

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10397 of 2025

=====

Satyendra Kumar Construction Pvt. Ltd having its Registered Office at Hira Palace, Dak Bungalow Road, Patna through its Director Deepak Kumar, Male, aged about 44 years, Son of Sri Narayan Prasad, Resident of Bikhana Pahari, Opposite Patel Hostel, P.S. Sultanganj, Dist- Patna Bihar, 800006

... .. Petitioner/s

Versus

1. The State of Bihar through 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, Government of Bihar, Patna.
4. The Superintending Engineer, Minor Water Resources Department, Government of Bihar, Patna,
5. The Executive Engineer, Minor Irrigation Division, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Prabhat Ranjan, Advocate

For the Respondent/s : Mr. S.D.Sanjay, Advocate General
Mr. Mohit Agrawal, A.C. to A.G.
Mr. Rahul Kumar, AC to AG

=====

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

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

10 20-07-2026 Heard learned counsel for the parties.

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

*"(i) Quashing of the decision of the Technical
Bid Committee as contained in Memo No. 2017
dated 14.06.2025 (Annexure P/4) and Memo No.
2018 dated 14.06.2025, (Annexure P/5)
corresponding to Notice Inviting Tender No.*



02/2024-25 dated 03.12.2024 by which the Technical Bid of the petitioner has been held to be non-responsive in course of re-evaluation on absolutely non-est grounds and further coercive actions has been contemplated without giving option to file objection against such disqualification by an incompetent Committee;
(ii) Consideration and disposal by a Reasoned and Speaking order of the detailed representation/objection dated 16.06.2025 filed by the petitioner against the disqualification of its Technical Bid before finalization of the tender; and
(iii) Restraining the Respondents from proceeding further and creating third party rights by finalization the Tender arising out of the Notice Inviting Tender No. 02/2024-25 dated 03.12.2024 during the pendency of the present writ application and/or the without the leave of this Hon'ble Court."

3. A counter affidavit has been filed on behalf of Respondent Nos. 1 to 5, wherein following statements have been made in para Nos. 9 to 16 and 19:-

"9. That the Committee found that the bid submitted by the petitioner was responsive in its meeting held on 24.02.2025 and consequential order was communicated vide Memo no. 653, 654, 655 dated 25.02.2025 and Memo no. 690 dated 26.02.2025. Bidders were given opportunity to file objection against the above decision of the committee.

10. Thereafter complain/objection was submitted one Sri Monu Kumar regarding suppression of the Litigation History and submission of forged paper of mixture machine by the petitioner.

11. That the committee headed by the Engineer in Chief, Minor Irrigation Department, Bihar, Patna looked into the complaint and found the



allegation made in the petition is not worth disqualifying the petitioner in the Technical Bid This meeting was held on 07.05.2025.

12. That in the meantime during the evaluation of the Technical Bid under Nawada Division (NIT no. 01/2024-25, Group no. 04), it has been found by the Departmental Tender Committee in its meeting held on 09.06.2025 that the complaint filed against the petitioner is fit to be allowed as he has furnished/uploaded false and fabricated paper of Mixer Machine and he has been declared disqualified in the Technical Bid. The GST of the Seller of Mixture Machine has been found closed since 2019-2020. The Committee further took decision to proceed against the petitioner in the light of Contractor Registration Rule for furnishing false and fabricated paper for obtaining Tender.

13. That the petitioner has uploaded same paper of the Mixer Machine in the entire tender and therefore he has been disqualified in the Technical bid on the basis of decision taken in the meeting of Departmental Tender Committee on 09.06.2025.

14. That in the present case the Technical Bid Evaluation Bid Committee in its meeting held on 13.06.2025 re-evaluated the Technical Bid in the light of decision taken on 09.06.2025 and on the basis of this fact, the petitioner has been disqualified in the Technical Bid.

15. That as per clause 30 of NIT, the bidders had to submit declaration on affidavit with regard to authenticity of all tender documents in following Form "I the undersigned, do thereby certify that all statement made in the require attachments are true and correct, and if found fake/forged, the undersigned will be liable for infliction upon FIR and lawful punishment as well as blacklisting."

