

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16757 of 2023

PLAS RADHA INT UDYOG, Village and P.O. Bhadai, P.S. Hathauri,
District-Muzaffarpur through the Proprietor Radha Raman (Male) aged about-
48 Years, Son of Ram Pravesh Singh, Resident of Village and P.S. Bhadai,
P.S. Hathauri, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary-Cum-Commissioner, Department of Mines and Geology, Government of Bihar, Patna.
3. The Director Mines, Department of Mines and geology, Government of Bihar, Patna.
4. The District Magistrate, Muzaffarpur, District-Muzaffarpur.
5. The Mineral Development Officer Muzaffarpur, District-Muzaffarpur.
6. The District Mines Officer, Muzaffarpur, District-Muzaffarpur.
7. Somya Construction, Shanti Kunj, 2nd Floor, Near Dhan Laxmi Complex, O.P. Thakur Nagar, T.S. Bus Stand, N.H. 105, Thakkar Nagar, Ahmedabad, Gujarat.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. S.B.K. Manglam, Advocate
For the Mines & Geology	:	Mr. Naresh Dixit, Advocate
For the State	:	Mr. Arvind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE SHAILENDRA SINGH
CAV JUDGMENT
(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

Date : 13-05-2026



Heard learned counsel for the parties.

2. The following reliefs have been sought in the present writ application:

“(I) For issuance of an appropriate writ in the nature of CERTIORARI for quashing the letter dated 25.09.2023 issued under the signature of the Respondent no.3 and contained in his memo no.4832 dated 25.09.2023,whereby and where under he has been pleased to direct the Respondent no.4 to take further action in relation to the auction of Sand Ghat of Budhi Gandak and Bagmati River Group No.4 since no irregularity has been found in the process of auction of the aforesaid Sand Ghat.

(II) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities to produce on record the selection of Respondent no.7 for settlement of two Balu Ghats of Gandak and Bagmati River under Group No.4 of Notice Inviting e-auction for settlement of Sand Ghats and on production the same may be quashed by issuance of an appropriate writ in the nature of CERTIORARI on the ground that until the last time for auction i.e. 2.00 P.M. if the petitioner as the highest bidder, the Respondents are not justified to accept the offer of the Respondent no.7 if the highest offer was made by him but after expiry of the last time to make any offer.

(III) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities for allotment of above mentioned Sand Ghat to the petitioner on the ground that until the schedule time for auction, the petitioner was the highest bidder for Group No.4 whereas the highest offer of Respondent no.7 was since received at 2.00.30



P.M. of 26.12.2022 i.e. 30 seconds after the last time schedule for auction, the Respondents cannot accept the offer of Respondent no.7.

(IV) For issuance of any other appropriate writ/ writs order/ orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.”

3. The brief facts giving rise to the present writ application are that an e-auction was conducted by the authorities for settlement of two sand ghats pursuant to a notice published on 16.12.2022 in the daily Hindi newspaper “Hindustan.” As per the terms and conditions of the notice inviting e-auction, the auction was scheduled to be held on 26.12.2022 from 11:00 A.M. to 1:00 P.M., with a provision for extension by one hour in the event any bid was made within the last five minutes of the stipulated period. It is the case of the petitioner that out of the three technically qualified bidders, only two bidders participated in the auction, and upon a bid being made at 12:59:56 P.M., the auction stood extended till 2:00 P.M. According to the petitioner, during the extended period, it is alleged that the last bid of Rs. 1,37,21,400/- at 1:47:56 P.M., was submitted by him and no further bids were made within the stipulated time.

4. It is further the case of the petitioner that Respondent No. 7 submitted a bid of Rs. 1,56,27,150/- at 2:00:30 P.M., i.e.,



30 seconds after the closure of the auction, and therefore, the said bid could not have been accepted by the authorities.

5. Learned counsel for the petitioner submits that acceptance of the bid of Respondent No. 7 is contrary to the terms and conditions governing the e-auction process, inasmuch as the said bid was made beyond the prescribed closing time. It is submitted that once the auction stood closed, no subsequent bid could legally be entertained and any acceptance thereof would render the process arbitrary and violative of the conditions of the auction process.

6. It is further submitted that despite objections being raised by the petitioner immediately after the auction process, the respondents proceeded to validate the auction in favour of Respondent No. 7 without conducting any proper enquiry in the presence of the petitioner and without affording any opportunity of hearing. It is thus submitted that the impugned action is violative of the principles of natural justice and lacks transparency.

