

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2320 of 2025

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M/S Laxmi HP Gas Agency Through its Prop. Abhishek Kumar, aged about 35 Years, (Male) Sonf of Vinay Prasad, Resident of Kagaji Mohalla New Pakka House, Obra, P.S.-Obra District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through its Additional Chief Secretary, Department of Mines and Geology, Bihar, Patna.
2. The Additional Chief Secretary, Department of Mines and Geology, Bihar, Patna.
3. The Director, Mines, Bihar, Patna.
4. The District Magistrate, Aurangabad.
5. The Additional District Magistrate, Aurangabad.
6. The Mineral Development Officer, District Mining Office, Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Advocate
For the Respondent/s	:	Mr. Government Pleader (5)
For the Mines	:	Mr. Naresh Dikshit, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 27-02-2025

Heard Mr. Sanjeev Kumar, learned counsel for the petitioner, GP-05, learned counsel for the State and Mr. Naresh Dikshit learned counsel for the Mines Department.

2. The present writ petition has been filed for quashing the order contained in Memo no. 330 dated 17.01.2025 issued by respondent no.3 by which he has directed the respondent no.4 to invite fresh notice inviting tender with respect to settlement of sand ghats bearing ghat no. Aurangabad Sone 16 B in the District of Aurangabad ignoring the fact that this was the 4th consecutive



notice inviting tender in which the petitioner had participated and vided up to Rs. 9,80,10,000/-i.e. one vide above the minimum reserve value and further for quashing the order contained in Memo no.130 dated 21.01.2025 issued by the respondent no. 4 by which tender of the petitioner has been cancelled and further for directing all the respondent authorities to allot the settlement of the above sand ghat in favor of the petitioner.

3. Learned counsel for the petitioner submits that initially in a short notice inviting e-auction for settlement of sand ghats situated in the District of Aurangabad including sand ghat situated at Block 16B at Sone river was published but no one participated in the said auction which was schedule to be held on 26.12.2023.

4. Thereafter again the respondents issued a short notice inviting e-auction for settlement of sand ghats in question on 27.01.2024 but no one come forward to participate in the said auction and thereafter again a notice inviting e-auction for settlement of sand auction was published on 18.08.2024 but again no one participated in the tender process.

5. Learned counsel for the petitioner submits that again the respondents had published short notice inviting e-auction for settlement of sand ghats in question on 05.10.2024 and petitioner



was having all the requisite qualification for participating in the settlement of the sand ghats in question and he had filed tender document after depositing earnest money amounting to Rs. 2,22,75,000/- (Two Crore Twenty Two Lac Seventy Five Thousand) which was 25% of the minimum reserve deposit which was Rs. 8,91,00,000/-. The petitioner was declared successful in technical bid and received information through e-mail on 15.11.2024. Thereafter the auction was held on 16.11.2024 in which the petitioner participated and as he was single tenderer in the said auction he was required to bid one more higher bid of 10% amounting to Rs. 89,10,000/- and petitioner became ready to take the aforesaid sand ghat Block 16B for Rs. 9,80,10,000/-.

8. Learned counsel for the petitioner submits that thereafter the respondent no.4 vide letter no.1490 dated 19.11.2024 and letter No. 1695 dated 31.12.2024 recommended the case of the petitioner for the settlement of the above sand ghat Block 16B but the respondent no.3 had issued impugned order contained in Memo No. 330 dated 17.01.2025 by which respondent no.3 has directed respondent no.4 to invite fresh notice inviting tender with respect to settlement of sand ghats.

9. Learned counsel for the Mines Department had filed a counter affidavit and stated therein that merely by participating in



the tender and being single bidder, does not qualify the petitioner for settlement as a matter of right and does not bar respondents from floating further tender notice and the respondent no.3 for floating new tender only in accordance with Clause 19(vi) of the tender document as well as in compliance of Notification No. 1051, dated 13.02.2017 issued by the Finance Department, Government of Bihar where process for fresh tender is prescribed in case of single tender for the first time.

10. Learned counsel for the respondents further submits that in fact in first three tender notice, there was no participation and in 4th, there was only one bid, therefore, in accordance with Clause 19(vi) of tender document and notification no. 1051 dated 13.02.2017 issued by the Finance Department, Government of Bihar, it was obligatory in interest of revenue of State to seek for fresh tender in order to explore for new entrants and to gain more revenue and there has not been any allotment letter issued in favour of the petitioner and no agreement was signed between parties and the respondents had already issued a fresh tender notice and which was completed on 21.01.2025 and the same is allotted to another person.

11. Having heard the counsel for parties and perused the terms and conditions of the notice inviting tender as well as Clause



19(vi) of the tender document and notification no. 1051 dated 13.02.2017 issued by the Finance Department, Government of Bihar, no case is made out for interference of this Court in the present writ application. It is, accordingly, dismissed.

(Rajesh Kumar Verma, J)

Suruchi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.03.2025
Transmission Date	NA