From the above affidavit it is clear that the petitioner has willfully provided fabricated and false information in order to get technically



qualified and grab the tender even after swearing affidavit. It is apparent that the submission of such fabricated and false information makes him liable to be not only technically disqualified but also initiate other punitive action under relevant section of IPC/Cr.PC and under the provision of Bihar Registration Rules, 2007.

16. That it goes without saying that it will be against the interest of the State and utter violation of tender conditions, if such fabricated and false affidavit is accepted and considered valid for the purpose of evaluation of technical bid. It will also encourage other genuine bidders to submit false and fabricated affidavits resulting into total violation of tender process.

19. That in reply to the statement made in Para 4 of the writ petition, it is submitted that the case of petitioner is interlinked with the two Notice Inviting Tender. The First NIT no 01/SBD/2024-25 was issued by the Executive Engineer, Minor Irrigation Division, Nawada. The petitioner participated in the Group no 1 to 3 in pursuance to this NIT. The Executive Engineer, Minor Irrigation Division, Patna issued NIT no 02/SBD/2024-25 and the petitioner participated in the Group no. 1, 3, 6 and 7 pursuance to this NIT. Technical Bid evaluation Committee headed by the Chief Engineer evaluated the bid submitted by the petitioner and others. The Committee found that the bid submitted by the petitioner responsive, in its meeting held on 24.02.2025 and order was communicated vide Memo no 653, 654, 655 dated 25.02.2025 and Memo no 690 dated 26.02.2015. Bidders were given opportunity to file objection against the above decision of the committee. Thereafter a complain/objection was submitted one Sri Monu Kumar regarding suppression of the Litigation History and submission of forged paper of mixture machine by the petitioner. A superior committee headed by the Engineer in Chief,



Minor Irrigation Department, Bihar, Patna looked into the complaint and found the allegation made in the petition is not worth disqualifying the petitioner in the Technical Bid. This meeting was held on 07.05.2025. In the meantime during the evaluation of the Technical Bid under Nawada Division (NIT no 01/2024-25, Group no 04), it has been found by the Departmental Tender Committee in its meeting held on 09.06.2025 found that the complaint filed against the petitioner is fit to allowed as he has furnished/uploaded false and fabricated paper of Mixer Machine and he has been declared disqualified in the Technical Bid. The Committee further took decision to proceed against the petitioner in the light of Contractor Registration Rule for furnishing false and fabricated paper for obtaining Tender. The petitioner has uploaded same paper of the Mixer Machine in the entire tender and therefore he has been disqualified in the Technical bid on the basis of decision taken in the meeting of Departmental Tender Committee on 09.06.2025. In the present case, the Technical Bid Evaluation Bid Committee in its meeting held on 13.06.2025 re-evaluated the Technical Bid in the light of decision taken on 09.06.2025 and on the basis of this fact, the petitioner has been disqualified in the Technical Bid."

4. At this stage, learned counsel for the petitioner submits that the petitioner has confined his prayer only to the punitive action contemplated against him. He has drawn the attention of this Court to Annexures P/6, P/7 and P/8.

5. Having considered the submissions advanced on behalf of the parties and the materials available on record, the petitioner is permitted to file a representation before



Respondent No. 2 enclosing all relevant documents, including Annexures P/6, P/7 and P/8.

6. In the event such a representation is filed, Respondent No. 2 shall consider and dispose of the same by passing a reasoned and speaking order in accordance with law, after affording an opportunity of hearing to the petitioner as well as to Lal Bhai Construction Equipment Private Limited, the supplier of the equipment in question.

7. It is made clear that this Court has not expressed any opinion on the merits of the controversy, and all issues are left open to be considered by the competent authority.

8. With the aforesaid observations and directions, the present writ petition stands disposed of.

9. Interlocutory application(s), if any, shall also stand disposed of.

(Sudhir Singh, ACJ)

(Rajesh Kumar Verma, J)

Sujit/Nitesh

U			
---	--	--	--

