

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6724 of 2025

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Ramesh Prasad Gupta Son of Late Laxman Prasad Gupta, Resident of 104,
Tari Mohalla, Near Akhtar Hind Press, P.S. Ara Town, District Bhojpur, Bihar
802301.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Minor Water Resources Department, Government of Bihar, Patna.
2. The Engineer In-Chief, Minor Water Resources Department, Government of Bihar, Patna.
3. The Chief Engineer, Minor Water Resources Department, Patna, Government of Bihar, Patna.
4. The Superintending Engineer, Minor Irrigation Circle, Patna, District Patna, Bihar.
5. The Executive Engineer, Minor Irrigation Division, District Ara at Bhojpur, Bihar.
6. The Executive Engineer, Minor Irrigation Division, Rohtas, District Rohtas, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prabhat Ranjan, Advocate
For the Respondent/s	:	Mr. Vikash Kumar, S.C.-11
		Mr. Ravish Chandra, A.C. to S.C-11

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)

4 12-08-2025 Heard Mr. Prabhat Ranjan, learned counsel for the

petitioner and Mr. Vikash Kumar, learned S.C.-11 for the

respondents.

2. The petitioner has filed the instant application for

the following relief(s):

*“(1) Quashing of the decision of the Tender
Committee dated 01.04.2025 as contained in Memo
No. 1208 pertaining to N.I.T. No. SBD 01/2024-25
whereby, taking into consideration an ex-parte report*



and contrary to the own records, the technical bid of the petitioner has been declared to be non-responsive and thus, rejected on the ground that "as per Letter No. 580 dated 27.03.2025, the Executive Engineer, Minor Irrigation Division, Rohtas, Sasaram has reported that the ten schemes allotted to the petitioner under the Division are incomplete and therefore, in terms of Clause 31 of the Notice Inviting Tender, the technical bid is being rejected".

(ii) Restraining the respondents from proceeding further and finalizing the tender by creating third party right during the pendency of the present writ application and/or without the leave of this Hon'ble Court."

3. The case of the petitioner in brief is that the petitioner being a proprietorship concern engaged in construction work on behalf of various Government departments within the State of Bihar participated in the Notice Inviting Tender No.SBD-01/2024-25 dated 18.2.2025 published by the Minor Water Resources, Government of Bihar for construction and renovation of various minor irrigation systems in the district of Ara. Altogether three bids including that of the petitioner were received.

4. The Tender Committee vide its proceedings dated 1.4.2025 having considered the bids of the three bidders, vide its Memo no.1208, Patna dated 1.4.2025, was pleased to hold the



petitioner's bid to be technically unresponsive on the ground that as per the letter no.580 dated 27.3.2025 of the Executive Engineer, Minor Irrigation Division, Rohtas, Sasaram, ten schemes allotted to the petitioner under the Division were incomplete and as a result in terms of Clause 31 of the NIT, the technical bid of the petitioner was rejected.

5. It is submitted by learned counsel for the petitioner that none of the works allotted to the petitioner is pending which would be evident from the report with respect to their completion already uploaded in the departmental portal. It was further submitted that the report of the Executive Engineer was *ex parte*. Though, an option to submit an objection against the decision of the Tender Committee was granted till 4.4.2025 and the petitioner has also filed his objection to the said decision on 3.4.2025 vide Annexure-P/5, the same was an idle and empty formality and the petitioner has not been communicated with any decision. The petitioner has also not been provided with a copy of the Executive Engineer's letter no.580 dated 27.3.2025 which was the basis for the impugned decision. It was contended by learned counsel for the petitioner that no effective reply could be filed in absence of the documents not having been provided to the petitioner.

6. It may be stated here itself that so far as the report



contained in letter no.580 dated 27.3.2025 of the Executive Engineer, Minor Irrigation Department, Rohtas, Sasaram written to the Superintending Engineer, Minor Irrigation Circle, Patna is concerned, the detailed report running in over 100 pages has been brought on record as Annexure-R/3 to the counter affidavit filed on behalf of respondent nos.1 to 6 and a copy of which has been provided to the learned counsel for the petitioner.

7. Heard learned counsel for the parties and perused the materials on record.

8. The relevant facts in brief are that pursuant to the respondents coming out with the NIT no.SBD-01/2024-25 with respect to construction and renovation of various minor irrigation systems in the district of Ara, the petitioner along with two others filed their tenders. In the meeting/proceeding of the Technical Bid Evaluation Committee/Tender Committee held on 1.4.2025, it was noted that information contained in letter no.580 dated 27.3.2025 had been received from the Executive Engineer, Minor Irrigation Division, Rohtas, Sasaram. On an enquiry being conducted with respect to the petitioner, it transpired that work under ten different schemes were still pending. As such, in view of Clause 31 of the NIT, the technical bid of the petitioner was rejected.

9. It may be observed here that Clause 31 of the NIT



provides that tenders of only those contractors would be considered who had not been blacklisted or debarred by any of the departments nor any of their work is pending beyond the time provided for completion of the work. The tenderer had to give statement on oath with respect to the same.

10. It is admitted fact that time till 4.4.2025 had been given to submit objections against the decisions of the Tender Committee and an objection to that effect was submitted by the petitioner on 3.4.2025.

11. A perusal of the contents of the report contained in letter no.580 of 27.3.2025 of the Executive Engineer, Minor Irrigation Division, Rohtas, Sasaram would show that work against ten agreements, which were to be completed by the petitioner, ie by 15.9.2023 in one case, by 21.5.2024 in seven cases and two other cases wherein dates of completion have not been given, remains incomplete. After receiving a copy of this detailed report, the petitioner has brought on record a copy of his objection filed on 3.4.2025. No further objection with respect to completion of the work against the ten agreements has been sent by the petitioner nor brought on record.

12. This Court is not inclined to enter into details of each of the ten agreements which as per the report dated 27.3.2025 of the respondents, the work still remains incomplete.



13. The petitioner who has already filed a representation/objection before the respondents will be at liberty to supplement his objection in view of the copy of the detailed report dated 27.3.2025 of the Executive Engineer having been received by him along with a counter affidavit on 3.6.2025.

14. The Chief Engineer, Minor Water Resources Department, Government of Bihar, Patna (respondent no.3) will decide the objection of the petitioner within a period of three weeks of its filing. In case respondent-the Chief Engineer is of the opinion that work against any of the agreements entered into between the department and the petitioner is still pending, the same shall be communicated to the petitioner by a reasoned order within the aforesaid period.

15. With the above observations and directions, the writ application stands disposed of.

(Vipul M. Pancholi, CJ)

(Partha Sarthy, J)

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