7. Per contra, learned counsel for the respondents submits that upon receipt of the objection raised by the petitioner, the authorities did not proceed with the allotment process and, on the contrary, directed an enquiry into the



grievance raised by the petitioner. It is submitted that a scrutiny committee consisting of technical and administrative officials was constituted to examine the entire e-auction process, including the system-generated logs and bidding timelines, and the committee, upon examination of records, found no irregularity in the process.

8. It is further submitted that although the auction was scheduled at 11:00 A.M., it commenced at 11:05 A.M., thereby shifting the closing time to 1:05 P.M. In terms of Clause 12 of the tender conditions, if any bid is made within the last five minutes of the closing time, the system automatically extends the bidding period by one hour. Since a bid was made within the last five minutes, the system automatically extended the bidding time till 2:05 P.M. In such circumstances, the bid submitted by Respondent No. 7 at 2:00:30 P.M. was within the extended period and validly accepted. It is submitted that the process was conducted through an automated system without any scope for manipulation, and Respondent No. 7, being the highest bidder, was rightly declared successful.

9. Having heard learned counsel for the parties and upon consideration of the materials available on record, the limited issue which arises for consideration before this Court is as to



whether, in the facts and circumstances of the case, the bid submitted by Respondent No. 7 at 2:00:30 P.M. was within the permissible time in terms of Clause 12 of the notice inviting e-auction, particularly in light of the actual commencement of the auction at 11:05 A.M., and consequently, whether the action of the respondents in accepting the said bid and declaring Respondent No. 7 as the successful bidder is justified in law?

10. From the materials available on record, it appears that upon receipt of the petitioner's objection, the authorities did not act mechanically but proceeded to undertake a proper fact-finding exercise by constituting a scrutiny committee comprising technical and administrative officials. The said committee examined the entire e-auction process, including system-generated logs and bidding timelines, and thereafter submitted its report dated 16.01.2023. The relevant part of the said report is reproduced hereinbelow:

“1. मुजफ्फरपुर जिलान्तर्गत युनिट-04 में अंकित मुरौल एवं बैधनाथपुर बालू घाट के लिए दिनांक 26.12.2022 को 11:05 बजे से ऑन-लाईन के माध्यम से ई-प्रोक्योरमेंट मोड <https://www.eproc2.bihar.gov.in> पर ई-टेंडरिंग की प्रक्रिया शुरू की गयी। यह प्रक्रिया पूर्णतः ऑटोमैटिक है। उल्लेखनीय है कि कुछ तकनीकी कारण वश पूर्व से निर्धारित समय 11.00 पूर्वाह्न के बजाये 11:05 बजे पूर्वाह्न से प्रारंभ हो कर 01:05 बजे अपराह्न तक निर्धारित की गयी। जिसकी सूचना ऑनलाईन के माध्यम से पोर्टल पर प्रदर्शित की गयी।



2. निविदा दस्तवेज के कंडिका संख्या 12 के अनुसार “ किसी विशिष्ट सम्पदा के ई-नीलामी की प्रक्रिया में निर्धारित समय सीमा के अंतिम 05 मिनट में यदि किसी बोलीदाता के द्वारा बोली समर्पित की जाती है तो सिस्टम द्वारा स्वतः बोली समाप्ति अवधि को केवल एक बार मात्र अगले एक घंटा की अवधि के लिए विस्तारित कर दिया जायेगा। उसके बाद अवधि विस्तार नहीं किया जायेगा” कंडिका में उल्लेखित नियमानुसार अंतिम पाँच मिनट की अवधि 01:00:00 बजे अपराह्न से 01:05:00 बजे अपराह्न तक होती है। इस अंतिम पाँच मिनट की अवधि में *Saumya Construction* के द्वारा 01:00:30 बजे अपराह्न में बोली लगायी गयी। नियमानुसार ई-नीलामी की अवधि को एक बार मात्र के लिए अगले 01 घंटा के लिए (01:00:30 बजे अपराह्न से 02:00:30 बजे अपराह्न तक) सिस्टम द्वारा स्वतः सभी बोली दाताओं के लिए अवधि विस्तारित कर दी गयी। इस विस्तारित अवधि में *Saumya Construction* के द्वारा 02:00:30 बजे अपराह्न में उच्चतम बोली लगायी गयी, एवं सिस्टम द्वारा उच्चतम डाकवक्ता के रूप में चयनित किया गया। आवेदक के द्वारा अंतिम बोली 01:47:56 बजे लगायी गयी। इस अवधि के बाद इनके द्वारा कोई अगली बोली नहीं लगायी गयी। चूँकि ई-नीलामी की प्रक्रिया पूर्णतः ऑटोमैटेड है, इसमें किसी का कोई *Manual Extention* नहीं किया जा सकता है।

