3. It is further contended that the grounds taken for rejection of the technical bid of the petitioner were absolutely baseless and arbitrary. By refuting the allegation, the petitioner filed representation to the Chief-Engineer and other authorities stating therein that the real amount shown in gross receipt is



3,22,65,525/-, but it comes to Rs.3,61,37,425/- when 12% GST is added, which is payment certificate amount. The difference occurred only due to that. It is also averred that the UDI number is also depicted on serial no.3A of the acknowledgment of Financial Year 2020-21.

4. The further contention of the petitioner is that likewise a second NIT vide Tender ID No. 127094 was also invited by the same respondents for construction of the High Level Bridge, near Gopalpur Muraul, Pokharbhinda in the same manner. However, the bid of the petitioner came to be rejected in the proceeding of the Technical Bid Committee held on 10.11.2023, as contained in Memo No. 5912 dated 16.11.2023. The technical bid of the petitioner has been rejected on account of misrepresentation and false statement.

5. We have gone through the averments made in the writ petition and the annexures appended to the writ petition. However this Court finds that neither the copy of the NIT nor the standard bid documents have been brought on record, enabling this Court to examine the reasons/grounds which compelled the respondents to come to the conclusion to declare the petitioner as disqualified during technical evaluation of the bid. Moreover the impugned order, as contained in Annexure-1



with regard to first tender no. 127095, inviting objection on the decision taken by the Technical Bid Committee clearly stipulates that the objection must be filed within five working days. Needless to observe that in opposition to the impugned order dated 18.10.2023, the petitioner filed his objection on 25.10.2023.

6. The disqualification of the petitioner in relation to Tender No. 127094 was an order passed on the premise of giving false statement and misrepresentation on the part of the petitioner. This Court has also examined the reply of the petitioner, the copy of which is produced to Annexure-4 to the writ petition. However, on going through the same, this Court does not find any reply of the petitioner to the charges/allegations, except the allegation leveled against other bidders.

7. In the absence of a proper reply and necessary documents, especially NIT and Standard bid documents, this Court cannot examine the veracity of the contention of the petitioner while exercising the power of judicial review.

8. In view of the aforesaid facts, this Court does not find any merit in the contention of the petitioner and it is accordingly rejected.



9. The writ petition sans any merit is fit to be dismissed. We do so.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.04.2024
Transmission Date	NA

