

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 40691 of 2021

M/s. Jalaram Tansport, Angul

.....

Petitioner

Mr. A.Patnaik, Advocate

Vs.

*The Chairman-cum-Managing
Director, MCL, Sambalpur and
others.*

.....

Opposite Parties

Mr. Debraj Mohanty, Advocate

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

19.04.2022

Order No.

03.

This matter is taken up through hybrid mode.

2. Heard Mr. A. Patnaik, learned counsel for the petitioner and Mr. D. Mohanty, learned counsel for the opposite party.

3. The petitioner has filed this writ petition challenging the Notice Inviting Tender bearing NIT No.:MCL/SBP/GM (CMC)/NIT-839/2021/748 dated 18.12.2021 issued by the opposite parties under Annexure-1.

4. This Court while issuing notice vide order dated 03.01.2022, recorded the contention of the learned counsel for the petitioner that the petitioner has been awarded with the work, pursuant to the tender invited on 28.08.2019, but due to some material irregularities, the petitioner was not able to operate. When its tender period was subsisting, at that time, a fresh e-tender notice was issued inviting applications, which was arbitrary, unreasonable and contrary to the provisions of law. Consequentially, an interim order was passed on the said date to the extent that the proceeding pursuant to the aforesaid NIT shall continue, but no final decision shall be taken thereon till 18.01.2022.

5. Mr. D. Mohanty, learned counsel for the opposite parties contended that pursuant to the fresh tender issued by the opposite parties, the petitioner has participated in the fresh tender and has also qualified in the technical bid. He contended that this fact had not been brought to the notice of this Court while notice was issued.

6. Having heard learned counsel for the parties and after going through the record, since it has been brought to the notice of this Court that the petitioner has already participated in the tender pursuant to the aforementioned tender notice and qualified in the technical bid, this Court is not inclined to entertain the writ petition. However in the event the petitioner files an application for extension of time, it is open to the opposite parties to consider the same in accordance with law.

7. The writ petition is accordingly disposed of.

8. The interim order passed earlier stands vacated.

9. Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

(SAVITRI RATHO)
JUDGE

Arun/Bichi