

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 31066 of 2022

R.J. Bharat Kumar

.....

Petitioner

Mr. P.K. Rath, Advocate

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. P.P. Mohanty, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

22.12.2022

Order No.

02.

This matter is taken up through hybrid mode.

2. Heard Mr. P.K. Rath, learned counsel for the petitioner and Mr. P.P. Mohanty, learned Additional Government Advocate for the State.

3. The petitioner has filed this writ petition seeking to quash the order dated 18.10.2022 passed in O.M.M.C. Appeal Case No. 04 of 2022 by the Sub-Collector, Bhanjanagar-Opposite Party no.3 under Annexure-1 and the Notice dated 23.09.2022 passed by the Tahasildar, Ghumusar-Opposite Party no.4 under Annexure-2.

4. In the order under Annexure-1, the opposite party no.3 has observed that pursuant to the Auction Notice dated 19.08.2022 and the corrigendum dated 25.08.2022 issued by the Tahasildar, Bhanjanagar, the petitioner submitted his application. As per the conditions of the tender, the petitioner had to submit the IT return for the financial year 2021-22 or the Bank Guarantee. But the bid of the petitioner was rejected by the Tahasildar on the ground that as per the advertisement, the petitioner had neither submitted the IT return for the financial year 2021-22 nor the Bank Guarantee. Thereby the Sub Collector hold that the Tahasildar has

rightly and judiciously rejected the tender application of the petitioner since the petitioner has not complied the conditions of the tender. Learned counsel for the petitioner however fairly contended that the petitioner has not submitted the bank guarantee, but had submitted the IT returns for the financial year 2020-21, however, the requirement of the corrigendum is that he had to file the IT return for the financial year 2021-22, which the petitioner had not filed.

5. However, in course of hearing, learned counsel for the petitioner contended that the petitioner may be permitted to withdraw the writ petition with liberty to pursue his remedy before the appropriate authority.

6. With that liberty, the writ petition stands disposed of.

(DR. B.R. SARANGI)
JUDGE

(B. P. SATAPATHY)
JUDGE

Arun

