



2025:PATHC:110144

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17899 of 2025

M/s Pratibha Seba Sansthan Raiter address Block More. Ambedkar Nagar, Rajgir (Nalanda), Bihar through its Secretary Ramashish Prasad, aged about 55 years, son of Soudi Mahto, resident of village-Pachwara, Post and P.S. and District- Nalanda, PIN-803111.

... .. Petitioner/s

Versus

1. The State of Bihar through Divisional Commissioner Patna cum- Chairman Sri Krishna Smarak Vikas Samiti, Patna.
2. The Divisional Commissioner Patna-cum- Chairman Sri Krishna Smarak Vikas Samiti, Patna.
3. The District Magistrate, Patna -cum- Chief Executive Officer, Sri Krishna Smarak Vikas Samiti, Patna.
4. The Joint Commissioner -cum- Secretary-cum- Regional Transport Authority -cum- In-Charge Officer Sri Krishna Smarak Vikas Samiti, Patna.
5. The Additional Collector (Law and Order), Patna
6. The District Accounts Officer, Patna.
7. The Executive Engineer, Patna Building Division, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 17987 of 2025

M/s Rishu Enterprises address- Satya Residency, Gardanibagh, Patna-2 through its proprietor Nityanand Singh, aged about 30 years, son of Bijendra Singh, Resident of Village and Post-Sujayatpur, P.S. Dhansoin, District-Buxar, PIN-802117.

... .. Petitioner/s

Versus

1. The State of Bihar through Divisional Commissioner Patna cum- Chairman Sri Krishna Smarak Vikas Samiti, Patna.
2. The Divisional Commissioner Patna-cum- Chairman Sri Krishna Smarak Vikas Samiti, Patna.
3. The District Magistrate, Patna -cum- Chief Executive Officer, Sri Krishna Smarak Vikas Samiti, Patna.
4. The Joint Commissioner -cum- Secretary-cum- Regional Transport Authority -cum- In-Charge Officer Sri Krishna Smarak Vikas Samiti, Patna.
5. The Additional Collector (Law and Order), Patna
6. The District Accounts Officer, Patna.
7. The Executive Engineer, Patna Building Division, Patna.





... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 17990 of 2025

M/s Aarambh Business and Marketing address- G-1 Deep Lila Complex, Vindhyavashini Street, Kadamkuan through its proprietor Vikash Kumar Pandey, aged about 37 years, son of Krishna Kant Pandey, resident of 204, Ganpati Residency, Tilak Nagar, Road No. 1A, Chouming Factory, Rukanpura, Post- Bihar Veterinary College, P.S. Rupaspur, District- Patna, PIN-800014.

... .. Petitioner/s

Versus

1. The State of Bihar through Divisional Commissioner Patna cum- Chairman Sri Krishna Smarak Vikas Samiti, Patna.
2. The Divisional Commissioner Patna-cum- Chairman Sri Krishna Smarak Vikas Samiti, Patna.
3. The District Magistrate, Patna -cum- Chief Executive Officer, Sri Krishna Smarak Vikas Samiti, Patna.
4. The Joint Commissioner -cum- Secretary-cum- Regional Transport Authority -cum- In-Charge Officer Sri Krishna Smarak Vikas Samiti, Patna.
5. The Additional Collector (Law and Order), Patna
6. The District Accounts Officer, Patna.
7. The Executive Engineer, Patna Building Division, Patna.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 17899 of 2025)

For the Petitioner/s : Mr. Raju Giri, Sr. Advocate
Mr. Vikas Kumar, Advocate
Ms. Aradhana Kumari, Advocate
Mr. Akash Deep, Advocate

For the State : Mr. Kinker Kumar, SC-9

(In Civil Writ Jurisdiction Case No. 17987 of 2025)

For the Petitioner/s : Ms. Aradhana Kumari
For the State : Mr. Kinker Kumar, SC-9

(In Civil Writ Jurisdiction Case No. 17990 of 2025)

For the Petitioner/s : Mr. Raju Giri, Sr. Advocate
Mr. Vikas Kumar, Advocate
Ms. Aradhana Kumari, Advocate
Mr. Akash Deep, Advocate

For the State : Mr. Kinker Kumar, SC-9

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 11-12-2025

1. Since all these three writ petitions, involve





common questions of fact and law arising out of the same bidding process issued for allotment of commercial spaces at Gandhi Maidan, Patna for organizing the proposed Woolen Mela/Disneyland Mela, all these writ petitions have been heard together and are being disposed of by this common order/judgment. For the sake of convenience, the facts of the present case, i.e. C.W.J.C. No. 17899 of 2025, are being treated as leading case.

