

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18030 of 2025

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Amar Engicon and Construction Private Limited, through its Director Gopal Kumar Verma, (Male), aged about 39 years, son of Late Kishun Saw, resident of Flat No. 201, Sirmangala Tower, Saheb Pokhra Road, VIP Chowk, Deoghar 814112 (mobile No. 7004393616)

... .. Petitioner

Versus

1. The State of Bihar.
2. The Engineer-in-Chief-cum-Additional Commissioner-cum-Special Secretary, Works Manager, Road Construction Department, Bihar, Patna.
3. The Secretary, Road Construction Department, Bihar, Patna.
4. The Financial Advisor, The Secretary, Road Construction Department, Bihar, Patna.
5. The Chief Engineer (South), Road Construction Department, Bihar, Patna.
6. The Executive Engineer, Road Construction Department, Lakhisarai.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Ajay Prasad, Advocate.
For the Respondents : Mr. Government Pleader (4)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

5 20-04-2026 Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. Following is the relief sought for in the present writ
petition.

“1 (i) For quashing the letter dated 24.09.2025 issued by the respondent no. 2 to 4 under the name of the petitioner whereas cancelled the tender without prior notice to the petitioner, without asking any show cause to the petitioner with regard to deem to be the



first tender as well as also issued a direction by the Direction to the Chief Engineer with regard to advertise the fresh tender.

(ii) For issuance of a direction to the respondent authority to allow the work through the writ petitioner who is qualified in tender for grant as per Notice Inviting Tender.

(iii) For any other order or orders to which the petitioner may be entitled to.”

3. A supplementary counter affidavit has been filed on behalf of respondent no. 6 wherein in paragraph nos. 7, 8, 9, 10, 11, 12 and 13 following statements have been made which is reproduced hereinbelow:-

“7. That in the first tender two bidder namely Santosh Kumar and Nishant Kumar had participated. The Bid validity of the both the bidder lapsed during the pendency of the Tender process. Neither the departmental official, nor the bidder took steps to extend the bid validity. Since the Bid validity of the both the bidder had lapsed, the tender was cancelled which is evident from Letter No. 920 dated 12.03.2025 of Chief Engineer. Since the Tender was cancelled on technical ground it was a sham transaction and it was decided to Invited fresh tender.

8. That in the present tender, petitioner and another bidder namely Santosh Kumar participated. The second bidder Santosh Kumar was disqualified in the Technical bid as he did not possess Technical experience required in the bid. Only petitioner was declared responsive in the Technical Bid.

9. That since this was a case of single tender,



the Chief Engineer referred the matter to the higher authority i.e. Departmental Tender Committee (DTC) in the light of provision made in Departmental letter no 3162(S) dated 09.05.2016 which has been issued in the light of Rule 131J(c) of the Bihar Financial Rules. The DTC in its meeting held on 23.09.2025 (impugned decision in the present application) decided that since the first time tender was cancelled on ground of expiry of the Bid validity, it was not a valid transaction and therefore the Retender will be treated as First Time Tender and direction was issued to invite fresh Bid. All these facts are clearly mentioned in the DTC proceeding, dated 23.09.2025 which is impugned letter in this writ application.

10. The decision of DTC dated 23.09.2025 is fully covered by the Judgment of this Hon'ble Court passed in CWJC no. 13968 of 2025, on 19.09.2025, as referred above.

11. That evidently, the decision of DTC dated 23.09.2025 does not suffer from any legal infirmity and is sustainable in eye of law.

12. That moreover, pursuance to the decision of DTC held on 23.09.2025 to invite fresh tender, it has been invited under NIT no RCD/Lakhisarai/E Retendering /20/2025-26. It is relevant to mention here that the petitioner has also participated in this Retender along with two other bidders. The Evaluation of bid is under process.

13. That in view of participation of the petitioner in the fresh bid invited on 17.01.2026, the present writ petition has lost its significance and the instant writ petition has become infructuous.”



4. Upon perusal of the materials available on record, it appears that the petitioner has already participated in the subsequent re-tender bearing NIT No. RCD/Lakhisarai/E Retendering/20/2025-26 dated 17.01.2026 issued by the Road Construction Department.

5. In view of the aforesaid, this Court is of the view that there is no reason for interfering with the tender process in question at this stage.

6. Accordingly, we find no merit in the present writ application and the same stands dismissed.

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

8. Since the tender in question has already been cancelled, any bank guarantee or other documents submitted in respect of the said tender notice shall be returned to the petitioner.

(Sudhir Singh, J)

(Shailendra Singh, J)

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