

IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) No. 19701 of 2018

M/s. SCC Infrastructure *Petitioners*
Pvt. Ltd. and another

Mr. G.M.Rath, Advocate

-versus-

State of Odisha and others *Opposite Parties*

Mr. L. Samantaray, AGA for OPs.1 & 2

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S.SAHOO

Order No.
24.

ORDER
16.11.2022

Hybrid Mode

1. The petitioner, a registered company undertaking civil construction work, has filed the writ petition challenging the action of the opposite party-State authorities in rejecting his technical bid by letter dated 26.11.2018 for the work of “Renovation and Restoration of Upper Indravati Right Main Canal Under CLSRP from RD-41. 10 Km to 83.706 Km.” vide tender call notice dated 10.04.2018 pertaining to the bid identification No. CCEW,UIIP-01(01)/2021-22 dated 22/12/2021.

2. This Court by interim order dated 07.12.2018 directed as follows :

“As an interim measure it is directed that the status quo in respect of the tender call notice

dated 10.04.2018 under Annexure-1 shall be maintained till the next date.”

Thereafter by order dated 19.08.2019 this Court directed as follows :

“In view of sub-clause (f) of 3.7.11, the complaint could not have been entertained after 17.4.2018. The financial bid was opened on 03.09.2018. In that view of the matter, the entertainment of complaint on 04.09.2018 is not bona fide. The authority has apparently tried to favour one of the tenderer, which is not permissible.

In that view of the matter, the matter requires consideration.

It will be open for the authority to proceed for fresh tender, if the petitioner is not found to be eligible, but it cannot be proceeded further in favour of the other opposite parties.

This matter is fixed for final hearing on 30.09.2019.

Till then, interim order passed earlier shall continue, subject to the observation made above.”

The said order dated 19.08.2019 of this Court was challenged before the Hon'ble Supreme Court by SLP(C) No. 22448 of 2019 filed by O.P. No.3 in the writ petition, i.e., M/s. D.D.Builders Ltd. which was ultimately withdrawn and the SLP was dismissed by order dated 31.01.2022.

In the meanwhile pursuant to the subsequent tender issued on 22.12.2021 the fresh evaluation process has been completed, wherein concededly the petitioner has also unsuccessfully participated; and a contractor has been selected to execute the work.

In such view of the matter, the writ petition is dismissed as infructuous. However, the petitioner shall have the liberty to pursue any remedy available under law,` if so advised.

(Jaswant Singh)
Judge

(M.S.Sahoo)
Judge

November 16th, 2022
Cuttack

dutta