अतः तकनीकी जाँच समिति के द्वारा सर्व सहमति से यह निष्कर्ष निकाला गया कि किसी भी बोली दाता को किसी प्रकार का कोई अतिरिक्त समय नहीं दिया गया है। यह ई-नीलामी की प्रक्रिया नियमानुसार पूर्ण की गयी है। आवेदक के द्वारा लागू हुए आरोप निराधार है।

अनुलग्नक :- यथोक्त।”

11. On perusal of the aforesaid report, it emerges that although the auction was scheduled to commence at 11:00 A.M., it in fact commenced at 11:05 A.M. due to technical reasons, and



accordingly, the system reflected the bidding window from 11:05 A.M. to 01:05 P.M. The report further records that a bid was submitted at 01:00:30 P.M., i.e., within the last five minutes of the revised closing time, which in terms of Clause 12 of the tender conditions triggered an automatic extension of the bidding period by one hour, thereby extending the time up to 02:05 P.M.

Clause 12 of the notice inviting e-auction reads as follows:

“(12) किसी विशिष्ट सम्पदा के ई-निलामी की प्रक्रिया में निर्धारित समय सीमा के अंतिम 05 मिनट में यदि किसी बोलीदाता द्वारा समर्पित की जाती है तो सिस्टम द्वारा स्वतः बोली समाप्ति की अवधि को केवल एक बार मात्र अगले एक घंटा की अवधि के लिए विस्तारित कर दिया जायेगा। उसके बाद अवधि विस्तार नहीं किया जायेगा।”

12. The aforesaid report is based on the Auction Synopsis Report (the same being annexed to the scrutiny committee report) which clearly indicates the start time of the auction as “Dec 26, 2022 11:05:00 A.M.”. Therefore, the extension of 5 minutes was valid and genuine. The genuineness and authenticity of the said synopsis report has not been refuted by the petitioner.

13. The report further records that the extension mechanism was entirely system-driven and did not admit any manual intervention. It also emerges from the report that during this extended period, respondent No. 7 submitted a bid at



02:00:30 P.M., which fell within the extended bidding time, whereas the petitioner had made its last bid at 01:47:56 P.M. and did not participate thereafter.

14. In the aforesaid backdrop, the controversy in the present case centres around the validity of the time-extension mechanism and acceptance of the bid submitted during such extended period. It is well settled that the terms and conditions governing a tender process are required to be strictly adhered to and must be applied uniformly to all participants.

15. In *Monarch Infrastructure (P) Ltd. v. Ulhasnagar Municipal Corporation* reported in (2000) 5 SCC 287, the Hon'ble Supreme Court reiterated that fairness, transparency and equal treatment of all participants constitute the governing principles in matter relating to award of contracts and tenders.

The relevant part of the said order reads as follows:

“10. There have been several decisions rendered by this Court on the question of tender process, the award of contract and have evolved several principles in regard to the same. Ultimately what prevails with the courts in these matters is that while public interest is paramount there should be no arbitrariness in the matter of award of contract and all participants in the tender process should be treated alike. We may sum up the legal position thus:

(i) The Government is free to enter into any contract with citizens but the court may interfere where it acts arbitrarily or contrary to public



interest.

(ii) The Government cannot arbitrarily choose any person it likes for entering into such a relationship or to discriminate between persons similarly situate.

(iii) It is open to the Government to reject even the highest bid at a tender where such rejection is not arbitrary or unreasonable or such rejection is in public interest for valid and good reasons.

11. Broadly stated, the courts would not interfere with the matter of administrative action or changes made therein, unless the Government's action is arbitrary or discriminatory or the policy adopted has no nexus with the object it seeks to achieve or is mala fide.”

16. In the present case, the extension of time was neither discretionary nor selectively applied, rather the same operated automatically under Clause 12 through the system itself and uniformly applied to all the participating bidders.

17. Further, in *Silppi Constructions Contractors v. Union of India* reported in *(2020) 16 SCC 489*, the Hon'ble Supreme Court emphasised the limited scope of judicial review in contractual and technical matters and observed that Courts ought to exercise restraint unless the decision-making process is shown to be arbitrary, *mala fide* or irrational. The relevant part of the said order reads as follows:

