

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 13340 of 2022

Sk. Mohammad Zahid

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Petitioner

*Mr. M. Kanungo, Sr.
Advocate*

Vs.

State of Odisha & Ors.

.....

Opposite parties

Mr. P.P. Mohanty, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

Mr. JUSTICE S. K. MISHRA

ORDER

22.06.2022

Order No.

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This matter is taken up through hybrid mode.

2. Heard Mr. M. Kanungo, learned Senior Counsel appearing along with Mr. S. Das, learned counsel for the petitioner and Mr. P.P. Mohanty, learned Additional Government Advocate.

3. The petitioner has filed this writ petition seeking to quash the tender call notice dated 16.06.2020 under Annexure-2 in respect of Bheluapadar Sand Quarry, being violative of the OMMC Rules, 2016, and further seeks to quash the bid sheet dated 20.07.2020 under Annexure-1 as well as the consequential tender process issued in favour of opposite party no.5.

4. Mr. M. Kanungo, learned Senior Counsel appearing for the petitioner contended that pursuant to tender call notice issued under Annexure-2 dated 16.06.2020, only three tenderers participated. Opposite party no.5 being the single qualified bidder, the authority should not have settled the

Bheluapadar Sand Sairat Source in favour his favour.
Therefore, the same should be quashed.

5. Mr. P.P. Mohanty, learned Additional Government Advocate contended that pursuant to advertisement under Annexure-2, lease has been issued for a period of five years and, as such, the petitioner has no locus to challenge the same, as he had not participated in the tender process. He further contended that after a belated stage, the petitioner having approached this Court, the writ petition is not maintainable.

6. Having heard learned counsel for the parties and after going through the records, it appears that the tender was issued on 16.06.2020 under Annexure-2 in respect of Bheluapadar Sand Sairat Source, pursuant to which three persons were participated. Accordingly, the said sairat was settled in favour of opposite party no.5. Since the petitioner was not a participant to the bid, at his instance the writ petition is not maintainable. Therefore, this Court is not inclined to entertain this writ petition.

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

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(DR. B.R. SARANGI)
JUDGE

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(S. K. MISHRA)
JUDGE