

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 4120 of 2022

Santosh Kumar Biswal

.....

Petitioners

Mr.S. Mohanty, Adv.

Vs.

State of Odisha & Ors.

.....

Opposite parties

Mr. T. Pattnaik, ASC

CORAM:

**DR. JUSTICE B.R. SARANGI
MISS JUSTICE SAVITRI RATHO**

ORDER

11.04.2022

Order No.

04

This matter is taken up through hybrid mode.

2. Heard Mr. S. Mohanty, learned counsel for the petitioner and Mr. T. Pattnaik, learned Addl. Standing Counsel for the State-opposite parties.

3. The petitioner has filed this writ petition assailing the tender call notice dated 25.11.2021 invited by Chief Construction Engineer, Rural Works Circle, Angul in respect of the work “Improvement to PWD road to Sogar Road” under the Kamakshyanagar Division which was to be completed in 11 months and with approximate estimated amount of Rs.370.91 lakhs.

4. Mr. S. Mohanty, learned counsel for the petitioner contended that pursuant to the tender call notice under Annexure-1, the petitioner applied for but not in prescribed format. However, his bid was accepted and he was technically qualified. Subsequently, the same was challenged by one of the contestants that the petitioner had not participated by submitting

his tender in the prescribed format. Thereby, the financial bid of the petitioner was not opened and his case was not considered for tender process.

5. Mr. T. Pattnaik, learned Additional Standing Counsel contended that for the selfsame work, a fresh tender was invited by the authority and the petitioner participated in the said tender by submitting his tender in prescribed format and also qualified in the technical bid. Thereby, so far as the present work is concerned, the claim of the petitioner cannot be sustained in the eye of law.

6. Having heard learned counsel for the parties and after going through the record, this Court finds that since the work in question was put to tender in pursuance to tender call notice dated 25.11.2021 under Annexure-1 in which he has not applied in the prescribed format, and the petitioner having participated in the fresh tender by submitting his tender in the prescribed format and he has technically qualified, there is no justification to pursue this writ petition.

7. In such view of the matter, the writ petition has become infructuous and the same is disposed of as such.

(DR. B.R. SARANGI)
JUDGE

(SAVITRI RATHO)
JUDGE