

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 7792 of 2022

***M/s. Radhakrushna Borewell,
Balasore***

.....

Petitioner

Mr. Pratik Nayak, Advocate

Vs.

State of Odisha & Ors.

.....

Opposite parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

04.04.2022

Order No.

1

This matter is taken up through hybrid mode.

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

3. The petitioner has filed this writ petition seeking to quash the letter dated 11.03.2022 issued by the Executive Engineer, Lift Irrigation Division, Jajpur under Annexure-1 in cancelling the bid of petitioner as it has failed to deposit the required ISD value and not signed P1 Agreement within a stipulated date.

4. Mr. P. Nayak, learned counsel for the petitioner contended that pursuant to tender call notice dated 21.12.2021 and Bid Identification No.2021_OLIC_74829_10, the bid of the petitioner was approved and it was requested to sign P1 Agreement in non-judicial stamp paper worth of Rs.23.00 and deposit a sum of Rs.1,31,032/- towards I.S.D. value in shape of NSC/Postal Saving Passbook/post office time deposit/KVP/STDR duly pledged in favour of the Executive Engineer, L.I. Division, Jajpur Road and produce the original license with other documents for verification and acceptance within 7 days, failing which its bid will stand cancelled. Though the said letter was issued on

03.03.2022, it is contended that the petitioner has not received the same from the postal authority. The petitioner was intimated through e-mail by the opposite parties on 04.03.2022 asking to sign the P1 agreement vide Annexure-6. But the petitioner could not act upon the same within seven days as stipulated by the authority. Therefore, on 11.03.2022, the bid of the petitioner was cancelled.

5. Mr. T.K. Pattnaik, learned Additional Standing Counsel for the State contended that since the petitioner has not complied with the terms of the agreement within seven days, the authority is well justified in passing the order cancelling the bid of the petitioner vide Annexure-1. Therefore, this Court should not interfere with the said order.

6. Having heard learned counsel for the parties and after going through the records, it appears that though opportunity was given to the petitioner to produce the relevant documents for verification and acceptance within seven days, vide letter dated 03.03.2022 and through e-mail vide Annexure-6, but the same was not complied with within the stipulated time. For non-compliance of the conditions stipulated in the tender call notice, the impugned order having been passed, this Court is not inclined to entertain this writ petition.

7. Therefore, the writ petition merits no consideration and accordingly, the same is dismissed.

.....
(DR. B.R. SARANGI)
JUDGE

Alok/Puspa

.....
(SAVITRI RATHO)
JUDGE