

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 3001 of 2022

<i>M/s. Seacrafts Industries Pvt. Ltd., Bhubaneswar</i>		<i>Petitioner</i>
		<i>Mr. L. Mishra, Advocate</i>
	Vs.	
<i>State of Odisha & Ors.</i>		<i>Opposite parties</i>
		<i>State Counsel</i>

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE S.K. PANIGRAHI

ORDER

09.02.2022

Order No.

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This matter is taken up through hybrid mode.

2. Heard Mr. L. Mishra, learned counsel for the petitioner and Mr. P.P. Mohanty, learned Additional Government Advocate.

3. The petitioner has filed this writ petition seeking direction to opposite party no.2 to accept the online bids in respect of the particular nature of supply through E-Procurement in due adherence to the tender call notice itself.

4. Mr. L. Mishra, learned counsel for the petitioner contended that the petitioner is entitled to make application through online, pursuant to tender call notice dated 06.01.2022 under Annexure-1, and although the petitioner did so, but his tender document has not been accepted.

5. Mr. P.P. Mohanty, learned Additional Government

Advocate contended that Clause-1 of the tender call notice indicates that the tender should reach the Divisional Forest Officer, Hirakud Wildlife Division, Sambalpur-opposite party no.2 on or before 21.01.2022 by 5.00 PM through Regd. Post/speed post/Courier Services/Hand delivery. The petitioner, having not complied the conditions stipulated in Clause-1 of the tender call notice, has no locus to approach this Court by filing this writ petition contending that its bid submitted through online basis has not been accepted.

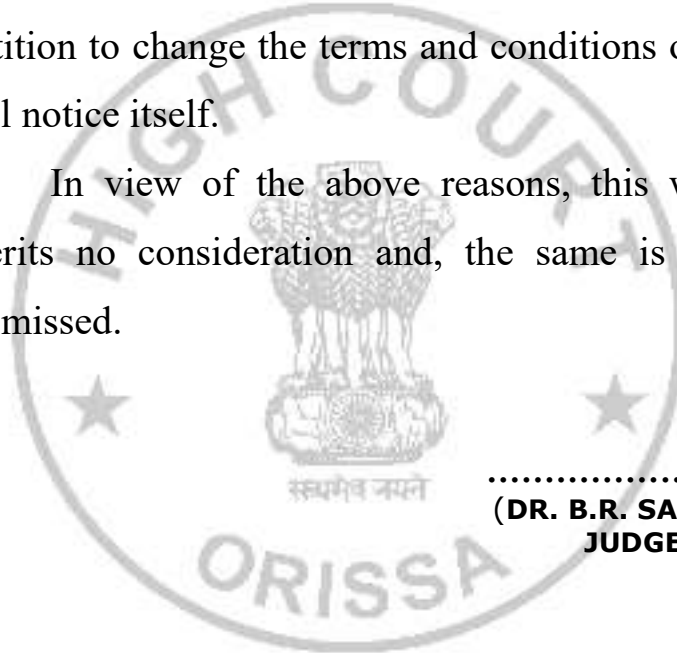
6. Considering the contentions raised by learned counsel for the parties and after going through the records, it appears that opposite party no.2 issued tender call notice on 06.01.2022 inviting sealed tenders in two bid system from established/ reputed/ registered/ experienced and accredited manufacturers for supply of different items for use at Hirakud Reservoir under Hirakud Wildlife Division, Sambalpur. Clause-1 of the said tender call notice states that the tender should reach the Divisional Forest Officer, Hirakud Wildlife Division, Sambalpur-opposite party no.2 on or before 21.01.2022 by 5.00 PM through Regd. Post/speed post/Courier Services/Hand delivery. In Clause-2 of the said notice it is stated that the technical bid will be opened on 24.01.2022 at 11.00 AM in presence of the bidders or their authorized representatives. It is further stated that the bidders shall have to submit their bids either

physically in the tender deposition box or through registered post on or before 24.01.2022. For bids being deposited through registered post, Divisional Forest Officer, Hirakud Wildlife Division, Sambalpur will not be responsible for any late receipt of the bid documents.

7. Since the tender call notice is very clear with regard to mode of submission of tender documents, the relief sought to accept tender of the petitioner said to be submitted through online process and to allow the petitioner in the tender process cannot be granted. Therefore, this Court is not inclined to entertain this writ petition to change the terms and conditions of the tender call notice itself.

8. In view of the above reasons, this writ petition merits no consideration and, the same is accordingly dismissed.

Alok



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(**DR. B.R. SARANGI**)
JUDGE

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(**S.K. PANIGRAHI**)
JUDGE