

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 7140 of 2022

Prakash Kumar Nayak

.....

Petitioner

Mr. A.K. Biswal, Adv.

Vs.

State of Orissa & Others

.....

Opposite party

Mr. T. Patnaik, A.S.C.

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

25.03.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. A.K. Biswal, learned counsel for the petitioner and Mr. T. Patnaik, learned Addl. Standing Counsel of the State.

3. The petitioner has filed this writ petition assailing the order dated 27.01.2022 passed by the Sub-Collector, Keonjhar in MMCR Appeal Case No.29 of 2021 under Rule 46(1) of OMMC Rules, 2016 disallowing the appeal filed by the petitioner on the ground that he had not produced the land schedule/boundary description as required under Clause-5 of the comparative statement of tender for long term quarry lease for the year 2021-22 to 2025-26.

4. Mr. A.K. Biswal, learned counsel for the petitioner contended that the petitioner has one property, which was shown in the solvency certificate and, as such, the same was accepted as per column-6 of the said comparative statement. It is contended that even though the petitioner did not produce the documents with regard to land schedules/boundary description, his tender could not have been rejected, particularly when the petitioner had quoted higher price, i.e., Rs.201/- per Cum than opp. party no.4, who had quoted only Rs.150/- per Cum, and if the tender of opposite party no.4 is accepted the State would lose its revenue.

5. Mr. T. Patnaik, learned Addl. Standing Counsel for the State-

opposite parties contended that since the petitioner had not produced the land schedule and boundary description, even though he had quoted higher price, the same was not to be accepted, as the bid was not in terms of the detail tender call notice issued by the authority concerned. So far as the price quoted by the petitioner, i.e., Rs.201/- per Cum is concerned, since opposite party no.4 had quoted Rs.150/- per Cum, he could be called upon to match with the price of the petitioner, so that the State will not lose its revenue.

6. Having heard learned counsel for the parties and after going through the records, this Court finds that bid of the petitioner was rejected on the ground of non-submission of the land schedule and boundary description, though the same is required as per the detail tender call notice issued by the authority. Admittedly, the petitioner had quoted higher price i.e., Rs. 201/- per Cum towards additional charge, whereas opp. party no.4 had quoted Rs.150/- per Cum. Therefore, acceptance of the bid of opp. party no.4, being a single bid, that also cannot sustain, unless the same is matched with the bid offered by the petitioner. Therefore, this Court is of the considered view that since the agreement has not been executed till date, the State-opposite parties are directed to call upon opp. party no.4 to match with the bid amount of the petitioner, i.e., Rs.201/- per Cum, and if the opp. party no.4 does not accept such bid offered by the petitioner, the tender shall be cancelled and the authority shall be at liberty to issue fresh notice inviting tender.

7. With the above observation and direction, the writ petition stands disposed of.

(DR. B.R. SARANGI)
JUDGE

(SAVITRI RATHO)
JUDGE