

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.4841 of 2022

M/s. Mafatlal Industries Ltd. Petitioner
Represented through its
Senior Manager Institutional
Sales

Ms. Pami Rath, Advocate
Mr. S. Gumansingh, Advocate

-versus-

Orissa Computer Application Opp. Parties
Centre (OCAC) represented
through its Chairman,
Bhubaneswar and Others

Mr. M. K. Khuntia, AGA for OP No. 1 & 2

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M. S. RAMAN

ORDER (Oral)
22.02.2022

Order No.

- 02.** **1.** This matter is taken up by virtual/physical mode.
- 2.** The Petitioner is an unsuccessful participant in the tender notice dated 22.12.2021 floated by Orissa Computer Application Centre (OCAC)-Opposite Party No.1 for Supply, Installation and Commissioning of 694 Smart Classrooms for Odisha Adarsha Vidyalaya Sangathan (OAVS), Government of Orissa.
- 3.** The grievance raised is that the Petitioner has been disqualified at the stage of pre-qualification on the

grounds which are either misplaced/misconceived or *qua* which requirements had been fully met upon grant of the limited opportunity. It is claimed that at the time of scrutiny of the eligibility of tender bids as per Clause-7 of Tender Notice, the approach adopted by O.P.1 is irrational and does not meet the requirements of Wednesbury principle.

4. Be that as it may, since the work order has been issued in favour of the private-Opposite Party No.3, counsel for the Petitioner submits that her client would be satisfied, if a direction is issued to Opposite Party No.1 to decide the issue of eligibility raised in their appeal/representation dated 08.02.2022 available at Annexure-8 (Page-469) filed in response to the grounds for disqualification communicated vide Memo dated 08.02.2022, in a time bound manner so as to clear the misconception for consideration in process of award of future contracts.

5. On our asking, Mr. Khuntia, AGA accepts notice on behalf of Opposite Party Nos. 1 & 2 and has no objection to the Orissa Computer Application Centre, Bhubaneswar being directed to decide the pending appeal filed within a time frame.

6. In view of the aforesaid, we dispose of the writ petition with a direction to Orissa Computer Application Centre, Bhubaneswar to decide the said

appeal, to be supplemented by representation, if any that may be filed within next one week, after affording opportunity of personal hearing to the authorized representative of the Petitioner, by passing speaking order in accordance with law within a period of four weeks, but not later than 31st March, 2022.

**(Jaswant Singh)
Judge**

**(M. S. Raman)
Judge**

February 22nd 2022
Cuttack

AKPradhan

