

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10796 of 2025

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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, Nawada
6. Lal Bhai Construction Equipment (P) Ltd. Office at 6-1, Sharma Complex Behind Hotel Vikram, Exhibition Road, Patna - 800001.

... .. Respondent/s

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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

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

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

9 20-07-2026 Heard learned counsel for the parties.

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

*"(i) Quashing of the decision of the
Departmental Tender Committee dated
09.06.2025 as communicated vide Memo No.*



617 (Annexure P/3) corresponding to NIT No. 01/2024-25 whereby, in the course of re-evaluation, the Technical Bid of the petitioner has been rejected and action under the provisions of Bihar Contractors Registration Rule, 2007 has been directed to be taken on absolutely nonest ground(s) and contrary to the decision(s) of the Government and tender document relating to tender disposal;

(ii) Quashing of the consequential decision of the Technical Bid Committee as contained in Memo No. 1999, 1998, 2000 and 2001 all dated 13.06.2025(Annexure P/4 Series) whereby, on the basis of the decision of the Departmental Tender Committee dated 09.06.2025, the Technical Bid of the petitioner has been rejected with a further direction to open the financial bid of the other technically successful bidders;

(ii) Direction upon the Respondents to open the financial bid of the petitioner along with the other bidders in connection with the Notice Inviting Tender No. 01/2024-25 dated 25.11.2024;

(iv) Restraining the Respondents from proceeding further and finalizing the tender process by creating third party right 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 No. 5, wherein following statements have been made in para Nos. 5 to 11:-

"5. That it is stated that pursuant to the tender notice bearing NIT No. SBD-01/2024-25 dated 25.11.2024 issued by the Executive Engineer, Minor Irrigation Division, Nawada, the petitioner uploaded his tender documents for Work Group No. 01 (Construction Work of Nata River Paharpur Check Dam/Weir), Work Group



No. 02 (Construction work of Bandaili spillway/weir, Sarauni Payne check dam over Nata river and Sob river check dam/weir), Work Group No. 03 (Construction work of Khuri check dam/weir) and Work Group No.04 (Construction work of Neya weir).

6. That the Tender Committee headed by the Chief Engineer, Minor Water Resources Department, Patna declared the petitioner and other bidders qualified in technical bid for the aforesaid work groups in its meeting held on 27.01.2025 and its decision was communicated vide Memo No. 162, 163 and 164 dated 27.01.2025 (Annexure-P/2 Series to the writ application).

7 That later on, some complaint was lodged before the Departmental Tender Committee that the petitioner has uploaded forged documents with respect to concrete mixture machine. The Chief Engineer, Minor Water Resources Department, Patna got verified the documents uploaded by the petitioner and reported the said documents to be forged. Therefore, the committee rejected the technical bid of the petitioner in its meeting held on 09.06.2025 and decided to take action against the petitioner under the provision of Bihar Contractors Registration Rules, 2007. The said decision was communicated vide departmental Letter No. 617 (Mo) dated 09.06.2025 (Annexure-P/3 to the writ application).

8. That pursuant to the aforesaid decision of the Departmental Tender Committee, the Tender Committee headed by the Chief Engineer decided in its meeting held on 13.06.2025 to open the financial bid of the successful bidders with respect to the aforesaid work groups. The said decision was communicated vide Memo No. 1998, 1999, 2000 and 2001 dated 13.06.2025 (Annexure-P/4 Series to the writ application).

9. That it is submitted that as per Clause 30 of the NIT, the bidders had to submit declaration on



affidavit with regard to authenticity of the tender documents in following form:-

"1. the undersigned, do hereby certify that all statements made in the required attachments are true and correct, and if found fake/forged, the undersigned will be liable for infliction upon the FIR and lawful punishment as well 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 submission of such fabricated and false information makes him liable to be not only technically disqualified but also initiate other punitive actions under relevant section of IPC/Cr.P.C and under the provisions of Bihar Contractors Registration Rules, 2007.

10. That since the aforesaid conduct of the petitioner was found in violation of the provisions made in Clause 11(vii) of the Bihar Contractors Registration Rules, 2007 and constitutes offence under the Indian Penal Code, the Executive Engineer, Minor Irrigation Division, Nawada asked explanation from the petitioner vide Letter No. 1751 dated 10.09.2025 as to why the matter should not be reported to the competent authority. Thus, it is apparent that the Executive Engineer did not issue any show cause notice to the petitioner under the provisions of the Bihar Contractors Registration Rules, 2007 but only asked explanation as to why the matter should not be reported to the competent authority for appropriate action.

11. That with regard to the internal correspondence with Lal Bhai Construction Equipment Pvt. Ltd., as directed by the Hon'ble Court vide order dated 11.09.2025, it is stated that the Executive Engineer, Minor Irrigation Division, Nawada requested the said company vide Letter No. 01 camp-Patna dated 06.02.2025



to verify the invoice No. 354 dated 15.07.2023 by which concrete mixture machine had been sold to the petitioner. The said company reported on 11.02.2025 that the said invoice is genuine."

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/2, P/3 and P/5.

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/2, P/3 and P/5.

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 Respondent No. 6/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

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