

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No.38565 of 2021

Akash Kumar Agrawal

.....

Petitioner

Mr. Rakesh Behera, Advocate

Vs.

State of Odisha & Ors.

.....

Opposite Parties

Mr. T. Patnaik, ASC

(O.Ps.1 & 3 to 5)

Mr. S. Rath, Advocate

(O.P.2)

Mr. A.K. Mohanty, CGC

(O.P.6)

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE B.P. SATAPATHY

ORDER

06.12.2022

Order No.

8

This matter is taken up through hybrid mode.

2. Heard Mr. Rakesh Behera, learned counsel appearing for the petitioner; Mr. T. Patnaik, learned Additional Standing Counsel appearing for the State-opposite parties.

3. The petitioner has filed this writ petition seeking to quash the orders dated 17.11.2021 and 20.11.2021 under Annexures-7 and 8, by which opposite party no.2 has rejected the tender of the petitioner for package No.OR-05-391/PMGSY-III (Barch-II), and further to issue direction to the opposite parties to issue work order in favour of the petitioner.

4. Mr. Rakesh Behera, learned counsel appearing for the

petitioner vehemently contended that order dated 17.11.2021 rejecting the bid of the petitioner is arbitrary, unreasonable and contrary to the provisions of law. More so, the same has not been communicated to the petitioner and, as such, no reason has been assigned in the order impugned for rejection of his bid.

5. Mr. T. Patnaik, learned counsel appearing for the State-opposite parties contended that since there were procedural irregularities in the tender process and also cancellation of the bid of the petitioner, now the authorities have taken decision to go for a fresh tender by cancelling the tender process, to which learned counsel for the petitioner has no objection.

6. Having heard learned counsel for the parties and after going through the records, this Court finds, which is also agreeable by the parties that the bid of the petitioner has been cancelled by the authority, vide order dated 17.11.2021 under Annexure-7 without assigning any reason, and that too the order of cancellation has not been communicated to the petitioner. Thereby, the impugned cannot be sustained in the eye of law. Accordingly, the order dated 17.11.2021 under Annexure-7 and the consequential order dated 20.11.2021 under Annexure-8 are liable to be quashed and are hereby quashed. In the meantime, since the authorities have taken decision, as stated by learned Additional Standing Counsel appearing for the State-opposite parties, to go for fresh tender, so far as the work in question is concerned, this Court is of the considered view that in the event the authorities go for a fresh tender, it should be done by following due procedure in the

interest of justice, equity and fair play.

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

8. Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

Alok

(B. P. SATAPATHY)
JUDGE

