

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.421 of 2025
In
Civil Writ Jurisdiction Case No.4164 of 2025

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

... .. Appellant/s

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.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Mrigank Mauli, Sr. Advocate Mr. Kumar Nikhil, Advocate
For the State	:	Mr. Yogendra Pd. Sinha, AAG-7 Mr. Rajiv Kr. Sinha, AC to AAG-7
For the Board	:	Mr. Pawan Kumar, Advocate Mr. Raghav Vats, Advocate Mr. Utsav, Advocate Ms. Diksha, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

3 08-05-2025 Heard the learned counsel for the parties.

2. Under the NIT No. 05/24-25 inviting bidders

to participate in an e-auction process of sale of a cinema

hall at Indira Nagar, Purnea, the appellant was adjudged



the H-1 bidder. However later, the respondents chose to recall the tender and order for a re-tender.

3. Mr. Mrigank Mauli, the learned Senior Advocate appearing for the petitioner has submitted that this ought not to have been done without any specific reason.

4. In this appeal, the interim order refusing to accede to the request of the petitioner, has been challenged.

5. It appears from the impugned order that in the counter affidavit, the respondents had disclosed that it appeared to the authorities that fresh tender would garner better price as there was an apprehension of a cartel having been formed and a lower price having been offered even by the highest bidder.

6. Under such circumstances, a decision was taken to cancel the tender and go for a re-tender. The re-tender was announced and by the impugned order, the final date for applying was extended by two days to



enable the appellant/ writ petitioner to apply if so desired even under protest.

7. Mr. Mauli informs this Court that in the re-tender, the appellant/ writ petitioner never applied for being considered.

8. Be that as it may, taking the reason given by the respondents in the counter affidavit before the learned Single Judge that only under the expectation of garnering a better/ higher price for the cinema hall, which was to be e-auctioned, such a decision of recalling of the tender was taken, we find the order of cancelling the tender and floating a fresh one to be reasonable and justified.

9. In ***Principal Chief Conservator of Forest and others vs. Suresh Mathew and others*** [SLP (C) No(s) 12353-12355 of 2021], the Supreme Court has clearly laid down that the State/ instrumentalities of the State are the protectors of finance and if there is an expectation that in the re-tender, better price would be



fetches in the auction sale, that would be a good justification for recall of the tender and ordering for a fresh tender.

10. Considering this aspect of the matter, we do not wish to interfere with the order passed by the learned Single Judge dated 07.04.2025 refusing to stay the ongoing process of e-auction of the cinema hall in question.

11. The appeal stands dismissed.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

Rajesh/Saurabh

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