

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 5544 of 2022

M/s. Shree Balaji Engicons Ltd.

.....

Petitioner

*Mr. Ramakant Mohanty, Sr. Adv. along
with Mr. A. Mohanty, Adv.*

Vs.

State of Odisha and others

.....

Opposite parties

*Mr. T.K. Pattnaik,
Addl. Government Advocate*

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE V. NARASINGH

ORDER

25.02.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. Ramakant Mohanty, learned Senior Counsel appearing along with Mr. A. Mohanty, learned counsel for the petitioner and Mr. T.K. Pattnaik, learned Addl. Government Advocate.

3. The petitioner has filed this writ petition seeking to quash Annexure-1, by which its technical bid has been rejected on the ground that the petitioner has not satisfied the technical qualification criteria. As such, in the proceeding of the tender committee-cum-empowered committee meeting held on 24.01.2022, reasons have been assigned for disqualification that annual turn over in similar nature of work required Rs.43.94 Cr. but available Rs.28.33 Cr.

4. Mr. Ramakant Mohanty, learned Senior Counsel appearing along with Mr. A. Mohanty, learned counsel for the petitioner contended that there was erroneous calculation and, thereby, the technical bid of the petitioner has been rejected under misconception. Consequentially, the petitioner has approached the authority by filing application under Annexure-3 dated 18.02.2022, which is still pending. It is further contended that

since the financial bid has not yet opened, let the authority consider the same and pass appropriate order before the financial bid is opened, to which Mr. T.K. Pattnaik, learned Addl. Government Advocate has raised no objection.

5. Having heard learned counsel for the parties and after going through the records, this writ petition stands disposed of directing opposite parties no.4 and 5 to consider the grievance made by the petitioner under Annexure-3 dated 18.02.2022 and pass appropriate order, by giving opportunity of hearing to the parties, in accordance with law, before opening of the financial bid. Let the petitioner produce this order along with copy of the letter dated 18.02.2022 under Annexure-3 before the opposite parties no.4 and 5 within three days from today, so that the same can be expedited at the level of the said opposite parties.

Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

(V. NARASINGH)
JUDGE

Ashok