

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3245 of 2025

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M/s Rai Raj Construction Private Limited through its Director Baidya Nath Rai, Gender Male, aged about 53 years, S/o Late Mahendra Ray, R/o 410, Ashiyana Plaza Budh Marg, Patna GPO, Patna 800001, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Govt. of Bihar, Old Secretariat, Patna, Bihar.
2. The Additional Chief Secretary Road Construction Department, Govt. of Bihar, Visveshwaraya Bhavan Jawaharlal Nehru Marg, Patna, Bihar 800001.
3. The Secretary, Road Construction Department, Visveshwaraya Bhavan Jawaharlal Nehru Marg, Patna, Bihar - 800001.
4. The Engineer in Chief Road Construction Department Govt. of Bihar, Visveshwaraya Bhavan Jawaharlal Nehru Marg, Patna, Bihar - 800001.
5. The Superintending Engineer Road Construction Department, Visveshwaraya Bhavan Jawaharlal Nehru Marg, Patna, Bihar - 800001.
6. The Executive Engineer Road Construction Department Government of Bihar, Visveshwaraya Bhavan Jawaharlal Nehru Marg, Patna, Bihar - 800001.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajendra Narain, Sr. Adv. Mr. Sachin Kumar, Adv. Mr. Abhishek Kumar Pandey, Adv.
For the Respondent/s	:	Mr. Vikash Kumar, Adv.
For Intervenor Resp.	:	Mr. Prabhat Ranjan, Adv.

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

Date : 13-05-2025

I.A. No. 1 of 2025

Mr. Prabhat Ranjan, who has appeared *suo motu* on behalf of the successful tenderer (Sona Infra Pvt. Ltd. through its Managing Director) presses the aforementioned



interlocutory application praying therein, for impeading him, as a party respondent in the writ petition, which we do not wish to accede to, for the present.

2 I.A. No. 1 of 2025 is dismissed.

CWJC No. 3245/2025

3. We have heard Mr. Rajendra Narain, the learned Senior Advocate for the petitioner and Mr. Vikash Kumar for the State.

4. The petitioner had participated in a bid for construction of road at Samastipur which was floated by Road Construction Department. His bid was rejected on the ground of his having not attached with the document, stamp of Rs. 25/- meant for Advocate's welfare fund, which was one of the conditions in the SBD.

5. The learned counsel for the petitioner has submitted that this was a very trivial condition which could not be fulfilled by him on account of misunderstanding that he was only required to submit an affidavit in that regard. It is absolutely un-understandable that a bidder for such a big work would deliberately not deposit stamp of Rs. 25/- with his



bid papers. It could be either oversight or lack of understanding with respect to payment of stamp duty but that should not have been the reason for non-suiting the petitioner at the technical stage. There could be a circumstance when, if the petitioner would have crossed that muster, his offer would have been the lowest. With such decisions of the respondents, this aspect appears to have been aborted midway.

6. Contesting the aforementioned arguments, Mr. Vikash Kumar, the learned Advocate for the State has submitted that it may appear to be trivial as it concerns a stamp of Rs. 25 which was required to be deposited and which was not deposited for any reason, it would nonetheless be called a breach of terms and conditions of the tender.

7. In this age of strong and fierce competition, even one fault detected in the bid papers, could lead to disqualification at the technical stage. After all, the technical evaluation is only meant to be a filter. That apart, we are of the view that it is not only the revenue which is to be taken into account while deciding the matters in the realm of commerce especially with the perspective of the State. The



evaluation by the technical committee filtered out the bid of the petitioner, though on a very small /slender ground but such a decision could not be faulted technically.

8. It further appears from the arguments advanced on behalf of the parties that one out of several other successful and technically responsive bidders has been selected; though the LOA has not been issued.

9. Nonetheless, we have debated whether the process could be reversed and the petitioner be given an opportunity to give his financial offer. The current trend of the judgments in this field tell us that these are best left in the domain of the Executive Authorities which have to take decisions and interfere only in situations when the decisions are absolutely gross, which cannot be sustained.

10. The rejection of the petitioner is on a very small issue. The authorities could have permitted the petitioner to deposit the stamp of Rs. 25/- towards Advocate's welfare fund, but we do not consider it to be appropriate to undo a decision in that regard by the Executive Authority which otherwise is correct if seen in the context of the petitioner not



having fulfilled all the conditions mentioned in the scheme.

11. For this very reason, we do not wish to interfere at this stage. However, we must state that the respondents in this case would have been well advised to give one opportunity to the petitioner to have rectified that small defect.

12. The writ petition stands dismissed.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

sunilkumar/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	14.05.2025
Transmission Date	

