

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 9604 of 2022

Krishna Oram

.....

Petitioner

Mr. K.A. Guru, Adv.

Vs.

State of Orissa and others

.....

Opposite parties

Mr. P.P. Mohanty, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

29.04.2022

Order No.

03.

This matter is taken up through hybrid mode.

2. The petitioner has filed this writ petition seeking to set aside the orders passed under Annexures-3 and 4 in appeal as well as revision rejecting the claim made by the petitioner, and to declare the petitioner to be the successful bidder in respect of Jamsera-2 sand bed and allow him to operate the quarry.

3. As it appears, opposite party no.3 issued an auction notice on 15.04.2021 inviting applications for grant of various sources, which includes Jamsera-2 sand quarry. Pursuant to such auction notice, one Brahmani Corridor, Partner Aditya Tripathy, was the successful bidder. The petitioner, being second successful bidder, could not be allotted with the quarry and, as such, the same was settled in favour of Brahmani Corridor. But, subsequently, Brahmani Corridor withdrawn itself from the lease and the petitioner, being the second successful bidder, claimed for settlement of the source in his favour, which was denied by the authority. Against such denial, though the petitioner approached the appellate authority as well as revisional authorities, they also rejected the claim of the petitioner. Therefore, the petitioner has approached this Court by filing the present writ petition.

4. Mr. K.A. Guru, learned counsel for the petitioner contended that as per Sub-rule-(9) of Rule-27 of OMMC Rules, 2016, the source should have been settled in favour of the petitioner, as he was the

second successful bidder. But instead of settling the same in favour of the petitioner, the authorities have denied the claim of the petitioner, which is illegal, arbitrary and contrary to the settled position of law.

5. Mr. P.P. Mohanty, learned Addl. Government Advocate appearing for the opposite parties contended that the highest bidder had offered additional charges of Rs.2495/-, whereas the petitioner had offered only Rs.30/- and, thereby, there was huge difference between the additional charge submitted by the bidders. It is further contended that since there was heavy difference between the petitioner and the highest bidder and the highest bidder withdrew itself from taking the lease, the authority decided to go for fresh tender and, as such, the petitioner cannot claim, as a matter of right, to settle the source in his favour after lapse of more than one year. It is further contended that the petitioner may participate in the fresh auction pursuant to notice issued by the authority. Thereby, no illegality or irregularity has been committed by the authority so as to warrant interference with the same.

6. In such view of the matter, since there was huge difference between the additional charges submitted by the petitioner and the successful bidder, this Court is not inclined to entertain this writ petition.

7. Accordingly, the writ petition stands dismissed.

(DR. B.R. SARANGI)
JUDGE

(SAVITRI RATHO)
JUDGE