IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No. 6827 of 2026

M/s. Aanahat Construction Private Limited, having its office at Ward No. 11, Near Devi Mandir, New Area, PO, PS & District-Aurangabad (Bihar), through its Director-cum-Chairman namely, Ramashray Kumar Singh, S/o Damodar Prasad Singh, R/o Ward No. 11, Near Devi Mandir, New Area, PO, PS & District-Aurangabad ... ... Petitioner

Versus

1. The State of Jharkhand
2. The Engineer-in-Chief, Rural Works Department-cum-Jharkhand State Rural Road Development Authority (JSRRDA), having its office at 3rd Floor, F.F.P. Building, Dhurwa, Ranchi
3. The Chief Engineer, Rural Works Department, Government of Jharkhand, Ranchi, having office at Project Building, Dhurwa, Ranchi ... ... Respondents

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CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner : Mr. Binod Kumar, Advocate
Mrs. Nanda Kumari, Advocate
For the Respondents : Mr. Vibhor Mayank, A.C. to A.G.

Order No. 02 **Dated: 02.09.2026**

1. Heard Mr. Binod Kumar for the petitioner and Mr. Vibhor Mayank, learned A.C. to A.G. for the respondents.

2. The petitioner, by instituting this petition, seeks the following reliefs:

(i) For direction upon the respondents to reconsider the technical bid of the petitioner in connection with E-Tender No. 02/2025-26 Ranchi dated 17.10.2025, Tender ID No. 2025-CEJHR-14549247 by duly taking into account the experience and credentials of M/s Anand Construction (Partnership Firm), in which the petitioner's Director is a major partner.

(ii) To direct the respondents not to proceed

further or finalize the tender process in connection with E-Tender No. 02/2025-26 Ranchi dated 17.10.2025, Tender ID No. 2025-CEJHR-14549247, during the pendency of instant writ petition.

3. Mr Binod Kumar, learned counsel for the petitioner, submits that although the bidder in the present case was the petitioner, i.e., M/S. Aanahat Construction Private Limited, its director is a major partner of M/s. Anand Construction (Partnership Firm), and this firm M/s. Anand Construction has the requisite experience provided in Clause-4.4A of the NIT in question. He therefore submits that the experience of the petitioner's director in his capacity as a partner of M/s. Anand Construction should be considered for holding the petitioner as technically eligible under the NIT in question.

4. Mr. Vibhor Mayank, learned AC to AG, submits that the contention is quite misconceived because Clause-4.4A requires the "bidder" to have the prescribed experience. The bidder in this case is the petitioner-company, which is different and distinct from its shareholders or directors. He therefore submits that this petition should be dismissed.

5. We have considered the rival contentions, and we are satisfied that no relief as prayed for can be granted to the petitioner.

6. Clause-4.4A inter alia provides that to qualify for award of the contract, "each bidder" should have in the last five years achieved the milestones or experience prescribed in sub-

clauses (a) and (b). We refer to sub-clauses (a) and (b) because only a truncated portion of the NIT has been placed before us.

7. In any event, the milestones or experience should be that of the "bidder" and not of the bidder-company's director, whether in his capacity as a major partner of another firm or otherwise. It is well settled that a company has an independent legal identity, distinct from the shareholders or directors who comprise it. Therefore, the experience of a shareholder or a director, whether in his personal capacity or as a partner in a firm, cannot be equated with the experience of the company itself unless the NIT specifically permits such an equation or consideration.

8. Under the existing terms of the NIT, there is no provision to consider the "experience and credentials of M/s Anand Construction (Partnership Firm), in which the petitioner's Director is a major partner" as the experience of the Petitioner, i.e. the bidder-company.

9. The relief sought by the petitioner effectively amounts to a direction to rewrite the tender conditions. Apart from the fact that this Court cannot order such a rewriting, any such exercise would entail the cancellation of the entire tender process, as all concerned would need to be notified that the experience of a director or a shareholder of a company, whether in their personal capacity or as a partner in a firm,

would also be considered in determining the experience of a company-bidder.

10. For the above reasons, we see no merit in this petition and consequently, dismiss the same without any order for costs.

(M. S. Sonak, C.J.)

(Rajesh Shankar, J.)

September 02, 2026
Manish/Ritesh
N.A.F.R.

Uploaded on 03.09.2026