

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5558 of 2025

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1. M/s Vikrant Electricals through its proprietor Vinod Kumar Singh, aged about 56 years, Male, Son of Late Kailash Singh, resident of Kailash Bhawan, Mohalla- Tejpratap Nagar, Bypass Road, P.S.- Beur, District- Patna.
 2. M/s Om Construction, through its proprietor Gopal Kumar Singh, aged about 54 years, Male, Son of Indradev Singh, resident of Shivrinar, P.S.- Mokama, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Bihar, Patna.
2. The Bihar Urban Infrastructure Development Corporation Ltd. (BUIDCO), through its Managing Director, having his office at West Boring Canal Road, Patna.
3. The Chief General Manager, BUIDCO, Patna.
4. The Project Director (Mech.), South Bihar (Works Division) BUIDCO, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Prashant Sinha, Advocate
For the Respondent/s : Mr. Rabindra Kumar Priyadarshi, Advocate

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 09-07-2025

Heard Mr. Prashant Sinha, learned Advocate

for the petitioner and Mr. Rabindra Kumar Priyadarshi for
the BUIDCO.

2. The Bihar Urban Infrastructure
Development Corporation Ltd. (hereinafter called



‘BUIDCO’) had invited item rate tender for annual repairs, operation and maintenance of drainage pumping stations for a period of ten months for annual Session of 2025-26 with all the materials, spares and labours from experienced and reputed firms or individuals who had done repair and maintenance work of electrical and mechanical machineries in Government/PSU with proven capabilities and had demonstrated their performance.

3. The petitioners, a reputed contractor which had the experience of working with BUIDCO could not participate in such tender as according to the petitioners, the qualification criteria mentioned in 25(a) and 25(b) (i) and (ii) of the NIT were onerous and restrictive.

4. In the pre-bid meeting, such objections were raised and were also replied by the BUIDCO. Some changes, though, were brought about in the conditions referred to above, but not to the expectation of the petitioners.



5. Any bidder to compete in the said tender had to have an annual turnover of 50% of the value of the estimated cost in any one year during the last five years and for certain groups, minimum three years experience in the last five years of maintenance/repair of similar work of 220HP to 550HP or above 550HP drainage pump sets, 500KVA to 800KVA transformers, sub-station and panel board of 1000 Amp. and he had to have the experience and in possession of skilled manpower to attend to the breakdown with immediacy.

6. The whole idea of the NIT was to attract parties who could agree on the rate for the items for annual repair, operation and maintenance of drainage pumping stations. The purpose for which the NIT was floated would not have served any purpose, if these conditions were not incorporated in the tender notice.

7. Be that as it may, on the objections raised by the petitioner in the pre-bid meet, necessary consideration was made by the BUIDCO.



8. One of the grounds for the petitioners to agitate against the terms of the NIT is that in earlier tenders, lesser value of annual return was asked for and that three years experience in specific work related experience and possession of manpower was insisted for.

9. This cannot be a ground to question the correctness of the terms of the NIT. It is the organization which knows what promptness is required in case of sudden breakdown for the purposes of choosing concessionaires for providing such maintenance services. That earlier BUIDCO insisted only for one year experience is no ground to come to any conclusion that the conditions in the present NIT are onerous and restrictive or perhaps tailor-made to suit some of the other bidders/participants.

10. That the work order has been given to the successful bidder is in itself indicative of the fact that the conditions are not onerous or unduly competitive.

11. For the aforementioned reasons, we do not find any merit in this petition.



12. The petition is dismissed and so are the
other Interlocutory Applications.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.07.2025
Transmission Date	NA

