

MD. ABDUS SAMAD

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Dated : 27.02.2018.

Sub : **Writ Petition No.580 of 2018.**

Infinity Technology International Ltd.

-Versus-

Secretary, Banking Division, Ministry of Finance & others including  
RAKUB.

Dear Sir,

I write to inform you that the abovementioned Writ Petition has been heard on several days and judgment has been passed to-day by the High Court Division of Supreme Court of Bangladesh making the Rule absolute, thereby the Re-Tender invited by RAKUB on 30.06.2016 for procurement of Core Banking Solution (CBS) Software and related services has been declared not in accordance with the provision of law. Court found that the open tender invited under the provision of Open Tendering Method of the Public Procurement Rules, 2008 is not in accordance with law as such the same is not applicable for RAKUB for procurement of Core Banking Solution (CBS) Software and related services as because it comes under the definition of “বুদ্ধি বৃত্তিক ও পেশাগত সেবা” (Intellectual and Professional Services) and not “পণ্য” (goods) through in the amendment in Rule 2(30) of Public Procurement Rules, 2008 the definition of “goods” and “related services” where the “ready to use computer software” and “other related information related or similar software and goods related services” were included.

Court further found that for procurement of CBS as intellectual and professional services RAKUB has to invite fresh tender by following the method prescribed in Section 37 of the Public Procurement Act, 2006 and either Rule 103 or Rule 104 of the Public Procurement Rules 2008 which ever is applicable and suitable for RAKUB.

I have applied for certified copy of the judgment and order dated 27.02.2018 and it will be handed over to you on receiving from the Court.

Please note the period for filing appeal in the Appellate Division against the Judgment and Order of the High Court Division is 60 (sixty) days only.

Yours faithfully

*Md. Abdus Samad*  
(M.A. Samad) 27.02.2018

**Md. Abdus Samad**  
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