2. The petitioners have, *inter alia*, prayed for quashing of the part of the decision contained in Letter No. 437, dated 30.10.2025, issued by respondent no. 4, whereby the bidding process conducted on 18.09.2025 at 3:00 p.m for Woolen Mela pursuant to the tender notice dated 11.09.2025, has been cancelled on the ground of unavoidable circumstances and the petitioners have been directed to obtain refund of the demand draft deposited towards the reserve price. The petitioners have further prayed for issuance of a direction upon the respondent authorities to issue the allotment order in their favour for Blocks A, B and D of the Woolen Mela, situated in the right side of Gate No. 7 of Gandhi Maidan, Patna on account of





their having been declared the highest bidder for the said blocks during the bidding process held on 18.09.2025. The petitioners have also sought consequential direction permitting them to operate the Woolen Mela in their respective blocks, i.e. Block A, B and D, for a period of fifty days i.e., at least till 15th January, 2026 near Gate No. 7.

3. The brief facts giving rise to the present writ applications is that the Office of the Divisional Commissioner, Patna, under the signature of District Magistrate, Patna -cum- Chief Executive Officer of Sri Krishan Smarak Vikas Samiti, issued a bidding notice dated 11.09.2025 for settlement of six commercial blocks, namely, Blocks A to F, situated at the right side of Gate No. 7 of Gandhi Maidan, Patna, for the purpose of holding the 'Woolen Mela'.

4. As per the terms of the tender, allotment of blocks was to be made on the basis of highest bidder. The bid was to be conducted on 18.09.2025 at 3:00 p.m. The intending participants were required to submit the necessary eligibility documents and deposit a non-refundable fee of





Rs. 1,000/- through demand draft. Further, the reserve price of one block was fixed at Rs. 17,66,069/- and participants were required to deposit, along with the application, a bank draft equivalent to the reserve price for each blocks. The tender terms further stipulated that the highest bidder (H-1) during the bidding process was required to deposit the differential bid amount within five working days, after which the respondent authorities were to issue the final order of allotment in favour of the H-1 bidder.

5. The petitioners participated in the tender process for Blocks A, B and D by submitting their requisite documents along with the reserve price amount. The bidding process was held on the scheduled date under videography and after 15 rounds of bidding, the petitioners emerged as H-1 with the bid amount of Rs. 20,50,000/-, 21,75,000/- and 23,20,000/-.

6. After finalization of bidding process, when the allotment order was not issued to the petitioners for their respective blocks, they visited to the office of respondent authorities, but only got the verbal assurance. The petitioners also submitted the representations on





07.10.2025, 14.10.2025, 15.10.2025 and 17.10.2025, but no order of allotment was issued. The petitioners after being declared as H-1 proceeded to book stalls for multiple woolen traders from different states including Uttar Pradesh, Punjab, Haryana and Kashmir. According to the petitioners, they availed a loan from a Bank for depositing the reserve amount and has been incurring interest liability thereon. The respondent authority by the impugned letter dated 13.10.2025 cancelled the entire bid process of the petitioners and directed for refund of all the deposited amount.

7. Mr. Raju Giri, learned senior counsel appearing for the petitioners submits that the cancellation of the entire bid process, that too after completion of bidding exercise and after declaring the petitioners as the highest bidders, without assigning any reason, is manifestly arbitrary, unreasonable and violative of Articles 14 and 19 (1) (g) of the Constitution of India.

8. Referring to the conditions of bidding process, learned counsel pointed out from Clause 14 that in the public interest and any other reason and due to some other





governmental programmes, the respondents were authorized to cancel the bidding process. But in the impugned order, the respondents have not disclosed any of the aforesaid reasons mentioned in Clause 14 and has merely said that the bid is being cancelled due to unavoidable reasons.

9. However, the respondents, in their counter affidavit, has supplanted the reasons which were not disclosed in the impugned order by saying that their bid process has been canceled due to increasing pollution level around Gandhi Maidan area where the commercial activities have been restricted. The reason disclosed in the counter affidavit that commercial activities have been restricted in Gandhi Maidan is also based upon the fact which does not exist inasmuch as the 'Pustak Mela' was inaugurated on 05.12.2025 and 'Sarash Mela' is going to be inaugurated on 12.12.2025. He further submits that in comparison to aforesaid two *melas* as being operated from Gandhi Maidan, the 'Woolen Mela' is occupying a very small space.

10. The stand taken by the respondent in the counter affidavit is self-contradictory inasmuch as at the





first place, the respondents have said that *mela* is being restricted due to pollution but at the same time in the counter affidavit, the respondent authorities have taken the point that they may issue fresh advertisement for conducting ‘Woolen Mela’ in the near future. This clearly demonstrates that the decision to cancel the *mela* by the impugned letter is completely arbitrary and unreasonable.

11. He further argued that the stand of the respondent authorities regarding revenue loss in comparison to earlier years settlements is also unfounded. The last year ‘Woolen Mela’ was for 84 days and this year, the duration of said *mela* is only for 50 days. Since the settlement amount is directly linked with duration of the *mela*; as such, this year, the settlement, which is for lesser period, may be having lesser amount than that of the settlement amount of the ‘Woolen Mela’ for the last year.

