

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No.32861 of 2021

***M/s. Bharat Security Service,
Jajpur***

.....

Petitioner

Mr. U.K. Samal, Advocate

Vs.

***Angul Municipality, Angul &
Ors.***

.....

Opposite Parties

Mr. P.K. Mohapatra, Advocate

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE B.P. SATAPATHY

ORDER

11.11.2022

Order No.

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This matter is taken up through hybrid mode.

2. Heard Mr. U.K. Samal, learned counsel appearing for the petitioner and Mr. P.K. Mohapatra, learned counsel appearing for the opposite parties.

3. The petitioner has filed this writ petition seeking to quash the order/letter dated 10.02.2021 under Annexure-5, by which opposite party no.2 has forfeited the EMD in respect of the work “privatization of sanitation work Zone No.3 ward No.3, 4, 5, 6, 22, 23, Bazar and Bus-stand (42 Nos. Labours) including 2 No. Driver” of Angul Municipality, by cancelling the tender, and debarred the petitioner for three years from participating in future sanitation tender of Angul Municipality.

4. Mr. U.K. Samal, learned counsel appearing for the petitioner contended that in spite of order dated 10.02.2021 under Annexure-5 issued by opposite party no.2, the EMD amount, which has been forfeited, has already been released in favour of the petitioner. But so far as debarment of the petitioner from

participating in future sanitation tender of Angul Municipality for a period of three years is concerned, paragraph-9 of the counter affidavit filed by opposite party no.2 states that the petitioner's firm has not been blacklisted but debarred for three years in Angul Municipality only and its EMD has not also been forfeited. It is further contended that opposite party no.2, while passing the said order, has not followed due procedure and has not given opportunity of hearing to the petitioner. Therefore, the same cannot be sustained in the eye of law.

5. Considering the contentions raised by learned counsel for the parties and after going through the records, it appears that opposite party no.2 has issued order/letter dated 10.02.2021 cancelling the tender and debarring the petitioner from participating in future sanitation tender of Angul Municipality and, as such, the said order has been passed without following due procedure and without giving opportunity of hearing to the petitioner. More so, the EMD amount having been released in favour of the petitioner, the order/letter dated 10.02.2021 under Annexure-5 issued by opposite party no.2 debarring the petitioner from participating in future sanitation tender of Angul Municipality cannot be sustained in the eye of law. Accordingly, the same is hereby quashed.

6. The writ petition is disposed of.

7. Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

(B.P. SATAPATHY)
JUDGE

