

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4245 of 2025

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Samrat Buildtech India Pvt Ltd. having its Registered Office at Kolhay Patty, Murliganj, Madhepura, through its Authorized Signatory Sumit Kumar, aged about 40 Years, Male, Son of Surendra Singh, Resident of Road No. 2, Vikash Colony, Sandalpur Road Kumhrar, P.S. Alamganj, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Planning and Development Department, Government of Bihar, Patna.
2. The Engineer in Chief, Planning and Development Department, Government of Bihar, Patna.
3. The Chief Engineer, Local Area Engineering Organization, Patna, Bihar.
4. The Executive Engineer, Local Area Engineering Organization, Works Division, Saharsa, District-Saharsa, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prabhat Ranjan, Advocate
For the Respondent/s : Mr. P.K. Shahi, Advocate General
Mr. Vikas Kumar, A.C. to AG

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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 : 14-05-2025

Heard Mr. Prabhat Ranjan, learned Advocate for
the petitioner and Mr. Vikas Kumar, learned counsel for the



State.

2. The petitioner was initially declared to be technically responsive. However, on a complaint by another bidder, there was a re-evaluation and the petitioner was then found to be unresponsive for the reason that he had suppressed the information of his registration having been suspended earlier under the provisions of the Bihar Contractors Registration Rules, 2007.

3. While assailing the aforementioned decision of the Technical Evaluation Committee, Mr. Prabhat Ranjan, learned Advocate has referred to the requirement under the tender papers of filing a requisite affidavit which mandated that a bidder had to certify that his firm had never been blacklisted nor had it abandoned any work in any Government department in India or any contract awarded to the company for such works was rescinded during the last five years prior to the date of the bid.

4. Taking this content of the affidavit, as provided in the tender paper, Mr. Ranjan submits that suspension of registration, blacklisting, abandoning of the allotted work, recission of contract are though cognate, but essentially



different as the impact of all such punitive measures are different. The petitioner had only filed an affidavit on the basis of the proforma affidavit supplied in the tender paper. Thus, not mentioning in the affidavit about his registration having been suspended in the year 2022 ought not to be treated as any suppression of fact.

5. We do not agree with the aforementioned submission.

6. The purpose of filing such affidavit is to make the authority know about the background and the earlier performance of a bidder. Suspension is a punitive measure inflicted upon a defaulting contractor.

7. True it is that the proforma affidavit provided in the tender paper does not mention that it would be required of the bidder to state about suspension of the registration also; but we find that it would only amount to nitpicking in the decision making process. The petitioner's registration had been suspended for his having defaulted in the work allotted to him. This entitles the respondents to reject the bid of the petitioner as being unresponsive to the requirements of the tender documents.



- 8. There is no merit in the petition.
- 9. The writ petition is dismissed.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

P.K.P./-

AFR/NAFR	
CAV DATE	
Uploading Date	15.05.2025
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