

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 25117 of 2022

Santosh Kumar Patra

.....

Petitioner

Mr. S.K.Mishra, Advocatae.

Vs.

State of Odisha & others

.....

Opposite Parties

Mr.J.P.Pattanaik, G.A.

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE G. SATAPATHY

ORDER

24.09.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr.S.K.Mishra, learned counsel for the petitioner and Mr.J.P.Pattanaik Government Advocate for the petitioner.

3. The petitioner has filed this writ petition seeking to quash the decision of the Committee dated 12.08.2022 under Annexure-3 so far as it relates to 'Katarisahi Sand Quarry' and further seeks to direct the opposite parties accept the bid of the petitioner and award the same in his favour.

4. Mr. Samir Mishra, learned counsel for the petitioner contended that an advertisement was issued on 26.07.2022 inviting application for grant of Minor Minerals under the provision of OMC Rule, 2016, as has been amended in the year 2018 and 2022, wherein the mode has been prescribed to submit the document through Registered Post/Speed Post under Clause-24 of the tender document.

5. Mr. Mishra, learned counsel for the petitioner very fairly submits that the petitioner had not submitted the bid through registered post/ speed post save and except submitted through Courier. But the authorities rejected the bid because he had not

complied with the terms and conditions as prescribed in the notice inviting tender issued by the concerned authority. Against such decision of the authority the petitioner filed the present writ petition and contended that submission of bid through registered post/speed post is not an essential condition and, therefore, that cannot be waived out and the same should be accepted for the purpose of participating in the bid.

6. Mr. J. P. Pattanaik, learned. Government Advocate appearing for the State Opposite Parties contended that once the mode has been prescribed in the advertisement itself, the same has to be adhered to or otherwise due to non-compliance of condition of the agreement itself and submission of the documents by the petitioner through courier which is not the mode of sending of the document, the authorities have rightly rejected the bid of the petitioner.

7. Having heard learned counsel for the parties and after going through the record, it appears that admittedly an advertisement was issued inviting applications for eligible bidders to participate in the bid for lease of 'Katarisahi Sand Quarry' and as per the advertisement under Clause-24 there is a specific requirement that the intending bidders shall file the documents in a sealed cover through Registered Post/ Speed Post to the Tahasildar, Baliguda and as such the document should be reach by 12.08.2022 by 3 P.M. in the Office of Tahasildar, Baliguda and the same will be opened at 4 P.M. on the very same date i.e. 12.08.2022 and, as such it has also been specified that after verification of all the documents, the same will be finalized and incomplete document will be cancelled. Needless to say that the petitioner has submitted

the documents through courier and thereby the mode prescribed under Clause-24 for filing all the documents in a sealed cover envelope through registered post/speed has not been adhered to. Even though the filing of documents is not the essential conditions, but there is gross violation of Clause-24 of the advertisement itself and as such the opposite parties are well justified in rejecting the bid of petitioner as the petitioner has not adhered to Clause-24 of the Bid.

8. In view of the above, there is no merit in the writ petition, which is accordingly dismissed.

Arun/Kishore



(DR. B.R. SARANGI)
JUDGE

(G. SATAPATHY)
JUDGE