

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 15976 of 2022

M/s. J.S. Enterprises, Koraput

.....

Petitioner

Mr. P.C. Nayak, Advocate

Vs.

State of Odisha and Anr.

.....

Opposite Parties

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE V. NARASINGH

ORDER

11.07.2022

Order No.

01

This matter is taken up through hybrid mode.

2. Heard Mr. P.C. Nayak, learned counsel for the Petitioner and Mr. P.P. Mohanty, learned Additional Government Advocate appearing for the State Opposite Parties.

3. The petitioner has filed this Writ Petition seeking to declare the Request for Proposal dated 26.05.2022 invited by Opposite Party No.2 under Annexure-1, particularly Clause-A(1) & (3) of prequalification/eligibility criteria, as illegal, arbitrary and contrary to the provisions of law.

4. Mr. P.C. Nayak, learned counsel for the Petitioner contended that prequalification/eligibility criteria contained in Clause-A(1) & (3) of Request for Proposal dated 26.05.2022 invited by Opposite Party No.2 under Annexure-1 cannot sustain in the eye of law and, as such, the same has to be quashed.

5. Mr. P.P. Mohanty, learned Additional Government

Advocate appearing for the State Opposite Parties contended that the tender was floated on 26.05.2022 indicating the last date of opening of Financial Bid as 12.07.2022. Therefore, at the fag end of the tender process, the Writ Petition should not be entertained.

6. Considering the contentions raised by learned counsel for the parties and after going through the records, it appears that the Request for Proposal was issued on 26.05.2022 fixing 12.07.2022 as the opening of Financial Bid. Though the Writ Petition was filed on 27.06.2022 but the same is taken up today, i.e., on 11.07.2022, and only one day is left for opening of the Financial Bid. Therefore, this Court is not inclined to entertain this Writ Petition. However, if the petitioner has any grievance, liberty is granted to pursue its remedy before the appropriate forum.

7. With the above observation, the writ petition stands disposed of.

8. Issue urgent certified copy as per Rules.

(DR. B.R. SARANGI)
JUDGE

(V. NARASINGH)
JUDGE

Alok