

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 35174 of 2021

SSG Mining (JV)

.....

Petitioner

Mr. A. Patnaik, Advocate

Vs.

*The Chairman-cum-MD, MCL,
Sambalpur & others.*

.....

Opposite party

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE S.K. PANIGRAHI

ORDER

06.01.2022

Order No.

03

This matter is taken up through hybrid mode.

2. Heard Mr. A. Patnaik, learned counsel for the petitioner.
3. The petitioner files this writ petition seeking foreclose of the contract pursuant to NIT No.MCL/ SBP/ GM (CMC)/NIT/792/ 2019/537 dated 07.11.2019 by invoking clause-9.4 of the General terms and conditions, as the authorities have not satisfied clause-(c) of special conditions of e-Tender Notice dated 07.11.2019.
4. Mr. A. Patnaik, learned counsel for the petitioner contended that pursuant to e-Tender Notice dated 07.11.2019, the petitioner was selected and as per the condition stipulated in clause-(c) of special condition, suitable patch size was not provided by MCL. Thereby, he moved the authority vide Annexure-7 on 06.08.2021 for foreclosure of the contract NIT-792, but till date no decision has been taken.
5. Having heard learned counsel for the petitioner and after going through the record, this Court without issuing notice to the opposite parties, deems it just and proper to dispose of the writ petition with direction that since the application of the petitioner for foreclosure of the contract NIT-792, due to failure of the special

conditions of the e-Tender notice dated 07.11.2019, is pending, let opposite party no.3 take a decision on the same, as expeditiously as possible, within a period of three months from the date of communication of the order.

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

7. Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

(S.K. PANIGRAHI)
JUDGE

Arun

