

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.384 of 2026

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M/s Solanki Engicon Private Limited (a Company incorporated under the Indian Companies Act, 2013) having its Registered office at House No. 11, Vill.- Chhotkipatti, Bagah, Pashchim Champaran, Bihar - 845101 through its Director Mr. Samir Suman, aged about 35 years, S/o Manoj Kumar Rao.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Rural Works Department 5th Floor, Vishvshwarya Bhawan, Bailey Road Patna.
2. Engineer-in-Chief cum Additional Commissioner cum Special Secretary, Rural Works Department, 5th Floor, Vishvshwarya Bhawan, Bailey Road, Patna.
3. Chief Engineer, Rural Works Department, Muzaffarpur.
4. Superintendent Engineer, Rural Works Department, Bettiah.
5. Executive Engineer, Rural Works Department, Bettiah.
6. Nodal Officer, Mukhya Mantri Gram Sampark Yojna, Rural Work Department, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anurag Saurav, Advocate Mr. Abhishek Kumar, Advocate Mr. Ankesh Bibhu, Advocate
For the Respondent/s	:	Mr. Government Advocate-02

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

2 31-01-2026 The present writ application has been filed for the following reliefs:

a) For Quashing of Memo bearing Memo no. 3238, Dated 16.12.2025 issued by the Respondent No. 2 whereby and where-under the Technical Bid of the Petitioner of Tender issued under MMGSY by Work Division-Bettiah bearing Package No. MMGSY (AWSESH-SC)- Betia-825



has been rejected on the nonest ground that there is difference of Annual Turnover in the Annual Return and 26AS (TDS Certificate) of the petitioner in the Financial Years 2023-24 and 2022-23, whereas the petitioner's tender has been rejected on the basis of violation of Clause 4.7 of the Combined Model Bidding Document (hereinby referred to as "CMBD") and the said Clause states about the misleading and false representation in the forms, statements, affidavit and attachments submitted in proof of the qualification requirement and the petitioner had not made any false submission during the declaration of the turnover and the difference in Annual Turn Over reflected in Annual Return and 26AS (TDS Certificate not amount to misrepresentation or false representation.

b) For Issuance of the Writ in nature of Mandamus directing the respondent authorities to consider the petitioner's Bid, as the petitioner is having the requisite qualification as required in the tender document and having the required annual turnover as demanded in Clause 4.4A of the CMBD and even Turn Over mentioned in Annual Return is higher than the mount in which TDS had been deducted and TDS Certificate i.e 26AS had been issued, will not reduced the Turn Over of the Financial Year declared and tax paid by petitioner before Income Tax Authority.

c) For restraining the respondent authorities from the Opening of Financial Bid of Tender Package No.- MMGSY (AWSESH-SC)-Betia-825, till the disposal of the present writ



application, as the petitioner having good ground for consideration and to get qualified in the Technical Bid.

d) For issuance of any other relief or reliefs as Your Lordship may deem fit.

2. Under the impugned order dated 16.12.2025 itself, liberty was granted to the petitioner to file a complaint in the event he was aggrieved by the said order, which is reproduced below:

**निम्न सरकार
प्राचीन कार्य विभाग**

विभाग-16.12.2024 को अभियंता प्रमुख-सह-अपर आयुक्त-सह-विशेष सचिव, प्राचीन कार्य विभाग की अध्यक्षता में सम्पन्न एकत्रीय बैठक में उपस्थित होने की बैठक की कार्यवाही:-

