

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 7549 of 2022

***M/s. Siridi Sai Catering
Services and Food Processor,
Khurda***

.....

Petitioner

Mr. Suryakanta Dash, Advocate

Vs.

***The Chairman, Airports
Authority of India, New Delhi
& Ors.***

.....

Opposite parties

CORAM:

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

**ORDER
04.04.2022**

Order No.

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- This matter is taken up through hybrid mode.
2. Heard Mr. S. Dash, learned counsel for the petitioner.
 3. The petitioner has filed this writ petition seeking to quash the Bid Summery Report bearing E-BID No.2021_AAI_74285_1 and claims for refund of EMD amount, being an unsuccessful bidder.
 4. Mr. S. Dash, learned counsel for the petitioner contended that the Airports Authority of India issued two tender call notices, namely, E-bid No.2021_AAI_66790_1 January 2021 under Annexure-2 and E-bid No.2021_AAI_74285_1 April 2021 under Annexure-2(a). Clause-10 of E-bid No.2021_AAI_74285_1 April 2021 deals with eligibility criteria, whereas sub-clause (a) of Clause-10 states about technical capacity. So far as E-bid No.2021_AAI_66790_1 January 2021 under Annexure-2 is concerned, the petitioner participated in the tender and after

opening of technical bid, it was qualified and in respect of E-bid No.2021_AAI_74285_1 April 2021 under Annexure-2(a), though the petitioner participated in the tender process, it was not succeeded in the technical bid. Therefore, the petitioner was called upon to furnish the required shortfall documents, vide letter dated 04.09.2021 under Annexure-3(a), wherein it was stated that the bidder may submit the proof of completion of requisite tenure of two years of work for which the relevant experience has been claimed, and that proof of more than three outlets of same business, claimed (which fulfils the requirement of two years operation in last 7 years), should be in continuous operation for two years or more and that the proof of completion of more than three F & B outlets (not the catering services). In compliance of the same, the petitioner submitted the required documents at pages-116, 117 and 118. But, its technical bid and so also the technical bids of other bidders were not accepted. Therefore, the petitioner has approached this Court by filing this writ petition.

5. Considering the contentions raised by learned counsel for the petitioner and after going through the records, it appears that as per requirement of shortfall documents, the petitioner was to submit the proof of completion of requisite tenure of two years of work, for which the relevant experience has been claimed, the proof more than three outlets of same business in continuous operation for two years or more and further the proof of completion of more than three F & B outlets. As such, the documents, which were relied upon by the petitioner, do not indicate that the petitioner has got experience of three outlets. But the reasons for rejection of technical bid have not been communicated to the petitioner. Not only the bid of the petitioner,

but also technical bids of all the bidders in respect of E-bid No.2021_AAI_74285_1 April 2021 under Annexure-2(a) have been cancelled, as none of the bidders were qualified. If that be so, this Court is not inclined to entertain the writ petition. So far as the refund of EMD amount is concerned, it is open to the petitioner to approach the appropriate authority for refund of the same, as it is an unsuccessful bidder in respect of E-bid No.2021_AAI_74285_1 April 2021 under Annexure-2(a).

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

Urgent certified copy of this order be granted as per Rules.

Alok/Puspa



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(DR. B.R. SARANGI)
JUDGE

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(SAVITRI RATHO)
JUDGE