

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4164 of 2025

Santosh Kumar son of Late Ajay Kumar, Resident of Near Court Station,
Purnia, P.S.-K. Hat, District-Purnia, Bihar-854301 ... Petitioner

Versus

1. The State of Bihar through the Secretary, Urban Development and Housing Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna-800001.
2. The Managing Director, Bihar State Housing Board, 6, Sardar Patel Marg, Patna-800015.
3. The Secretary, Bihar State Housing Board, 6, Sardar Patel Marg, Patna-800015.
4. The Manager (Estate), Bihar State Housing Board, 6, Sardar Patel Marg, Patna-800015.
5. The Superintending Engineer cum Nodal Officer, E-Auction, Bihar State Housing Board, 6, Sardar Patel Marg, Patna-800015. ... Respondents

Appearance :

For the Petitioner	:	Mr. Kumar Nikhil, Adv.
For the State	:	Mr. Piyush Kumar Pandey, AC to SC XI
For the BSHB	:	Mr. Pawan Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

4 07-04-2025 Heard the parties.

2. The present writ petition has been filed for the following relief(s) :

“I. For issuance of an appropriate writ in the nature of Certiorari for quashing the impugned cancellation order letter bearing Memo No. 830, dated 03.03.2025 issued by the Secretary, Bihar State Housing Board (herein after referred as BSHB), whereby the E-auction process for the sale of the cinema hall at Indira Nagar, Purnea, under N.I.T. No. 05/24-25, has been arbitrarily cancelled despite the petitioner being declared as the highest (H1) bidder.

II. For issuance of an appropriate writ in the nature of Mandamus commanding the respondents to restore the bid of the petitioner, processed with the E-auction as per the terms and conditions of the N.I.T. No.



05/24-25, and take necessary consequential steps for execution of the sale in favor of the petitioner, as he has emerged as the highest bidder.

III. For issuance of an appropriate writ, order, or direction declaring that the impugned cancellation order letter bearing Memo No. 830, dated 03.03.2025 issued by the Secretary, Bihar State Housing Board, is arbitrary, unreasonable and violative of Article 14 and 19(1)(g) of the Constitution of India, as no plausible or legally sustainable reasons have been assigned for such cancellation.

IV. For issuance of an appropriate writ directing the respondents to disclose the actual and substantive reason behind the cancellation of the E-auction and to produce the relevant records and documents leading to such an arbitrary decision.

V. Pass any other appropriate writ, order or direction that this Hon'ble Court may deem fit and proper in the interest of justice."

3. Learned counsel for the petitioner has submitted that without assigning any reason the authorities have cancelled the tender and calling for fresh tender. Counsel has stated that the reason given in the counter affidavit filed by the respondents for cancelling the tender is very vague and not legally sustainable. Counsel has therefore prayed this Hon'ble Court to



set aside the impugned order.

4. Admittedly, in the present case the authorities have cancelled the tender on the ground that out of ten registered participants only four have actively participated in the tender process creating a doubt with regard to the manipulation and cartels being formed by the participants. The tenders were cancelled even before any confirmation order has been issued in favour of the petitioner. The authorities are well within their rights to cancel the tender at any point of time before any confirmation letter/order is issued in favour of the highest bidder. Mere participation in the tender does not give any vested right to the participant to challenge the cancellation of tender. More over the cancellation of tender will not cause any prejudice to the petitioner and he is free to participate if another tender is called.

5. Having regard to the same, I do not find any merit in the present Writ Petition, which warrants any interference by this Court, the present Writ Petition is accordingly dismissed.

6. Leaving it is open to the petitioner to participate in the fresh tender.

7. As it is stated by the counsel for the petitioner that fresh tenders were called and today is the last date for submission of the bids and the petitioner could not participate in the said tender process due to pendency of the present case, the



authorities are directed to extend the last date for submission of the bids till 03.00 p.m, of 9th April, 2025.

8. The counsel for the Respondents shall intimate the authorities concerned about the orders passed by this Court.

(A. Abhishek Reddy , J)

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