

(2012) 10 JH CK 0002
In the Jharkhand High Court
Case No : Writ Petition (C) No. 2285 of 2007

Kolhan Samvedak Sangh

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 12-10-2012

Acts Referred:

Citation : (2013) 1 AJR 201

Hon'ble Judges : Aparesh Kumar Singh, J

Bench : Single Bench

Advocate : Sunil Kumar Sinha, for the Appellant; Saket Upadhyay and Vikas Kumar, for the Respondent

Judgement

Aparesh Kumar Singh, J.—Heard learned counsel for the parties. Petitioner has challenged the Clause Nos. 9, 13 and 14 in the Notice Inviting Tender No. 01/2007-08 issued by the Executive Engineer, Rural Engineering Organization Work Division Seraikella-Kharsawan published in the daily newspaper in the year 2007.

2. The respondents have appeared and filed their counter-affidavit in which they have categorically stated in para-8 that earlier decision of the respondents have been recalled and a fresh order has been passed on 11.2.2008 by the Principal Secretary, Rural Engineering Organization, Ranchi. The respondents have henceforth decided to accept the bank guarantee as earnest/security money and the contractor has to deposit 5% as security deposit, which will be deducted from the running bills instead of 10%.

3. Learned counsel for the petitioner, on the other hand, submitted that pursuant to the said decision itself the Notice Inviting Tenders, which are required to be published under the Public Works Department and Other Works Department are to be in terms of the provision of the Public Works Department Code.

4. From the aforesaid submissions, therefore, it appears that the grievance of the petitioner raised in the present writ petition has been redressed.

5. However, the petitioner has filed another Interlocutory Application being I.A. No. 3045 of 2012 wherein certain Clause-33 of the Notice Inviting Tender being NIT No. 13/11-12 issued by the Office of Executive Engineer, Rural Engineering Organization Division, Seraikella Kharsawan has once again been sought to be challenged by seeking amendment in the main writ petition as per the prayer made in the instant Interlocutory Application.
6. It appears that the prayer made in the present Interlocutory Application relates to a totally new cause of action relating to N.I.T. published in the year 2012.
7. So far as the grievances of the petitioner in relation to the N.I.T. published in the year 2007 is concerned, they admittedly stand redressed.
8. In view of the categorical stand taken by the respondent-State, the prayer sought for in the I.A. No. 3045 of 2012 is totally independent and new cause of action which the petitioner may agitate in an appropriate manner in a duly constituted petition before appropriate forum.
9. Learned counsel for the petitioner also submits that representation has been filed before the respondents for seeking redressal of grievance relating to fresh N.I.T.
10. In that view of the matter, it is open to the petitioner to pursue his remedy before the appropriate authority.
11. In the circumstances, the original writ petition has been rendered infructuous. Accordingly, it is disposed of. I.A. No. 2236 of 2008 and I.A. No. 3045 of 2012 stand disposed of.