

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8607 of 2026**

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Hardev Construction Private Limited, Registered Office at 8/2A- Garcha, 2nd Lane, Kolkata - 700019 and Head office at Station Road of Deoghar Town, P.O.- B. Deoghar, P.S. Subdivision and District- Deoghar, Jharkhand through their authorized representative and Director Mr. Avtar Singh, S/o Lt. Hardev Singh R/o Station Road of Deoghar Town, P.O.- B. Deoghar, P.S. Subdivision and District- Deoghar 814112, Jharkhand.

... .. Petitioner/s

Versus

1. Union of India Through the Ministry of Railways, Through Chief Administrative Officer, East Central Railway, Mahendrughat, Patna - 800004 (Bihar)
2. Dy. Chief Engineer, East Central Railway, Mahendrughat, Patna 800004 (Bihar).

... .. Respondent/s

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**Appearance :**

|                      |   |                               |
|----------------------|---|-------------------------------|
| For the Petitioner/s | : | Mr. A.K.De, Advocate          |
|                      | : | Ms.Smriti Kumari, Advocate    |
| For the U.O.I.       | : | Mr.Dr.K.N.Singh, A.S.G.-I.    |
|                      | : | Mr.Sanat Kumar Mishra, C.G.C. |
| For Intervenors      | : | Mr.Shekhar Singh, Sr.Advocate |
|                      | : | Mr. Shambhavi Singh, Advocate |

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE**  
**and**  
**HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA)**

**Date : 21-07-2026**

Heard Mr. A.K.De, learned counsel for the petitioner,  
Dr. K.N.Singh, learned A.S.G.I, for the Union of India and Mr.  
Shekhar Singh, learned senior counsel appearing for the  
intervenors.

2. The present writ application has been filed for the  
following reliefs:-

(I) *For issuance of writ in the nature of  
CERTIORARI quashing the decision of respondents*



*in rejecting the bid of the petitioner on the ground of non-submission of Original Bid Security in physical form even though the petitioner paid the bid security by e-payment gateway of authority as mandated in tender document for "Engineering Procurement and Construction (EPC) of Construction of guide bunds, Launching Aprons and Associated River Protection Works etc. in connection with Bikramshila-Katareah New Line Rail Link Project on EPC Mode"-Bid/ Package No. ECR-CAO-C-S-EPC-05-25-26 dated 06.01. 2026;*

*(II) Further for issuance of an appropriate writ in the nature of MANDAMUS commanding and directing the respondent authorities to open and consider the financial bid of the petitioner for "Engineering Procurement and Construction (EPC) of Construction of guide bunds, Launching Aprons and Associated River Protection Works etc. in connection with Bikramshila-Katareah New Line Rail Link Project on EPC Mode" - Bid/ Package No. ECR-CAO-C-S-EPC-05-25-26 dated 06.01.2026.*

*(III) Further for issuance of any other writ/ writs, order/orders, direction/ directions for which petitioner shall be found entitled under the facts and circumstances as stated herein below for equitable justice.*

3. Learned counsel for the petitioner submits that the petitioner is a private limited company having its registered office



at 82A-Gacha, 2<sup>nd</sup> Lane, Kolkata-700019 and Head office at Station Road of Deoghar Town, P.O.- B. Deoghar, P.S Subdivision & District-Deoghar Jharkhand has participated in the notice inviting bid which was uploaded by respondent No.1 for Engineering Procurement and Construction (hereinafter referred to as EPC) of construction of guide bunds, launching Aprons and Associated River Protection Works etc. in connection with Bikramshila-Katareah New Line Rail Link Project on EPC Mode” -Bid/PackageNo.ECR-CAO-C-S-EPC-05-25-26 dated 06.01.2026. Learned counsel for the petitioner further submits that the petitioner has participated in the bid process and submitted its bid through the e-procurement portal within the stipulated time. Learned counsel for the petitioner submits that as per Clause 2.11.2 of the Request For Proposal, the bidder was required to submit the following documents physically within the time mentioned in Clause 1.3:

*(a) Original Power of Attorney for signing the bid as per format at Appendix-II;*

*(b) If applicable, Original Power of Attorney for Lead Member of Consortium/ Joint Venture as per format at Appendix - III;*



*(c) If applicable, Original Bidding Agreement for Consortium/Joint Venture as per format at Appendix - IV; and*

*(d) Bid Security, if submitted as Bank Guarantee, in the format at Appendix-VII from a Bank.*

4. Learned counsel for the petitioner submits that in compliance of Clause 2.11.2 of the Request For Proposal, the petitioner submitted the Original Power of Attorney for signing the Bid as per Appendix-II in physical form as mandated herein above within the stipulated time and since the bid security was not paid in the form of Bank Guarantee and was paid through e-payment, there was no requirement of submitting the same physically in original.

