

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 30103 of 2022

Kalinga Warriors, Cuttack

.....

Petitioner

Mr.P.C.Nayak, Advocate.

Vs.

State of Odisha & Another

.....

Opposite Parties

Mr.P.P.Mohanty, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

14.11.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. P.C.Nayak, learned counsel for the Petitioner and Mr.P.P.Mohanty, learned Additional Government Advocate for the State-Opposite Parties.

3. The present Writ Petition has been filed with the following prayer:-

“ (i) The decision of the Opp. Party No.4 in qualifying and declaring bid of the Opp. Party No.5 as first lowest bidder shall not be declared illegal and arbitrary and unreasonable being the price bid of the Opp. Party No.5 has quoted less than the minimum wages in violation of notification of the labour department dated 19.10.2022 under Annexure-4 as well as violation of prescribed format of price bid provided in the tender.

(ii) The bid of the petitioner shall not be accepted since the petitioner has complied all the criteria of the tender notice under Annexure-2 and quoted rate minimum wages as per the notification of Labour Commissioner dated 19.10.2022.

(iii) The Opp. Party No.4 shall not be directed to take immediate action in disqualifying the bid of opp. party no.5 as per the objection of the petitioner dated 04.11.2022 under

Annexure-6 i.e. before finalization of the tender in terms judgment Bakshi Security & Personnel Services (P) Ltd. V. Devkishan Computed (P) Ltd., (2016) 8 SCC 446”.

4. In course of hearing, learned counsel for the Petitioner states that highlighting the grievances, the Petitioner has made a representation to Opposite Party No.4 vide Annexure-6 and the same may be directed to be considered taking into consideration the judgment of the Apex Court in ***Bakshi Security and Personnel Services Private Limited vs. Devkishan Computed Private Limited and Others (2016) 8 SCC 446*** within a stipulated time, to which learned Counsel for the State has no objection.

5. As agreed by learned counsel for the parties and after going through the records, this Court, without expressing any opinion on the merits of the case, disposes of the Writ Petition directing Opposite Party No.4 to consider the representation filed by the petitioner vide Annexure-6, and pass appropriate order in accordance with law ***Bakshi Security and Personnel Services Private Limited*** (supra) within a period of four weeks from the date of production of certified copy of this order.

Issue urgent certified copy as per Rules.

(DR. B.R. SARANGI)
JUDGE

(B. P. SATAPATHY)
JUDGE

Subrat