

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 13598 of 2022

S.S. Pharma

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Petitioner

Ms. P.P. Mohanty, Adv.

Vs.

***Superintendent, S.C.B. Medical
College and Hospital, Cuttack***

.....

Opposite parties

Mr. S. Rath, ASC

CORAM:

DR. JUSTICE B.R. SARANGI

MR JUSTICE S.K. MISHRA

ORDER

05.07.2022

Order No.

03.

This matter is taken up through hybrid mode.

2. Heard Ms. P.P. Mohanty, learned Counsel appearing for the Petitioner and Mr. S. Rath, learned Addl. Standing Counsel appearing for the State-Opposite Parties.

3. The Petitioner has filed this Writ Petition seeking to quash Annexure-1 series, by which the Superintendent, S.C.B. Medical College and Hospital, Cuttack invited sealed tenders from the intending Manufacturers/Distributors/Stockiest/Wholesaler for supply of medicine and medical consumable items in bulk quantity as per the requirement of the Hospital, which was valid for a period of one year from the date of approval.

4. Ms. P.P. Mohanty, learned Counsel appearing for the Petitioner vehemently contended that the Tender Call Notice has to be quashed, as because the required period of 21 days has not been provided to submit the tender and on the other hand only 18 days has been provided for the said purpose. Meaning thereby, the tender notice was signed by the Authority on 02.05.2022, but it was published in the News Paper and uploaded in the Web-site on 05.05.2022. Thereby, the tender itself is vitiated.

5. Mr. S. Rath, learned Addl. Standing Counsel appearing for the State-Opposite Parties, on instructions received from the

Opposite Parties, in compliance of the order dated 22.06.2022, contended that the provisions contained under Clause-3.5.9 of the O.P.W.D. Code, prescribes that tenders should invariably be invited publicly in the manner prescribed in Appendix-IX to the Code and in Paragraph 3.5.10 below for all works given out on contracts and estimated to cost Rs.50,000 and more except in cases where additional works or items of work have to be undertaken as part of a scheme work for which tenders have originally been invited publicly and which are required to be executed while the work originally undertaken is in progress or for other exceptional reasons. Further, Clause-10(iii) of Appendix-IX, provides that time limit of minimum 15 days and maximum 30 days in case of works, the cost of which is more than Rs.3.00 cores, is required to be allowed between issue/Publication of tender notice and sales receipt and the said period may be varied at the discretion of the Competent Authority. Thereby, the advertisement has been issued adhering to the said principles by giving 15 days minimum time. As such, no illegality or irregularity has been committed by the Authority in issuing the Tender Call Notice so as to call for interference by this Court.

6. Having heard learned Counsel for the parties and after going through the records, this Court finds that the Opposite Parties have issued a Tender Call Notice for supply of medicines and medical consumable items in bulk quantity. The said Tender Notice was signed on 02.05.2022 and published in the News Paper and uploaded in the Web-site on 05.05.2022. The Petitioner downloaded the tender papers by depositing a sum of Rs.2,000/- on 21.05.2022. The Petitioner contended that the Tender Notice is defective one, as it did not prescribe any security deposit and it left only 18 days for preparation and submission of tender paper,

7. The contention raised by learned Counsel for the Petitioner is not correct, as the same has been dealt with in O.P.W.D. Code under Clause-3.5.9, which reads thus:-

8. Clause-10(iii) of Appendix-IX, which is to be read with Clause-3.5.9 of O.P.W.D. Code, are extracted hereunder:-

xxx xxx xxx

10. In such view of the matter, this Court does not find any illegality or irregularity committed by the Authority in issuing the impugned Tender Notice so as to warrant interference with the

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

11. Needless to say, since this matter relates to tender of the S.C.B. Medical College and Hospital, Cuttack for supply of medicines, in the interest of justice, this Court directs the Opposite Parties to proceed with the matter, as expeditiously as possible, to cater to the needs of the people.

(DR. B.R. SARANGI)
JUDGE

Ashok/PCD

(S.K. MISHRA)
JUDGE