5. Learned counsel for the petitioner submits that as per Clause 2.20.1 of the Request for Proposal for the purpose of submission of bid security, a bidder is required to upload a scanned copy of the e-payment receipt/ bank guarantee/ account payee demand draft/ fixed deposit receipt/ banker's cheque on e-procurement portal while applying to the tender. Learned counsel for the petitioner submits that in compliance thereof the petitioner successfully made e-payment on 17.02.2026 and uploaded the e-payment receipt of the bid security amount for Rs. 1,02,69,400/-



(One Crore Two Lacs Sixty Nine Thousand Four Hundred) on e-procurement portal of the respondents while applying to the tender in question. Learned counsel for the petitioner submits that the petitioner has submitted all the documents as per request for proposal alongwith requisite bid security amount. Learned counsel for the petitioner submits that suddenly the petitioner has come to know through e-portal that the respondents had opened the Techno-Commerical Bid on 09.06.2026 and that its bid has been rejected on the erroneous premise of non-submission of Bid Security in physical form.

6. Learned senior counsel for the Union of India and learned senior counsel for the intervenor respondent, on the other hand, have opposed the prayer of the petitioner and submits that the petitioner's bid was lawfully rejected because the petitioner failed to physically deliver the original printed receipt/instrument of the e-payment Bid Security to the designated office before specified closing date, which violates mandatory Clause 2.20.6 (ii) of the Request for Proposal (RFP). Clause 2.20.6 (ii) and (iii) of the Request for Proposal (RFP) are reproduced hereinbelow:-

*“2.20.6. In case, submission of Bid Security in the form of Bank Guarantee, or Account Payee Demand Draft, or Fixed Deposit Receipt, or*



*Banker's Cheque, or e-payment Gateway of Authority, following shall be ensured:*

*ii. The original (Account Payee Demand Draft/ Fixed Deposit Receipt/Banker's Cheque/ e- payment Gateway of Authority/ Bank Guarantee Bond) should be delivered in person to the official nominated as indicated in the tender document before closing date for submission of bids. (i.e. excluding the last date of submission of bids).*

*iii. Non submission of scanned copy of (Account Payee Demand Draft/ Fixed Deposit Receipt/ Banker's Cheque/ e-payment Gateway of Authority/ Bank Guarantee Bond) with the bid on e-tendering portal (IREPS) and/or non submission of original within the specified period shall lead to summary rejection of bid.”*

7. Learned senior counsel for the Union of India (Railway) submits that as per the terms of the Bid, payment of Bid Security was to be made in the form of any of the instruments like Account Payee Demand Draft, Fixed Deposit Receipt, Banker's Cheque, e- payment Gateway of Authority or Guarantee Bond



from a scheduled commercial Bank of India. The bidder was required to upload on the designated portal the desired details like Test of Responsiveness, Technical Capacity, Financial capacity, etc. and documents indicated in Clause 2.11.1& 3.1.6.1 and physically submit the document indicated in Clause 2.11.2 & 2.20.6(ii). Learned senior counsel for the Railway submits that although the petitioner has participated in the bid process but did not submit the original transaction reference/e-payment receipt-cum-e-payment Gateway reference of Authority of payment of Bid Security physically in the office of CAO/Con/South/MHX which is in violation of terms of Bid contained in Clause 2.20.6(ii) of RFP. The last date of submission of bid was 19.02.2026 up to 12.15 hrs and till date the petitioner has not submitted receipt of e-payment Gateway reference of Authority of payment of bid Security in the office CAO/Con/South/MHX in terms of Clause 2.20.6(ii) of RFP as mentioned aforesaid. The bid of the petitioner was rejected on the ground that the petitioner has not submitted the original copy of the e-payment within the specified period as required in terms of Clause 2.20.6(ii) of RFP. It is admitted fact that the petitioner has not submitted the original copy of the e-payment and not complied with Clause 2.20.6(ii) of RFP.



8. Having heard the learned counsel for the parties and perused the material available on the record, it transpires from Clause 2.20.6(ii) of RFP that the petitioner is required to deposit the original copy of Account Payee Demand Draft/ Fixed Deposit Receipt/ Banker's Cheque/ e-payment Gateway of Authority/ Bank Guarantee Bond before closing the last date of submission and in the present case, the petitioner has not submitted the original e-payment receipt before the authority concerned and the authority concerned has rightly rejected the bid due to non-submission of original e-payment receipt as per Clause 2.20.6(ii) of (RFP).

9. There is no merit in the writ application, accordingly, it is dismissed.

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

**(Sudhir Singh, ACJ)**

**( Rajesh Kumar Verma, J)**

Nitesh/-

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|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 23.07.2026 |
| Transmission Date | NA         |

