

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 38772 of 2021

Nirmal Kumar Jena

.....

Petitioner

Mr. S.P. Sarangi, Advocate

Vs.

State of Odisha & Others

.....

Opposite Parties

*Mr. S. Jena, Standing Counsel,
School & Mass Education Deptt.*

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

22.11.2022

This matter is taken up through hybrid mode.

Order

No.

05.

2. Heard Mr. S.P. Sarangi, learned counsel appearing for the Petitioner and Mr. S. Jena, learned Standing Counsel for School & Mass Education Department.

3. The Petitioner has filed this Writ Petition seeking for direction to recall the revised rate which is not in consonance with the E-Tender Notice dated 07.08.2021 and decision taken therein and continue with the earlier decision and further to issue direction to the opposite parties to discontinue with the revised rate as reflected in Annexure-3 with respect to the E-Tender Notice dated 07.08.2021.

4. Mr. S.P. Sarangi, learned counsel appearing for the petitioner contended that after the E-Tender Notice issued on 07.08.2021, the petitioner participated in the said tender and now the Government has revised the rate which is not permissible and not in consonance with the E-Tender Notice dated 07.08.2021.

5. Mr. S. Jena, learned Standing Counsel for School and Mass Education Deptt. contended that since the publication of book was under consideration,

therefore taking into account the requirement of books, out of 150 bidders/firms, only ten(10) nos. of Firms/bidders including the petitioner's firm have agreed to print the books at the old rates and also they have already supplied the books to the Opposite Parties. So far as the revised rate is concerned, the Opposite Parties have agreed to pay the revised rate of the petitioner. Therefore, the claim made by the petitioner in the Writ Petition no more subsists.

6. Having heard learned counsel for the parties and after going through the materials available on record, this Court is of the view that since the books have already been supplied by the petitioner to the opp. parties for onward distribution for the Session 2022-23, even though the petitioner has already published the book with the agreeable old rates, this Court directs the opp. parties to pay the revised rates as admissible to the petitioner, as expeditiously as possible, preferably within the period of four months from the date of communication of this order.

7. With the aforesaid observation and direction, the Writ Petition is disposed of.

(DR. B.R. SARANGI)
JUDGE

(B. P. SATAPATHY)
JUDGE

sangita