

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 16874 of 2022

Kamalini Barik

.....

Petitioner

*Mr. S. Das, Adv. and
Mr. S.R. Mohanty, Adv.*

Vs.

**Chief Engineer (R&B), BBSR
and others**

.....

Opposite Parties

Mr. P.P. Mohanty, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE V. NARASINGH

ORDER

12.07.2022

Order No.

04.

This matter is taken up through hybrid mode.

2. Heard Mr. S.R. Mohanty, learned counsel appearing on behalf of Mr. S. Das, 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 direction to the opposite parties to cancel the tender call notice dated 13.05.2022 vide BID Identification No.ONLINE-BGH-02 of 2022-23.

4. Mr. S.R. Mohanty, learned counsel appearing on behalf of Mr. S. Das, learned counsel for the petitioner contended that the petitioner, who is a 'C' Class contractor and an unsuccessful bidder, has filed this writ petition challenging the condition stipulated in clause-23 of the tender call notice issued by the authority.

5 Mr. P.P. Mohanty, learned Addl. Government Advocate appearing for the State-Opposite Parties contended that since the petitioner had participated in the process of tender, being not come

out successful, cannot challenge the terms and conditions of the contract at this stage.

6. Having heard learned counsel for the parties and after going through the records, this Court finds that the petitioner had participated in the process of tender and having not come out successful, filed this writ petition, which cannot sustain in the eye of law. As such, if the petitioner is aggrieved by any of the clauses stipulated in the contract, she should have challenged the same prior to participation in the bid or publication of result of the bid. More so, at the behest of the petitioner, at the fag end of the process of tender, the writ petition filed by the petitioner is not maintainable.

7. Accordingly, the writ petition merits no consideration and the same is hereby dismissed.

(DR. B.R. SARANGI)
JUDGE

(V. NARASINGH)
JUDGE

Ashok/Balaram