

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 27806 of 2020

<i>Parasuram Rautray</i>		<i>Petitioner</i>
		<i>Mr. S.K.Sarangi , Advocate</i>
	Vs.	
<i>State of Odisha and others</i>		<i>Opposite Parties</i>
		<i>Mr. P.P. Mohanty, AGA</i>
		<i>(O.P.1)</i>
		<i>Mr. S.B. Jena, Advocate</i>
		<i>(O.P.2)</i>

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE GOURI SHANKAR SATAPATHY

ORDER

16.08.2022

Order No.

04

This matter is taken up through hybrid mode.

2. Heard Mr. S .K. Sarangi, learned counsel for the Petitioner, Mr. P.P. Mohanty, learned Additional Government Advocate appearing for opposite party no.1 and Mr. S.B. Jena, learned counsel appearing for opposite party no.2.
3. The petitioner, who is a contractor, has filed this writ petition to quash the order/letter dated 09.10.2020 under Annexure-6, by which the Tender Committee has rejected the tender submitted by the petitioner debarring from participation in tenders to be invited by Konark N.A.C. in future, and further to issue direction to opposite party no.2 to consider his tender pursuant to Annexure-2.
4. This Court, while entertaining this writ petition, on 08.01.2021 passed the order to the following effect:

“This matter is taken up by video conferencing mode.

Heard Mr. S.K. Sarangi, learned counsel for the Petitioner.

Issue notice to the opposite parties by registered post with A.D. making it returnable by 25th March, 2021, requisites for which shall be filed within three days.

It is made clear that notice is confined to Prayer No. “C” i.e, the decision to debar the petitioner from participating in the future tender.

*Counter affidavit will be filed within eight weeks.
Rejoinder, if any, will be filled by the next date.
List this matter on 25th March, 2021”.*

5. It appears that by virtue of order dated 09.10.2020, the petitioner has been debarred from participating in tenders to be invited by Konark N.A.C. in future. Meaning thereby, the debarment of the petitioner from participating in the future tender of Konark N.A.C. was for an indefinite period, which is not permissible under law.

6. In course of hearing, when this Court called upon Mr. S.B. Jena, learned counsel for opposite party no.2 to produce relevant rules on the basis of which opposite party no.2 has passed the order dated 09.10.2020 debarring the contractor from participating in the future tender of Konark N.A.C. for an indefinite period, he failed to produce the same and also contended that there is no such rule framed by the Konark N.A.C. Therefore, the order/letter dated 09.10.2020 issued by opposite party no.2 cannot be sustained in the eye of law. Accordingly, the same is liable to be quashed and is hereby quashed.

7. So far as present tender is concerned, nothing remains to be adjudicated. However, if any future tender is invited by the Konark N.A.C., the petitioner is permitted to participate in the same.

(DR. B.R. SARANGI)
JUDGE

Alok/subha

(G.S.SATAPATHY)
JUDGE