

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 9823 of 2022

Abani Kumar Lenka

.....

Petitioner

Mr. S.K. Dalai, Adv.

Vs.

State of Odisha and Ors.

.....

Opposite Parties

Mr. P.P. Mohanty, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

29.04.2022

Order No.

02.

This matter is taken up through hybrid mode.

2. Heard Mr. S.K. Dalai, learned counsel for the petitioner and Mr. P.P. Mohanty, learned Additional Government Advocate for the State-opposite parties.

3. In compliance of the order dated 21.04.2022, Mr. P.P. Mohanty, learned Additional Government Advocate for the State-opposite parties has received instructions from the Divisional Forest Officer, Balliguda Forest Division, Balliguda in the district of Kandhamal, vide letter dated 25th April, 2022, by which it has been stated as follows:-

“Inviting a reference to your aforesaid letter this is to inform you that, the chronological details regarding tender process in connection with Bid Identification No. DFO.BLG-02/2021-22 on 28.10.2021 of this division for construction of Forest Guard Quarter at Bataguda of Balliguda Range are mentioned here below:

1. Date of publication of tender through online vide No. 6217 dated 28.10.2021 floated on 05.11.2021 in www.odishatenders.com portal.

2. Sale of tender documents w.e.f. 05.11.2021 to 20.11.2021 till 5.00 P.M.

3. Last date of bid submission on 20.11.2021 by 5.00 P.M.

4. Bid opening date : 22.11.2021 at 11.30 A.M.

The bid was opened on the stipulated date on

22.11.2021 at 11.30 A.M. There were three bidders for the said building with following quoted percentage.

I) Sri Abani Kumar Lenka submitted with a deduction of 14.99%

II) Sri Umakanta Nayak (SC)-submitted with a deduction of 9.99 %

III) Sri Jadab Pradhan (ST)-submitted with a deduction of 9.99 %

After proper security of the technical bid documents, the bid of Sri Abani Kumar Lenka was rejected due to submission of false declaration in "Schedule-E" form i.e. non disclosure of correct fact. Further, the bid offered by other two bidders is equal. So lottery process was followed and Sri Umakanta Nayak won the lottery and the construction work awarded to him.

The Agreement was made on 14.12.2021 vide No. 04/2021 (copy enclosed). The stipulated time for competition of the construction work was 90 days i.e. up to 15.03.2022. Also the building work has been completed and necessary payment has been made to the contractor vide cheque No. 538237 dated 07.03.2022 amounting to Rs.5,09,097/- and 538280 dated 31.03.2022 amounting to Rs.5,31,038/-. The completion report and the copy of cheque are enclosed herewith."

4. In view of the above instructions received by learned Addl. Government Advocate, this Court is not inclined to entertain this writ petition.

5. Accordingly, this writ petition stands disposed of.

(DR. B.R. SARANGI)
JUDGE

(SAVITRI RATHO)
JUDGE