

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 13512 of 2022

Krishna Oram

.....

Petitioner

Mr. S. Mallik, Adv.

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. P.P. Mohanty, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

MR JUSTICE S.K. MISHRA

ORDER

28.06.2022

Order No.

01.

This matter is taken up by hybrid mode.

2. Heard Mr. S. Mallik, learned Counsel for the Petitioner and Mr. P.P. Mohanty, learned Addl. Government Advocate appearing for the State-Opposite Parties.

3. The Petitioner has filed this Writ Petition seeking to quash the tender allotted in favour of Opposite Party No.4, as he has deposited the security deposit beyond the statutory period of 15 days and to declare the Petitioner as successful bidder in respect of Padampur Sand Bed No.1

4. Mr. S. Mallik, learned Counsel for the Petitioner contended that pursuant to Tender Call Notice issued by the Opposite Parties under Annexure-4, the Petitioner, Opposite Party No.4 along with others participated in the said process of selection. Opposite Party No.4 became the successful bidder and, therefore, he was called upon to deposit the security amount required under the provisions of Rule-27(7) of Minor Mineral Concession Rules, but the same could not be deposited. Therefore, it is contended that as per Rule 27(9) of the Rules, the tendering Authority had to call upon the second highest bidder, i.e., the Petitioner, to allot the source in his favour. But the tendering Authority extended some time by allowing Opposite Party No.4 to deposit the security amount and, as such, in

the extended time, the amount has been deposited and the same has already been accepted by the authority. It is contended that since the successful bidder has deposited the security amount beyond the statutory period, the allotment made in his favour should be set aside and the source should be allotted in favour of the Petitioner.

5. Mr. P.P. Mohanty, learned Addl. Government Advocate appearing for the State-Opposite Parties contended that though Opposite Party No.4 was the successful bidder, but he could not deposit the security amount within the statutory period of 15 days. As such, he has deposited the same within the extended time given by the tendering authority, namely, the Tahasildar. Therefore, once the amount has already been deposited and accepted, at this stage invocation of Rule 27(9) of the Rules does not arise. It is further contended that the Work Order has already been issued in favour of the successful bidder, namely, Opposite Party No.4.

6. Having heard learned counsel for the parties and after going through the records, since Opposite Party No.4-successful bidder has already deposited the security amount as per the statutory requirement and, as such, the same has already been accepted by the tendering authority, this Court is not inclined to entertain this Writ Petition.

7. Accordingly, the Writ Petition merits no consideration and the same is hereby dismissed.

(DR. B.R. SARANGI)
JUDGE

(S.K. MISHRA)
JUDGE