

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 17150 of 2022

Basudev Nayak

.....

Petitioner

Mr. S.K. Nath, Advocate

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. S. Rath, ASC

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE SANJAY KUMAR MISHRA

ORDER

20.07.2022

Order No.

02.

This matter is taken up through hybrid mode.

2. Heard Mr. S.K. Nath, learned counsel for the Petitioner and Mr. S. Rath, learned Additional Standing Counsel for the State.

3. The Petitioner has filed this Writ Petition seeking direction to the Opposite parties to execute the tender work by depositing the APS amount as per the letter dated 15.12.2021 vide Annexure-3 and revive all the papers by quashing the letter dated 05.05.2022 under Annexure-7.

4. Mr. S.K. Nath, learned Counsel for the Petitioner contended he is the successful bidder and he has been called upon to deposit the APS vide letter dated 15.12.2021. However, after receipt of the same he would be able to comply the same as he was suffering from illness. Therefore, he seeks for extension of time to deposit the same and to allow him to do the tender work.

5. Mr. S. Rath, learned Additional Standing Counsel contended

that since the Petitioner has not complied with the conditions stipulated in the letter dated 15.12.2022 to deposit the APS amount within the time stipulated, he cannot claim that the time should be extended and he should be allowed to perform the tender work, after long lapse of six months, even though he was suffering from illness.

6. Having heard learned Counsel for the parties and after going through the record, since the tender arises out of a pure agreement, the petitioner has to comply the conditions stipulated in the tender and accordingly he has been called upon to deposit the same within seven days. The same having not been complied with, this Court is not inclined to entertain this Writ Petition. It is open to the Petitioner to pursue his remedy before the authority concerned, if he is so advised.

7. With the aforesaid liberty, the Writ Petition stands disposed of.

(DR. B.R. SARANGI)
JUDGE

Arun/Banita

(S.K. MISHRA)
JUDGE