

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 22223 of 2022

***M/s. East End Technologies
Private Limited, Bhubaneswar***

.....

Petitioner

*Mr. A. Mohanty, Sr. Advocate along
with Mr. S. Mohanty, Advocate*

Vs.

Union of India and others

.....

Opposite Parties

Mr. P.K. Parhi, ASGI

CORAM:

DR. JUSTICE B.R. SARANGI

Mr. JUSTICE G. SATAPATHY

ORDER

05.09.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. A. Mohanty, learned Senior Counsel appearing along with Mr. S. Mohanty, learned counsel for the petitioner.

3. The petitioner has filed this writ petition challenging the e-tender notice dated 05.07.2022 of the opposite party- Indian Oil corporation Limited for the balance work, namely, “Design and Detailed Engineering and Execution of Piping, Civil & Structural Jobs related to NG firing facility in GT’s at PDR” under Annexure-19 and the letters dated 21.12.2021 and 13.01.2022 of the DGM, Project, Paradip Refinery, Indian Oil corporation Limited Annexures-12 & 13 respectively, wherein the petitioner’s unit has been kept in “watch list” and decision has been taken to issue fresh tender on balance work with the

enhanced price.

4. Mr. A. Mohanty, learned Senior Counsel appearing for the petitioner vehemently contended that pursuant to tender invited by the Indian Oil Corporation Limited, the petitioner participated and on becoming was awarded with the work. It is contended that due to outbreak of COVID-19, the petitioner could not be able to perform the work, as there was lockdown in the entire State. Therefore, the petitioner apprised the authority in writing that due to natural calamity, it could not be able to perform the work, and that in the meantime, there has been enhancement of cost, the petitioner is entitled to get price escalation. But, since there is no such clause in the agreement for escalation of price, such request of the petitioner was not acceded to. In the meantime, the authority issued letters dated 21.12.2021 and 13.01.2022 under Annexures-12 & 13 respectively to the petitioner intimating to put it under watch list. It is further contended that keeping the petitioner under 'watch list' may cause prejudice in future, which may not allow the petitioner to participate in the process of bid. When a fresh tender was issued under Annexure-19 dated 05.07.2022, the petitioner has approached this Court by filing this writ petition.

5. Having heard learned Sr. Counsel appearing for the petitioner and after going through the records, it appears that the petitioner has approached this Court by filing this writ petition in apprehension. Therefore, the writ petition is premature one. However, in the event any adverse order is passed by the authority, it is open to the petitioner to

pursue its remedy before the appropriate forum in accordance with law.

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

7. Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

(G. SATAPATHY)
JUDGE

Alok/Subhasmita

