

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.14573 of 2022

Harekrishna Dhal **Petitioner**
Mr. Manas Mohapatra, Senior Advocate along with
Mr. Prabodha Chandra Nayak, Advocate

-versus-

State of Odisha and **Opp. Parties**
others

Mr. Debakanta Mohanty,
Additional Government Advocate

CORAM:
JUSTICE S.K. SAHOO
JUSTICE M.S. RAMAN

ORDER
10.06.2022

Order No.

01.

This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

The petitioner has filed this writ petition with the following prayer:-

"It is therefore prayed that, this Hon'ble Court may be graciously pleased to issue Rule NISI, in the nature of any appropriate writ/writs and/or any other writ/writs and/or order/orders and/or direction/directions calling upon the opp. parties to show cause as to why:-

- i) The decision making process adopted by the Opp. Party No.3, in inviting fresh tender dated 18.05.2022 for the balance work Construction Cyclone Shelter Type-A (3000 Sqft) at Jayachandi High School, Kayan under Dasarathapur Block for the year 2020-21 in the district of Jajpur, under Annexure-1 shall not be declared illegal, arbitrary, unreasonable, and same shall not be quashed being violative of Article 14 of the Constitution of India.*
- ii) The Opp. Party No.3 shall not be*

directed to allow the petitioner to execute the balance work and to complete the same within a period of six months, since the petitioner has invested substantial amount for execution of the work and deposited Security deposit.

And/or to pass such other order/orders, direction/directions as this Hon'ble Court deems just, fit, equitable and proper in the facts and circumstances of the present case;

And for this act of kindness, the petitioner shall as in duty bound ever pray."

Mr. Manas Mohapatra, learned Senior Advocate appearing for the petitioner submits that though show cause notice was issued to the petitioner as per Annexure-6 dated 16.02.2022, the petitioner has not filed any show cause but he has filed an affidavit sworn before the court of Executive Magistrate, Aul vide Annexure-7 series in which it is mentioned that some more time may be granted to complete the work in question and without considering the affidavit, a fresh tender call notice has been floated as per Annexure-1.

Mr. Debakanta Mohanty, learned Additional Government Advocate for the State, on the other hand, submits that show cause notice was issued to the petitioner and instead of filing reply, he has filed an affidavit.

Be that as it may, learned counsel for the petitioner submits that the petitioner would file a reply to show cause vide Annexure-6 within a week from today and direction may be issued to the Superintending Engineer, Rural Works Division, Jajpur-opposite party no.5 to consider the same giving opportunity of hearing to the

petitioner. Till consideration of such representation, tender notice under Annexure-1 may be stayed.

Mr. Mohanty, learned Additional Government Advocate for the State has serious objection to the second prayer.

Considering the submissions made by learned counsel for the respective parties and without expressing any opinion on the merits of the writ petition, we dispose of the same giving opportunity to the petitioner to file reply to the show cause (Annexure-6) within a period of one week from today and simultaneously produce the certified copy of this order passed today on receipt of which a date may be fixed by the concerned authority for giving personal hearing to the petitioner and the decision shall be taken within a period of two weeks and communicate the result of such exercise to the petitioner.

Urgent certified copy of this order be granted on proper application.

(S.K. Sahoo)
Vacation Judge

(M.S. Raman)
Vacation Judge