

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 17033 of 2022

Ramesh Chandra Sahoo

.....

Petitioner

Mr. U.C. Mohanty, Adv.

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. P.P. Mohanty, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

MR JUSTICE S.K. MISHRA

ORDER

19.07.2022

Order No.

02.

This matter is taken up through hybrid mode.

2. Heard Mr. U.C. Mohanty, learned Counsel appearing 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 to quash the Office Order No.557 dated 16.06.2022 under Annexure-11 in cancelling the Contract Agreement No.596 dated 29.09.2021 for the work "Construction of PGCI cover-shed at various P.P.C. under Attabira & Bheden Block and Repair & Renovation of existing Shopping Complex at Attabira Main Market Yard under RMC Attabira" pertaining to Bid Identification No.03/RMC-Attabira/2021, as well as further recommendation of OSAM Board, Bhubaneswar for blacklisting of the Petitioner from executing any work under the said Board, and subsequent communication made by the Secretary, RMC, Attabira, vide letter No.619 dated 05.07.2022 under Annexure-14, and to issue direction to the Opposite Parties to permit the Petitioner to execute the balance work, since the contract period has not yet expired. He further seeks direction to the Opposite Parties No.3, 5 and 6 to measure the work already executed and prepare the R/A Bills and release the payments enabling the Petitioner to achieve the balance

work smoothly in the public interest.

4. The contention of learned Counsel for the Petitioner is that blacklisting of a Contractor amounts to civil death. Therefore, the impugned action of the Authorities in cancelling the Contract and blacklisting the Contractor being illegal, arbitrary, unreasonable and violative of Principles of Natural Justice, is liable to be set aside, in view of the ratio decided by this Court in the case of *M/s Durga Electricals and Electronics v. Mahanadi Coalfields Limited and others*, 2022 (I) OLR 601.

5. However, learned Counsel for the Petitioner further submitted that in the above context the Petitioner has already made representation to Opposite Party No.2-District Collector-cum-Chairman, DLPC, Bargarh, vide Annexure-13, and the same may be directed to be disposed of within a stipulated time, to which Mr. P.P. Mohanty, learned Addl. Government Advocate appearing for the State-Opposite Parties has raised no objection.

6. Having heard learned Counsel for the parties and after going through the records, this Court disposes of the Writ Petition directing Opposite Party No.2 to consider the representation filed by the Petitioner vide Annexure-13 and pass a reasoned and speaking Order in accordance with law, keeping in view the ratio decided by this Court in *M/s Durga Electricals and Electronics* (supra), within a period of two months from the date of production of certified copy of this order.

Issue urgent certified copy as per Rules.

(DR. B.R. SARANGI)
JUDGE

Ashok/Ananta

(S.K. MISHRA)
JUDGE