

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 3575 of 2022

*M/s. Famous Security Service,
Bhubaneswar.*

.....

Petitioner

Mr. S. Mohanty, Advocate

Vs.

State of Odisha and others

.....

Opposite parties

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE S.K. PANIGRAHI

ORDER

10.02.2022

Order No.

01

This matter is taken up through hybrid mode.

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

3. The petitioner has filed this writ petition seeking to declare the award of tender in favour of opposite party no.4 as illegal and bad in law as opposite party no.4 is a “non-responsive bidder”, and to issue direction to opposite party no.3 to settle the tender in favour of the petitioner and issue work order in its favour.

4. Mr. S. Mohanty, learned counsel for the petitioner contended that the petitioner has received information under RTI Act, wherein it has been clearly mentioned that on the basis of service charge, the tender has been settled in favour of opposite party no.4. But, on perusal of the comparative statement of financial bid for hiring of manpower service providers for Peon/Chowkidar in office of the CDVO, Jagatsinghpur, it is evident that opposite party no.4 has quoted 0.0001 towards service charges, which is absolutely “non responsive one” and therefore, as required under clause-34 of the terms and conditions of the agreement. In this context, although, the petitioner had approached the higher authority on 08.12.2021 vide Annexure-6, but in oblivious of the same, opposite party no.4 has been

allowed to perform the contract, pursuant to the tender call notice under Annexure-1 dated 01.09.2021. Against such inaction of the authorities, the petitioner has approached this Court in the present writ petition.

5. Mr. Mohanty, learned Additional Government Advocate contended that the petitioner, as per Clause-34 of the agreement itself, has approached to the Director, Animal Husbandry and Veterinary Science (O), Bhubaneswar, whereas the office of the Director is situated at Cuttack. Since the petitioner has given a wrong address, the same may not have been taken into consideration by the authority. Therefore, the petitioner may be permitted to make a fresh application to the appropriate authority in consonance with clause-34 of the agreement itself.

6. Having heard learned counsel for the parties and after going through the records, since the petitioner has already taken recourse to Clause-34 of the agreement, this Court is not inclined to go into the merits of the case. The petitioner is at liberty to approach the appropriate authority in correct address by making a fresh application, so that the authority can consider the same in accordance with law within a period of four weeks from the date of its receipt along with the certified copy of the order.

7. With the aforesaid observation/direction, the writ petition stands disposed of.

8. Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

Arun

(S.K. PANIGRAHI)
JUDGE