

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No.30682 OF 2022

Amresh Behera

.....

Petitioner

Mr. P.C. Nayak, Advocate

Vs.

State of Odisha & Ors.

.....

Opposite Parties

Mr. P.P. Mohanty, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE B.P. SATAPATHY

ORDER

16.11.2022

Order No.

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This matter is taken up through hybrid mode.

2. Heard Mr. P.C. Nayak, learned counsel appearing for the petitioner and Mr. P.P. Nayak, learned Additional Government Advocate appearing for the State-opposite parties.

3. The petitioner has filed this writ petition seeking to quash the letter dated 26.10.2022 under Annexure-6 issued by the Chief Engineer, PMGSY rejecting the petitioner's bid and directing for rebidding of the work "Construction and Maintenance of Package No.OR-02-504 MRL-15-Baunsadiha to Upla via Dahunda, Kalyanpur, Belda, Sianrui, Uplahat, Priyabag, Dubsahi, PMGSY, Batch-III in the district of Balasore" vide Bid Identification No.CCE-BLS-NCB-347 dated 03.08.2022 under Annexure-1 and in consequential inviting fresh tender notice under Annexure-7.

4. Mr. P.C. Nayak, learned counsel appearing for the petitioner contended that similar matter had come up for consideration before this Court in W.P.(C) No.15395 of 2022, which was disposed of on 28.09.2022 (*Sarat Kumar Samal v. State of Odisha & Ors*). Without taking into consideration the said judgment, the Chief Engineer, PMGSY has passed the impugned order dated 26.10.2022 under Annexure-6. Thereby, the order impugned has been passed without application of mind and more so without issuing notice to the petitioner.

5. Mr. P.P. Nayak, learned Additional Government Advocate

appearing for the State-opposite parties contended that since the impugned order dated 26.10.2022 under Annexure-6, has been passed by the Chief Engineer, PMGSY, without issuing notice to the petitioner, the said order cannot be sustained in the eye of law.

6. Considering the contentions raised by learned counsel for the parties and after going through the records, it appears that the order dated 26.10.2022 under Annexure-6 has been passed by the Chief Engineer, PMGSY without issuing notice to the petitioner and without taking into consideration the judgment of this Court in *Sarat Kumar Samal* (supra). Therefore, the order dated 26.10.2022 under Annexure-6 rejecting the petitioner's bid and directing for rebidding of the work and the consequential tender notice issued under Annexure-7 dated 31.10.2022 in respect of work "Construction and Maintenance of Package No.OR-02-504 MRL-15-Baunsadiha to Upla via Dahunda, Kalyanpur, Belda, Sianrui, Uplahat, Priyabag, Dubsahi" cannot be sustained in the eye of law and accordingly the same are hereby quashed and the matter is remitted to the Chief Engineer, PMGSY to reconsider the case of the petitioner in the light of judgment passed by this Court in *Sarat Kumar Samal* (supra). The entire exercise shall be completed within a period of four weeks from the date of production/communication of this order.

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

8. Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

(B.P. SATAPATHY)
JUDGE

Alok