

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 15127 of 2022

*Delta Infra Logistics (World Wide)
Ltd.*

.....

Petitioner

Mr. S.K. Dash, Adv.

Vs.

State of Odisha and another

.....

Opposite Parties

Mr. P.P. Mohanty, AGA

CORAM:

**DR. JUSTICE B.R. SARANGI
MR. JUSTICE S.K. MISHRA**

ORDER

21.06.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. S.K. Dash, learned counsel for the petitioner and Mr. P.P. Mohanty, learned Addl. Government Advocate for the State-opposite parties.
3. The petitioner has filed this writ petition seeking to quash the order of rejection of the technical bid of the petitioner company vide Annexure-6 series and to issue direction to opposite party no.2 to take a final decision in the matter after opening the financial bid of the petitioner-company.
4. Mr. S.K. Dash, learned counsel for the petitioner contended that pursuant to request for proposal floated by Rourkela Smart City Limited for selection of Master System Integrator (MSI) for implementation of smart solutions in Rourkela, the petitioner submitted its tender. Thereafter, notice dated 23.05.2022 was issued under Annexure-3, by which it was specifically mentioned that the petitioner fulfilled the eligibility criteria for pre-qualification as per the RFP and its bid found to be responsive and accordingly the petitioner company was declared as “qualified”. Similarly, Annexure-5 dated 04.06.2022, i.e., eProcurement

System, Govt. of Odisha containing Tender Summary Reports clearly indicates that the technical bid of the petitioner company was accepted and, as such, the petitioner company is placed at sl.no.3 of the said list. But in the tender summary report dated 10.06.2022 published in eProcurement System, Govt. of Odisha, it was erroneously mentioned that technical bid of the petitioner has been rejected and the petitioner company was found “technically not qualified”. It is contended that once the petitioner company was declared as technical qualified and its technical bid was accepted vide Annexure-3 and 5 dated 23.05.2022 and 04.06.2022 respectively, the order of rejection of the technical bid of the petitioner company vide Annexure-6 series is absolutely misconceived. He, however, contended that ventilating the grievance the petitioner company has already approached opposite party no.1 vide Annexure-8 series, which is still pending consideration. It is contended that direction may be given to the authority to consider the same and pass appropriate order in accordance with law.

5. Mr. P.P. Mohanty, learned Addl. Government Advocate appearing for the opposite parties contended that if the petitioner has already approached the authority seeking clarification regarding rejection of technical bid, let the said authority be directed to consider the same and pass appropriate order in accordance with law.

6. Having heard learned counsel for the parties and after going through the records, but, however, without expressing any opinion on the merits of the case, it is directed that since the petitioner has already approached opposite party no.1 ventilating its grievance

vide Annexure-8 series seeking clarification regarding rejection of its technical bid, opposite party no.1 shall do well to consider the same and pass appropriate order in accordance with law within a period of three weeks from the date of production of certified copy of this order.

7. The writ petition is accordingly disposed of.
Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

Ashok/PCD



(S.K. MISHRA)
JUDGE