

(2023) 11 PAT CK 0020

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 5556 Of 2023

Ram Sundar Prasad Singh

APPELLANT

Vs

Union Of India

RESPONDENT

Date of Decision : 01-11-2023

Acts Referred:

Constitution Of India, 1950 — Article 14, 19(1)(g), 226

Citation : (2023) 11 PAT CK 0020

Hon'ble Judges : P. B. Bajanthri, J;Arun Kumar Jha, J

Bench : Division Bench

Advocate : Umesh Prasad Singh, Vaibhava Veer Shanker, Sameer Sawarn, Tuhin Shankar, Uday Pratap Puskar

Final Decision : Disposed Of

Judgement

1. In the instant writ petition the petitioner has prayed for the following reliefs:-

"A. To issue a writ in the nature of writ of certiorari to quash and cancel the result of the bid held on 10.03.2023 at 11:00 A.M. 11.50 A.M. (Annexure-3) for settlement of parking stand of scootere/motorcycle, car/other four wheelers, auto (vikaram), auto (bajaj) at south side karbigahiya of Patna Junction Railway Station for 3 years in favour of M/s Maruti Foundation, Barauni-02, District:- Begusarai (Resp No. 8) on annual bid value Rs. 1,18,00,108.00 instead of the petitioner who had offered a sum of Rs. 1, 36,01,234.00 as Annual Bid Value;

B. To quash and cancel all other action or actions, order or orders agreement if any executed in favour of Res No. 8 in continuation or in relation to the aforementioned settlement being arbitrary, illegal, malafide and violative of Article 14 of the Constitution of India;

C. To consider as to whether the mod and method adopted for settlement of the parking stand for Two and Four wheelers by the authority as notified is arbitrary, illegal, violative of Article 14 and 19 (1) (G) of the Constitution of India;

D. To issue a writ of mandamus commanding the respondent no. 2 to 7 particularly Respondent no. 7 The Divisional Railway Manager (Commercial), East Central Railway, Danapur to accept the bid submitted by the petitioner which had been illegally not taken into account may be due to connivance and concert with Respondent no. 8 and the person operating the E-procurement System/holding the bid through E-Auction (close-ended forward action) on the website of Indian Railways e-Procurement system (IREPS) (www.ireps.gov.in) and/or due to failure of networking system of the instrument, the highest bid amount offered by the petitioner on or before expiry of time Rs. 1, 36,01, 234.00 was not registered and result thereof that the less amount i.e. 1,18,00,108 offered by Respondent no. 8 was registered as highest bid causing a substantial loss to the Railway;

E. To issue other appropriate writ/writs, order/orders as this Hon'ble Court may deem fit and proper in the interest of justice."

2. Petitioner and eight respondents alongwith others participated in bid for settlement of parking stand of Scooter/Motorcycle, Car/other four wheelers, auto (Vikaram), auto (Bajaj) at south side Karbigahiya of Patna Junction Railway Station for a period of three years.

3. Learned counsel for the petitioner submitted that there is an arbitrary decisions on behalf of the respondents in so far as the acceptance of bid with reference to the timing on 10.03.2023. Prima facie, it is too technical and the same cannot be adjudicated under Article 226. Therefore, we find that it is not proper to interfere with the decision of the concerned authority. However, in not entertaining the present petition would not be a hurdle in so far as the petitioner's grievance stated in Annexure-5 and Annexure- 5/1 dated 13.03.2023 and 20.03.2023 to be considered by the competent authority. The concerned authority/competent authority has failed to take any decision either accepting or rejecting the petitioner's claim. It is also submitted that in not awarding contract to the petitioner with reference to his bid, the respondent railway authorities have already put themselves into loss. These are all the materials information which is required to be taken note of by the competent authority before deciding the petitioner's grievance vide Annexure-5 and Annexures-5/1 dated 13.03.2023 and 20.03.2023.

4. The concerned authorities is hereby directed to pass a detailed speaking order on the grievance of the petitioner and communicate the same to the petitioner within a period of one month from the date of receipt of such order.

5. The writ petition stands disposed of.