
(2002) 06 JH CK 0022
In the Jharkhand High Court
Case No : Writ Petition (S) 3188 of 2002

Darauli Construction P. Ltd.	Vs	APPELLANT
State of Jharkhand and Others		RESPONDENT

Date of Decision : 26-06-2002

Acts Referred:

Citation : (2002) 06 JH CK 0022

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Advocate : Anil Kr. Sinha and Bhaiya Vishwajeet Kumar, for the Appellant;
Rajeeva Sharma and GP I, for the Respondent

Final Decision : Dismissed

Judgement

S.J. Mukhopadhaya, J.—A supplementary affidavit has been filed on behalf of respondent Nos. 1 to 5 enclosing the complete copy of Annexure A as was enclosed in the earlier counter affidavit.

2. A rejoinder has also been filed on behalf of the petitioner.

3. This application has been preferred by the petitioner against the part of press notice under the heading "Package No. JH-1902" as published in local daily "Hindustan" dated 22nd May, 2002, whereby the respondents State provisionally selected the 6th respondent for allotment of aforesaid package i.e. for construction of road under Prime Minister's Village Road Project.

4. The case of the petitioner is that the petitioner and the 6th respondent both submitted tenders and quoted 15% below the estimated cost. In spite of the same, the petitioner and the 6th respondent both were not called for any negotiation and without any basis, the work was allotted in favour of the 6th respondent.

5. The petitioner claims to be more experienced and senior to the 6th respondent and is well equipped with machineries and equipments for construction of roads.

He has also stated that the work site of the Scheme JH 1902 is nearer to the Heat Mixing Plant of the petitioner and he has given the offer to complete the work within the time schedule.

6. According to the State, the petitioner was earlier provided with certain road construction work but the progress of the work being unsatisfactory and delaying tendency in execution of such work allotted under Pradhan Mantri Gram Swaroop Yojna (First Phase Package No. JH 1701 and JH 1606 partially), the 6th respondent has been preferred over the petitioner.

7. The petitioner, however, disputed the aforesaid allegations as false, motivated and misconceived and taken plea that the previous work allotted to the petitioner was never found unsatisfactory nor there was any delaying tendency on the part of the petitioner.

8. The counsel for the 6th respondent relied on a Circular dated 13th September, 1991 (Annexure 3 to his counter affidavit) to suggest that in the case of two tenderers quoting the same rate, the preference is to be given to the local person. The 6th respondent being a local person having head office in the district of Sahebganj, he was preferred over the petitioner.

9. From the facts aforesaid, as it appears that the work has been allotted provisionally in favour of the 6th respondent by the departmental Tender Committee, the petitioner and 6th respondent having quoted the same rate, I find no reason to interfere with the matter.

10. The writ petition is dismissed.