

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 20292 of 2022

Vaishnavi Enterprises

.....

Petitioner

Mr. S.K. Acharya, Adv.

Vs.

State of Odisha and Another

.....

Opposite Parties

Mr. P.K. Muduli, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE G. SATAPATHY

ORDER

16.08.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. S.K. Acharya, learned counsel for the petitioner and Mr. P.K. Muduli, learned Addl. Government Advocate.

3. The petitioner has filed this writ petition seeking to quash Annexure-2 dated 01.08.2022, whereby its technical bid has been rejected by the opposite party no.2.

4. Mr. S.K. Acharya, learned counsel for the petitioner, at the outset, contended that while rejecting the technical bid of the petitioner, no reason has been assigned by the authority. Therefore, the rejection so made, cannot sustain in the eye of law.

5. Mr. P.K. Muduli, learned Addl. Government Advocate contended that the order of rejection of technical bid has been placed on record at page-155 of the brief vide Annexure-2 and at sl.no.3 of para-7(B), it has been specifically mentioned that the petitioner was not technically qualified as per clause No.1.4.5 of the RFP.

6. Having heard learned counsel for the parties and after going through the records, this Court finds that the technical bid of the petitioner has been rejected as per clause-1.4.5 of the RFP, which reads as under:

“1.4.5 Acceptance/rejection of the Bids-

1.4.5.1. The Bids submitted by the Bidders shall be liable for rejection in case

a) Any incomplete or non-submission of any mandatory Bid Form or document mentioned under online or hardcopy submission of Technical Bid pursuant to ITB Clause 1.3.3.2. and ITB Clause 1.3.3.3.

- b) Any incomplete or non-submission of any mandatory Bid Form or document mentioned under the online submission of price bid pursuant to ITB Clause 1.3.3.4.*
- c) Late Bids received as per ITB Clause 1.4.3.*
- d) Canvassing in any manner shall not be entertained and will be viewed seriously and shall be liable for rejection.*
- e) The Bids are found non-responsive pursuant to all the relevant clauses in the Bidding Document.”*

7. When Mr. S.K. Acharya, learned counsel for the petitioner is confronted with this position, i.e., rejection of technical bid has been done as per which of the five grounds contained in Clause-1.4.5 of the RFP, it is contended that the same has not been specified in the order of rejection. But fact remains, the technical bid was to be opened in presence of the petitioner or its representatives, as per Clause-1.4.6 of RFP. Therefore, when the technical bid was opened in presence of the bidder or its representative, it cannot be said that the ground for rejection of the bid was not known to the petitioner. Since learned counsel for the petitioner is unable to apprise the Court that rejection of the technical bid of the petitioner has been done by the authority as per which of the five grounds contained in clause-1.4.5 of RFP, this Court is of the considered view that the petitioner has not made out a case for interference.

8. In the above view of the matter, the writ petition merits no consideration and the same is hereby dismissed.

(DR. B.R. SARANGI)
JUDGE

(G. SATAPATHY)
JUDGE

Ashok/Kishore