

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No.29303 of 2022

*M/s. Reliable Security &
Intelligence Service, OOrissa
(Private) Ltd., Balasore*

.....

Petitioner

Mr. S. Mohanty, Advocate

Vs.

*Managing Director, Orissa
State Cooperative Milk
Production Federation
Ltd.(OMFED), Bhubaneswar &
Anr.*

.....

Opposite Parties

CORAM:

**DR. JUSTICE B.R. SARANGI
MR. JUSTICE B.P. SATAPATHY**

**ORDER
09.11.2022**

Order No.

1

This matter is taken up through hybrid mode.

2. Heard Mr. S. Mohanty, learned counsel for the petitioner.
3. The petitioner has filed this writ petition seeking to quash the order dated 07.04.2011 under Annexure-4, by which the petitioner has been blacklisted, and further to issue direction to the authority to allow the petitioner to participate in the future tender process in the interest of justice.
4. Mr. S. Mohanty, learned counsel appearing for the petitioner contended that the order of blacklisting of the petitioner for an indefinite period is arbitrary, illegal and contrary to the provisions of law and, as such, as per Annexure-6 dated 26.11.2021, the blacklisting period per offence shall be limited to three years subject to an overall maximum cumulative period of

10 years for multiple offences. Thereby, the authority should comply with the provisions of Rule-D of Apendix-XXXIV of OPWD Code, Volume-II and pass appropriate order in accordance with law.

5. Having heard learned counsel for the petitioner and after going through the records, it appears that the petitioner has been blacklisted for an indefinite period, which is not justified. However, since OPWD Code stipulates that the blacklisting period per offence shall be limited to three years subject to an overall maximum cumulative period of 10 years for multiple offences, the petitioner, if so likes, may file a representation, indicating the provisions of the OPWD Code within a period of ten days hence, and in such event the authority shall consider the same and pass appropriate order within a period of six weeks thereafter.

6. With the above observation & direction, the writ petition stands disposed of.

7. Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

(B.P. SATAPATHY)
JUDGE

Alok