

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 25550 of 2022

Pradipta Kishore Raj

.....

Petitioner

Mr.G.Satpathy. Advocate

Vs.

State of Odisha & others

.....

Opposite Parties

Mr. P.P.Mohanty, A.G.A.

CORAM:

DR. JUSTICE B.R. SARANGI

Mr. JUSTICE G. SATAPATHY

ORDER

14.10.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. G. Satapthy, learned counsel for the petitioner and Mr.P.P.Mohanty, learned Addl. Government Advocate.

3. The petitioner has filed this writ petition to declare the advertisement issued under Annexure-2 in respect of Dighi-1 sand quarry as irregular and consequentially to cancel the allotment of the said sairat source made vide Annexure-3, as the same contradicts the terms and condition of the advertisement.

4. Mr. G. Satapthy, learned counsel for the petitioner contended that on 08.10.2021 the State Level Environment Impact Assessment Authority, Odisha, Bhubaneswar permitted for lifting of 7500 cubic meter of sand per year. Had the same been adhered to, the petitioner could have participated in the bid. As because the quantity of lifting the sand was enhanced to 49.000 cubic meter per year, which is

seven times more than that of the permitted quantity, the petitioner could not participate in the proceeding.

5. But fact remains, since it was specifically stipulated in the advertisement under Annexure-2 for lifting of 49.000 cubic meter sand per year, the petitioner has to satisfy the condition stipulated in the advertisement, otherwise he cannot participate in the process of tender. So far as permission granted by the authority for lifting of 7500 cubic meter of sand per year is concerned, it is open to the tender inviting authorities either to adhere to such quantity or enhance such lifting quantity. Furthermore, the amount required to be deposited as per the lifting quantity specified in the advertisement, whether will be refunded or not is completely within the domain of the authority. In such view of the matter, this Court is not inclined to interfere at this stage.

6. Accordingly, the writ petition merits no consideration and the same is hereby dismissed.

(DR. B.R. SARANGI)
JUDGE

(G. SATAPATHY)
JUDGE

Ashok/Kishore