

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9585 of 2025

=====

Sona Engicon Private Limited a company, having its Head Office at Sona Commercial Complex, Thana Road, Gopalganj, Bihar-841428 through its director Prabhat Kumar Panja, aged about 58 years, (Male), son of Late Anil Panja, Resident of H.No.37K/A, Sareya Ward No.-13, Kali Asthan Road, P.S.- Gopalganj, District- Gopalganj, Bihar-841428

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Road Construction Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Road Construction Department, Govt. of Bihar, Patna.
3. The Chief Engineer, (North), Road Construction Department, Bihar, Patna.
4. The Engineer-in-Chief (Works Management), Road Construction Department, Bihar, Patna
5. Superintending Engineer, Saran, Road Circle, Hajipur.
6. Executive Engineer, Road Division, Gopalganj.
7. M/s Ujjain-Bhole (JV), through it authorised signatory Mahendra Kishore Singh, having its office at Village-Chand Parna, P.O. and P.S.- Sidhwalia, District- Gopalganj, Bihar.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Ashish Giri, Sr. Advocate Mr. Devashish Giri, Advocate
For the Respondent/s	:	Mr. Advocate General

=====

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ALOK KUMAR SINHA

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 01-09-2025

In the instant writ petition, petitioner has prayed for the following reliefs :

“I. For issuance of an appropriate writ(s)/ order(s)/ direction(s) in the nature of Certiorari to quash and set aside the order/decision of the Departmental Tender Committee, based on the findings & recommendations of the Technical Bid Evaluation



Committee, contained in memo no.- 3639(E) dated 10.06.2025 issued by the Engineer-in-Chief (Works Management), Road Construction Department, Bihar, (as contained in Annexure-P6).

II. For issuance of an appropriate writ(s)/ order(s)/ direction(s) in the nature of Mandamus directing the respondents to declare the petitioner as successful in the technical bid evaluation of the subject tender.

III. For issuance of an appropriate writ(s)/ order(s)/ direction(s) in the nature of Mandamus directing the respondents to open the financial bid of the subject tender and thereafter to award the contract.

IV. For issuance of an appropriate writ(s)/ order(s)/ direction(s) in the nature of Mandamus directing the respondents not to take any action under the Bihar Contractor Registration Rules, 2007 against the Sona Engicon Private Limited.

V. For issuance of an appropriate writ(s)/ order(s)/ direction(s) in the nature of Mandamus directing the respondents to produce the record of the proceedings related to the subject tender including the complaints on the basis of which the impugned order/decision was passed by the Departmental Tender Committee contained in memo no.- 3639(E) dated 10.06.2025 issued by the Engineer-in-Chief (Works Management), Road Construction Department, Bihar, Patna (as contained in Annexure-P6).

VI. For issuance of an appropriate writ(s)/ order(s)/ direction(s) in the nature of Mandamus directing the respondents to produce the letter no.-1486 dated 16.05.2025 issued by the Chief Engineer, (North), Road Construction Department, Bihar, Patna containing the proceedings and the recommendation of the Technical Bid Evaluation Committee in its meeting dated 16.05.2025 on the complaints filed against the result of the technical bid issued vide memo bearing no. 1443 dated 13.05.2025



issued by the Chief Engineer, (North), Road Construction Department, Bihar (as contained in Annexure-P2) and to quash and set aside the same to the extent to which it has been held by the Technical Bid Evaluation Committee that the petitioner has made false representation and has recommended to declare the petitioner unsuccessful in the technical bid in light of ITB-C1.4.8 of the SBD.

VII. For any other relief/reliefs to which the petitioner is deemed entitled as per the facts and circumstances of the case.”

2. Among others, petitioner was one of the participants in the Notice Inviting Tender dated 29.03.2025. During scrutiny of the applications, competent authority has found that petitioner has failed to fulfill paragraph 1.4 (B), relating to Works for which bids already submitted under Section 2, QUALIFICATION INFORMATION (to be filled in by Bidder) and it reads as under :

(B) Works for which bids already submitted :

Descriptio n of works	Place & State	Name & Address of Employer	Estimated value of works (Rs Cr)	Stipulated period of completion	Date when decision is expected	Remarks, if any
1	2	3	4	5	6	7

3. Learned counsel for the petitioner submitted that impugned action dated 10.06.2025 is consisting of two issues



namely rejection of application and proposal for blacklisting the petitioner. In not filling up the aforementioned material information, it is only an error and such information is required to be taken note of post qualification, therefore, he has rectified the aforementioned material information. In such circumstances, the concerned respondent should have entertained the petitioner's application. Further, proposal for blacklisting is by an incompetent authority.

4. *Per contra*, learned counsel for the respondents resisted the aforementioned contentions and submitted that applicants are required to fulfill the complete qualification information whether it is a pre-qualification or post-qualification. For the purpose of examining the eligibility, post qualification is also required to be examined otherwise there is no point in insisting furnishing of post qualification information at the time of pre-qualification. Further, it is submitted that proposal for blacklisting is only a proposal. He would be issued notice and other formalities, therefore, insofar as challenge to the proposal is concerned, it is premature.

5. Heard learned counsels for the respective parties.

6. Core issue involved in the present *lis* is whether petitioner has made out a case so as to rectify the post qualification



information particularly Clause B cited *supra*, it relates to Works for which bids already submitted is not serious error so as to reject the petitioner's application or not ? Post qualification information under Section 2, QUALIFICATION INFORMATION (to be filled in by Bidder) issued before examining eligibility of each of the bidder, therefore, it was bounden duty of the respective applicants to fulfill all those post qualification conditions also. Undisputedly, petitioner failed to fulfill Clause 1.4 (B) of Section 2 cited *supra*, therefore, it is an error committed by the petitioner so as to disqualify him. That apart, perusal of the counter affidavit in particularly paragraph Nos. 10 to 14. It is evident that respondents have proceeded to re-tender the matter and notification has been issued on 13.06.2025 and in which petitioner has participated under protest. Having regard to the facts narrated in paragraph Nos. 10 to 14, it is evident that petitioner's qualification is in order.

7. Recently, the Hon'ble Supreme Court in the case of ***ABCI Infrastructures Private Limited vs. Union of India and Others*** reported in (2025) 6 SCC 813 elaborately considered relating to the error read with disqualification and forfeiting EMD. In not furnishing the aforementioned information under Section 2, 1.4 (B) suffice to hold that petitioner has been disqualified and there is no error



committed by the official respondent in their impugned action. Insofar as proposal of blacklisting is concerned, it is set aside reserving liberty to the concerned authority to take necessary steps, if it is so warranted within a period of three months from the date of receipt of this order.

8. With the above observation, present writ petition stands disposed of.

9. Pending I.A., if any, stands disposed of.

(P. B. Bajanthri, ACJ)

(Alok Kumar Sinha, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	03.09.2025
Transmission Date	