मुख्यमंत्री द्वारा समर्पित योजना (अभियंता-अनुप्राणित प्राप्ति) जारी कार्य प्राधिकार, वेतिया के अधीन रखित निविदा सफ्ट Package No-MMGSV(AWSEBIS-SC)-Bids-225 (Project ID- 2025_RWD_145152_1) के निर्माण एवं कार्य अनुसंधान करने के लिए निविदा आवेदन सूचना संख्या-MMGSV(AWSEBIS-SC)-BQ/ST/2025-3623 के द्वारा निविदा प्रकाशित की गयी, जिसका PR.No-214357 (RWD) 2025-26 एवं प्रकाशन दिनांक-14.09.2025 है। उक्त निविदा के अनुसार Online निविदा प्राप्ति की अंतिम तिथि 14.10.2025 था, जिसे अंतिम विस्तारित कर दिनांक 17.11.2025 पर रखा गया। Online निविदा में एक लेने वाले कुल 33 (तीन) निविदाओं के एकत्रीय बैठक से संबंधित Checklist/अभिलेख केवल पदाधिकारी द्वारा समालोक्य कराया गया। उक्त निविदा के निर्माण एवं कार्य अनुसंधान करने के लिए निविदा प्राप्ति र 384.318 लाख मात्र है। उक्त निविदा सफ्ट में शामिल रूप योजनाओं के प्रस्तावित स्वीकृति की कुल राशि ₹ 404.78 लाख है। उक्त अभियंताओं द्वारा समालोक्य कराये गये Checklist/ अभिलेख को आधार पर समिति द्वारा समस्त विचारोपरित निम्नलिखित निर्णय लिया जा रहा है:-

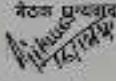
(i) Kharshid Alam (Bid ID-635071) को CMRD की न्यूनतम मांगित शर्तों को पूरा करने के कारण एकत्रीय बैठक में योग्य घोषित किया जाता है।

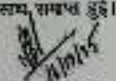
(ii) Subrat Engicon Private Limited (Bid ID-636260) द्वारा निविदा में संलग्न वित्तीय वर्ष 2022-24, 2022-25 के ATO एवं 25AS से ATO की राशि में कितना होने के कारण CMRD की सटिका-4.7(i) Made misleading in false representations in the form of Statements, affidavits and attachments submitted in proof of firm qualification requirements के अन्तर्गत में उन्हें एकत्रीय बैठक में योग्य घोषित किया जाता है।

(iii) M/S Raj Construction (Bid ID-636413) को CMRD की न्यूनतम मांगित शर्तों को पूरा करने के कारण एकत्रीय बैठक में योग्य घोषित किया जाता है।

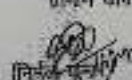
इस निविदा में भाग लेने वाले निविदाकार एकत्रीय बैठक समिति के निर्णय के विरुद्ध अपना अपवाद/परिवाद सत्य एवं हक पत्र के साथ एकत्रीय बैठक की कार्यवाही अगले दोहे के पश्चात् 05 (पाँच) कार्यदिवस तक ही संचालित कर सकते हैं। 05 कार्यदिवस व्यतीत होने के पश्चात् प्राप्त अपवाद/परिवाद पर विचार नहीं किया जायेगा।

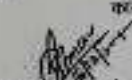
नोट प्रत्येक आपन के साथ सम्बंधित है।


(अधीनस्थ कुमार)
 चेयरमैन पदाधिकारी,
 MMGSV


(राम विनय सिंह)
 अध्यक्ष अभियंता,
 प्राचीन कार्य विभाग,
 कचह अंचल, वेतिया


(अनूपम सिंह)
 अभियंता प्रमुख-सह-अपर
 आयुक्त-सह-विशेष सचिव के सचिव प्राचीन कार्य विभाग


(अनूपम सिंह)
 अभियंता प्रमुख-सह-अपर
 आयुक्त-सह-विशेष सचिव
 प्राचीन कार्य विभाग


(अनशु कुमार)
 मुख्य अभियंता-6 (मुख्यप्रमुख),
 प्राचीन कार्य विभाग



3. Learned counsel for the petitioner has submitted that a complaint was filed on 22.12.2025, which is pending till date. A copy of the complaint has been produced in course of proceedings and is marked as 'X' and shall form part of the record.

4. Considering the fact that the said complaint is still pending before respondent No. 5, respondent No. 5 is directed to dispose of the said complaint within a period of fifteen days from the date of receipt or production of a copy of this order, after granting due opportunity of hearing to all the stakeholders.

5. With the aforesaid observation, the writ application stands disposed of.

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

(Sudhir Singh, J)

(Alok Kumar Pandey, J)

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