“19. This Court being the guardian of fundamental rights is duty-bound to interfere



when there is arbitrariness, irrationality, mala fides and bias. However, this Court in all the aforesaid decisions has cautioned time and again that courts should exercise a lot of restraint while exercising their powers of judicial review in contractual or commercial matters. This Court is normally loathe to interfere in contractual matters unless a clear-cut case of arbitrariness or mala fides or bias or irrationality is made out. One must remember that today many public sector undertakings compete with the private industry. The contracts entered into between private parties are not subject to scrutiny under writ jurisdiction. No doubt, the bodies which are State within the meaning of Article 12 of the Constitution are bound to act fairly and are amenable to the writ jurisdiction of superior courts but this discretionary power must be exercised with a great deal of restraint and caution. The courts must realise their limitations and the havoc which needless interference in commercial matters can cause. In contracts involving technical issues the courts should be even more reluctant because most of us in Judges' robes do not have the necessary expertise to adjudicate upon technical issues beyond our domain. As laid down in the judgments cited above the courts should not use a magnifying glass while scanning the tenders and make every small mistake appear like a big blunder. In fact, the courts must give "fair play in the joints" to the government and public sector undertakings in matters of contract. Courts must also not interfere where such interference will cause unnecessary loss to the public exchequer."

18. In the present case, the entire process was conducted through an electronic platform and the bidding timeline, including the extension mechanism, was system-



driven. The record placed before this Court do not indicate any material suggesting manual intervention, favouritism, or manipulation in the conduct of the auction.

19. It is also a settled principle that findings returned by an expert or technical committee deserve due weight and ordinarily ought not to be interfered with lightly. In *University of Mysore & Ors v. C.D. Govinda Rao & Ors* reported in *AIR 1965 SC 491*, it has been held that Courts should be slow in interfering with the opinion expressed by expert bodies, particularly in matters involving technical assessment and specialised evaluation. The relevant part of the said order reads as follows:

“12. Before we part with these appeals, however, reference must be made to two other matters. In dealing with the case presented before it by the respondent, the High Court has criticised the report made by the Board and has observed that the circumstances disclosed by the report made it difficult for the High Court to treat the recommendations made by the expert with the respect that they generally deserve. We are unable to see the point of criticism of the High Court in such academic matters. Boards of Appointments are nominated by the Universities and when recommendations made by them and the appointments following on them, are challenged before courts, normally the courts should be slow to interfere with the opinions expressed by the experts. There is no allegation about mala fides against the experts who constituted the present Board; and so, we



think, it would normally be wise and safe for the courts to leave the decisions of academic matters to experts who are more familiar with the problems they face than the courts generally can be. The criticism made by the High Court against the report made by the Board seems to suggest that the High Court thought that the Board was in the position of an executive authority, issuing an executive fiat, or was acting like a quasi-judicial tribunal, deciding disputes referred to it for its decision. In dealing with complaints made by citizens in regard to appointments made by academic bodies, like the Universities, such an approach would not be reasonable or appropriate. In fact, in issuing the writ, the High Court has made certain observations which show that the High Court applied tests which would legitimately be applied in the case of writs of certiorari. In the judgment, it has been observed that the error in this case is undoubtedly a manifest error. That is a consideration which is more germane and relevant in a procedure for a writ of certiorari. What the High Court should have considered is whether the appointment made by the Chancellor had contravened any statutory or binding rule or ordinance, and in doing so, the High Court should have shown due regard to the opinion expressed by the Board and its recommendations on which the Chancellor has acted. In this connection, the High Court has failed to notice one significant fact that when the Board considered the claims of the respective applicants, it examined them very carefully and actually came to the conclusion that none of them deserved to be appointed a Professor. These recommendations made by the Board clearly show that they considered the relevant factors carefully and ultimately came to the conclusion that Appellant 2 should be recommended for the post of Reader. Therefore,



we are satisfied that the criticism made by the High Court against the Board and its deliberations is not justified.”

20. In the present case, the scrutiny committee examined objective and system-generated data and thereafter returned a categorical finding that the process was conducted in accordance with the prescribed conditions. The automated extension mechanism, being uniformly applicable to all bidders, also rules out any allegation of arbitrariness or discriminatory treatment.

21. In view of the discussions made hereinabove, once it stands established that (i) the auction effectively commenced at 11:05 A.M., (ii) the original closing time consequently shifted to 01:05 P.M., (iii) extension of the bidding period till 02:05 P.M. occurred automatically in terms of Clause 12 of the tender conditions, and (iv) the bid submitted by respondent No. 7 at 02:00:30 P.M. was within the extended period and was the highest bid, the action of the respondents in accepting the said bid and declaring respondent No. 7 as the successful bidder cannot be said to suffer from any illegality or arbitrariness. The decision appears to be in consonance with the tender conditions and supported by a fair and transparent process, and thus does not warrant interference.



22. Accordingly, the present writ applications stands dismissed.

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

(Sudhir Singh, J)

Shailendra Singh, J: I agree

(Shailendra Singh, J)

Anushka/-

AFR/NAFR	AFR
CAV DATE	06.05.2026
Uploading Date	13.05.2026
Transmission Date	