12. Learned counsel appearing for the petitioner relies upon the judgment of Hon’ble Supreme Court, in the case of **Eva Agro Feeds (P) Ltd. v. Punjab National Bank**, reported in **(2023) 10 SCC 189**.

13. Learned counsel for the respondent State argued





that this time, the bidding amount is less as compared to H-1 amount of the earlier years which would lead to revenue loss to the State. He further argued that due to unavoidable reasons, mainly increasing pollution level around Gandhi Maidan area, the commercial activities have been restricted. Only the cultural, political and Governmental activities are being undertaken at present. Thus, it has been decided to cancel the bidding process held on 18.09.2025. He further submits that insofar as the 'Sarash Mela' and 'Pustak Mela' are concerned, they are under the cultural activities. However, referring to paragraph 13 of the counter affidavit, learned counsel submits that the fresh advertisement may be issued for conducting Woolen Mela/Disneyland Mela in near future.

14. I have heard learned counsel for the parties concerned and have gone through the materials on record, including the impugned order.

15. The facts are not very much disputed. The petitioners are admittedly the highest bidders. As per the terms and conditions of bidding process, the petitioners were entitled to be allotted their respective blocks A, B and





D at the Gandhi Maidan, the moment they have been declared as highest bidders. The petitioners quoted the highest bidding price to the tune of Rs. 20,50,000/-, 21,75,000/- and 23,20,000/-. When the petitioners were not allotted their respective blocks at Gate No. 7 of the Gandhi Maidan, they approached the authority by filing representation. However, without dealing with the representation, the respondent authorities suddenly came with the impugned order cancelling the bidding process on unknown ground of unavoidable reasons.

16. The Supreme Court, in the case of *Eva Agro Feeds Pvt. Ltd.* (*supra*), in paragraph 65, has said that “it does not imply that an auction-sale or the highest bid prior to the aforesaid date could be cancelled by the Liquidator exercising unfettered discretion and without furnishing any reason. It is trite law that furnishing of reasons is an important aspect rather a check on the arbitrary exercise of power. Furnishing of reasons presupposes application of mind to the relevant factors and consideration by the authority concerned before passing an order. Absence of reasons may be a good reason to draw inference that the





decision-making process was arbitrary..”

17. In another paragraph 77 of *Eva Agro Feeds Pvt. Ltd. (supra)*, the Hon’ble Supreme Court has said that unless and until it was found that there was any material irregularity and/or illegality in holding the public auction and/or the auction-sale was vitiated by any fraud or collusion, it is not open to set aside the auction or sale in favour of the highest bidder. If there is repeated interference in the auction process, the object and purpose of holding public auction and the sanctity of public auction would be frustrated.

18. Now, coming to the facts of the present case, admittedly in the auction notice, the terms and conditions of auction has been explained and authorities reserved their right to cancel the auction on the ground of public interest or “any other ground”. Any other ground includes the reasonable ground which has to be disclosed by the respondent authorities. Non-supply of reason in the impugned order for cancellation of bid will lead to the conclusion that the decision taken by the authorities was manifestly arbitrary. However, the respondent authorities





have disclosed the reason in the counter affidavit saying that due to increasing pollution near Gandhi Maidan, the bid has been cancelled. However, at the same time, in the counter affidavit, stand has been taken that a fresh advertisement may be issued for conducting Woolen Mela/Disneyland Mela in the near future. This is self-contradictory. Further it is an admitted position that 'Pustak Mela' has started/inaugurated in the Gandhi Maidan from 05.12.2025 and the 'Sarash Mela' is going to be started from tomorrow, i.e. on 12.12.2025. Allowing the 'Pustak Mela' and 'Sarash Mela' to continue in the Gandhi Maidan and denying the allotment of space to the petitioners for the Woolen Mela on the ground that it will create a pollution, in my opinion, is completely discriminatory. The respondent authorities have failed to disclose the valid reason for cancellation of bid finalized in favour of the petitioners.

19. Considering the aforesaid discussions, on facts and law, this Court comes to the conclusion that cancellation of bidding process by the impugned order at Annexure 1, dated 30.10.2025, is completely arbitrary, unreasonable and discriminatory.





20. In the result, the cancellation of bidding process, dated 30.10.2025 (Annexure-1), is set aside.

21. The respondent nos. 3 and 4 are directed to allot Blocks A, B and D in favour of the petitioners by Monday, i.e. on 15th December, 2025. The petitioners, at the same time, are directed to deposit the difference of the bid amount by Saturday, i.e. on 13.12.2025.

22. The authorities shall allow the petitioners to continue with the allotted Blocks till 12.01.2026.

23. With the aforesaid observation and direction, these writ applications stands disposed.

(Anil Kumar Sinha, J.)

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