

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1681 of 2026

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Aczet Private Limited having its Registered Office at Unit E 2, Plot No.- 15, WICEL Estate, Opp. Seepz Gate No.- 1, Andheri (East), Mumbai 400093, through its Director Sanjay Chandrakant Shah, Male, Aged about- 51 years, S/o-Chandrakant Shah, R/o- 401, Krishna Niwas, Opp. Jain Temple, N.S Road No.5, Juhu Scheme, Vileparle (West), Mumbai, Maharashtra- 400056.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Agriculture Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Agriculture Department, Govt. of Bihar, Vikas Bhawan, Patna, Bihar.
3. The Agriculture Director, Agriculture Department, Govt. Of Bihar, Vikas Bhawan, Patna, Bihar.
4. The Additional Director (Chem) Soil Test Lab-cum-Quality Control, Agriculture Department, Govt. of Bihar, Vikas Bhawan, Patna, Bihar.
5. The Joint Director, (Chem) Soil Test Laboratory, Agriculture Department, Krishi Bhawan Campus, Rasayan Bhawan, Mithapur Agr. Farm, Jakkanpur, GPO, Patna.
6. The Consignee/Reporting Officer, Agriculture Department, Krishi Bhawan Campus, Rasayan Bhawan, Mithapur Agr. Farm, Jakkanpur, GPO, Patna.
7. M/s Ankit Lab Chemicals, through its Proprietor/Authorized Signatory, having its office at Ground Floor, C/O Ashok Kumar, New Punaichak, Near Indu Niketan, Boring Canal Road, P.O./P.S.- S.K. Puri, Patna- 800001, Bihar.
8. M/s Naina Enterprises, through its Proprietor/Authorized Signatory, having its office at Ground Floor, G1, Ashok Raj Path, Pillar No.- 67, Opposite Science College, Mahendru, Patna 800006, Bihar.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Abhishek Kumar Pandey, Advocate
For the Respondents : Mr. P.K. Shahi, Advocate General

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

3 25-02-2026 In the present writ petition, the petitioner has prayed
for the following relief(s):-

*“(a) For quashing the Technical Evaluation
Summary/Status dated 22.01.2026*



issued/uploaded/displayed by the Respondent Authorities on the GeM Portal regarding Bid Number GEM/2026/B/7083566, whereby the Petitioner's bid has been arbitrarily declared "Disqualified" on non-est and hyper-technical grounds ("EMD received late, I.e. 19.01.2026") in direct violation of Clause 4(xiii) of the GeM-General Terms and Conditions (GTC) Version 1.28 dated 22.12.2025.

(b) For quashing the decision of the Respondent Authorities whereby they have declared only two bidders, namely (M/s Ankit Lab Chemicals) and (M/s Naina Enterprises), (Respondent No. 7 & 8) as "Qualified," despite the fact that both these bidders offered the exact same make and model (Make: APOLLO SCALES, Model: ASAB-51), thereby creating a monopoly and restricting fair competition in complete derogation to Clause 4(viii) and Clause 4(xii) of the GeM General Terms and Conditions (GTC) Version 1.28 dated 22.12.2025.

(c) For issuing a writ of Mandamus directing the Respondents to condone the delay of one day in the physical submission of the Earnest Money Deposit (EMD), considering that the Bid End Date



(17.01.2026) fell on a Saturday (Non-working day) and the physical instrument was submitted on the very next working day, i.e., Monday (19.01.2026), which constitutes a valid submission under Section 10 of the General Clauses Act, 1897 and is well within the "5 working days" limit mandated by Clause 4(XIII)(m) of the GeM General Terms and Conditions (GTC) Version 1.28 dated 22.12.2025.

(d) For issuing a writ in the nature of Mandamus directing the Respondents to allow the Petitioner to participate in the further stages of the tender process for Bid Number GEM/2026/B/7083566, by treating the Petitioner's Technical Bid as "Qualified," considering that the Petitioner has complied with all substantial tender conditions including the EMD submission within the permissible "5 working days" window.

(e) For issuing an appropriate writ, order, or direction restraining the Respondents from opening the Financial Bids of the technically qualified bidders (Respondent Nos. 7 & 8) during the pendency of this Writ Application, to preserve the subject matter of the dispute and prevent the creation of third-party rights.

(f) For directing the Respondents forthwith to consider the Objection/Representation



given by the Petitioner dated 23.01.2026 in its true letter and spirit, and to re-evaluate the technical bid of the Petitioner objectively before proceeding with the opening of the Financial Bids.

(g) For any other relief or reliefs for which the petitioner be found entitled in the eye of law.”

2. Learned counsel for the petitioner submits that M/s Ankit Lab (Respondent No.7) has already been granted the award and that an agreement has been executed between the employer and the said contractor.

3. Considering the aforesaid submission, no further order is required to be passed in the present writ application as the matter has become infructuous.

4. Accordingly, the present writ application stands dismissed as having become infructuous.

5. Pending application(s), if any, shall stand disposed of.

(Sudhir Singh, J.)

(Rajesh Kumar Verma, J.)

Gaurav Kumar/-

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