

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 13874 of 2014

Netrananda Behera

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Petitioner

Mr. D. Mahapatra, Advocate

Vs.

***Sri Sri Dhabaleswar Thakur
& Anr.***

.....

Opposite parties

Mr. T. Pattnaik, ASC

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE S.K. PANIGRAHI

ORDER

12.01.2022

Order No.

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This matter is taken up through video conferencing mode.

2. Heard Mr. D. Mahapatra, learned counsel for the petitioner and Mr. T. Pattnaik, learned Additional Standing Counsel for the State.

3. The petitioner has filed this writ petition seeking direction to opposite party no.1 to refund the EMD amount of Rs.77,440/- immediately with interest accrued thereon.

4. Mr. T. Pattnaik, learned Additional Standing Counsel for the State contended that the petitioner deposited a sum of Rs.77,440/- as EMD with an intention to participate in the proposed auction sale of “Bhoga shop” inside the premises of Sri Sri

Dhabaleswar Dev, Bije Mancheswar under Athagarh Debottar scheduled to be held on 18.03.2014 at 11 A.M. in the office of the Executive Officer, Debottar & Sub-Collector, Athagarh in response to notice published vide letter dated 06.03.2014. As per the schedule, auction process was held at 11 A.M. and the Assistant Collector was authorized to conduct the same. Two bidders, namely, Netrananda Behera and Anjan Kumar Behera, who were present at the spot, participated in the bid with Rs.4,00,000/- only and stagnated his offer at the opening bid till the entire process was completed. The other applicant was though present did not offer any bid money till completion of the auction sale but remained as a silent spectator. It is contended that the conduct of the petitioner in this case was surprising and pointed to the conclusion that both bidders present in the auction sale were involved in fixing of the tender according to their plan and programme. The petitioner remained silent completely without further participating in the bid. The officer, who was conducting the auction sale being authorized, expressed his displeasure relating to the manners in which the bid was offered by only one bidder and the other kept mum. The officer conducting the auction

sale cancelled the auction on the ground that the bid was less than the offset price fixed for the “Bhogshop” and there was auction fixing, which is quite clear from the conduct of the bidders. Therefore, the EMD of both the bidders was forfeited on the ground of tender fixing.

5. In that view of the matter, this Court is not inclined to entertain this writ petition and accordingly, the same is dismissed.

6. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court’s website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed, vide Court’s Notice No.4587 dated 25th March, 2020, as modified by Court’s notice no. 4798 dated 15th April, 2021, and Court’s Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

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(DR. B.R. SARANGI)
JUDGE

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(S.K. PANIGRAHI)
JUDGE

