

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 6052 of 2022

*Gitanjali Bishoyi @ Geetanjali
Bisoi*

Petitioner

Mr. P.C. Nayak, Advocate

Vs.

State of Odisha and others

Opposite parties

Mr. T.K. Patnaik, ASC

CORAM:

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

ORDER

17.03.2022

Order No.

02.

This matter is taken up through hybrid mode.

2. Heard Mr. P.C. Nayak, learned counsel for the petitioner and Mr. T.K. Patnaik, learned Additional Standing Counsel for the State.

3. The petitioner files this writ petition challenging the decision making process adopted by opposite party no.3 in rejecting the technical bid of the petitioner on 20.02.2022. The petitioner also seeks to declare the acceptance of the bid of the opposite party no.4 as illegal and arbitrary since the same was done beyond the validity period of tender as prescribed under Clause-22 of the Detailed Tender Call Notice (DTCN); and to further declare that the entire decision making process adopted by opposite party no.3 as illegal and arbitrary, since the same was intended to favour a particular bidder.

4. Mr. P.C. Nayak, learned counsel for the petitioner contended that as per Clause-22 of the DTCN, the validity period of the tender was 30 days from the date of opening of the tender. As the tender was opened on 31.12.2021 and 30 days period was expired on 31.01.2022, thereby, acceptance of the bid of opposite party no.4 on 20.02.2022 beyond the validity period, cannot sustain and the same is liable to be quashed.

5. Mr. P.K. Patnaik, learned Additional Standing Counsel contended that the notice inviting tender was floated on 18.12.2021 indicating the time of completion to be 60 days. The authority rejected the technical bid of the petitioner on 20.02.2022 on the ground that proper technical bid was not submitted. After such rejection, he has approached this Court in the present writ petition on the plea that there is violation of Clause 22 of DTCN, where it has been prescribed that the validity period of the tender should be for a period of 30 (thirty) days and 90 days (ninety) in case of building work from the date of opening of tender and validity of tender can also be extended if agreed to by the contractor and department on submission of "No Claim Certificate" by the Contractor. Since the technical bid was rejected on 20.02.2022, beyond the validity period, such order of rejection is liable to be quashed. But fact remains, the petitioner having been participated in the tender process and his technical bid having been rejected on the ground that proper technical bid was not submitted, the petitioner should not have challenge the same, subsequently.

6. In view of the above submission, this Court finds no merit in the writ petition, which is accordingly dismissed.

(DR. B.R. SARANGI)
JUDGE

(SAVITRI RATHO)
JUDGE