

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 11089 of 2022

Nitya Kishore Das

.....

Petitioner

Mr. A.S. Mohanty, Adv.

Vs.

State of Odisha and others

.....

Opposite parties

Mr. P.P. Mohanty, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

06.05.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. A.S. Mohanty, learned counsel for the petitioner and Mr. P.P. Mohanty, learned Addl. Government Advocate.

3. The petitioner has filed this writ petition seeking to quash the tender call notice dated 18.04.2022 under Annexure-1 or in alternative to issue direction to opposite party no.3 to accept the bid of the petitioner along with other bidders.

4. Mr. A.S. Mohanty, learned counsel for the petitioner contended that the tender call notice was issued on 18.04.2022, wherein date of commencement of sale of tender documents was fixed to 21.04.2022 and the last date and time of receipt of tender paper was fixed to 27.04.2022. It is contended that only seven days time was granted to submit the tender papers including two holidays, i.e., Saturday and Sunday. Therefore, effectively five days were available to submit the tender paper by registered or speed post. It is further contended that though the petitioner submitted the tender papers on the last date in person, but the same was not accepted. Therefore, the petitioner sent the tender papers by courier, but the same was also not accepted by the

authority. Therefore, the petitioner has approached this Court by filing the present writ petition.

5. Mr. P.P. Mohanty, learned Addl. Government Advocate states that since the mode of submission of tender papers was stipulated in the tender condition itself, that cannot be changed at any cost.

6. Having heard learned counsel for the parties and after going through the records, since it was stipulated in the tender conditions for submission of tender papers by registered post or speed post, any other mode is forbidden. Therefore, since the petitioner had submitted the tender papers in person and by courier service, the same was not accepted by the authority and rightly so.

7. In such view of the matter, this Court does not find any merit in this writ petition, which is accordingly dismissed.

(DR. B.R. SARANGI)
JUDGE

(SAVITRI RATHO)
JUDGE