IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 32717 of 2026
CNR No.ODHC010770762026

Satyajit Sahu .... ***Petitioner***
Mr. Anurag Pati, Advocate

-versus-

State of Odisha and others .... ***Opposite Parties***
Mr. Debashis Tripathy, Additional Government Advocate

CORAM:
HON'BLE THE CHIEF JUSTICE
AND
HON'BLE MR JUSTICE GOURISHANKAR SATAPATHY

ORDER

Order No. **27.10.2026**

01. **1.** The opposite party No.2 issued a Notification dated 20th September, 2021 inviting the bids from the intending participants for seven (7) numbers of sand sairats within Tahasil-Kashinagar in the district of Gajapati for a period of five years commencing from 2021-22 to 2025-26. The petitioner participated in the said bidding process but could not be adjudged as the successful bidder in respect of the sand bed, Kittingi.

2. The said notification mandates the deposit of the Earnest Money Deposit (EMD) in the form of a demand draft covering Rs.7,00,000/- which, in fact, was deposited by the petitioner. Since the petitioner could not emerge successful, being not the highest bidder, it is imperative on the part of the authorities to return the amount deposited by the intending bidders for participating into the said bid process.

3. It is inconceivable that the authorities would unfairly and unjustly keep the said amount with them and deprive a person to enjoy the usufructs thereof. Once a bidder is unsuccessful in the bidding process, it is an ardent duty of the Tendering Authorities to return the EMD deposited as a condition precedent for participating into the bid process and cannot keep it with them. It is unjust enrichment of the rights of the parties and the State being the nodal sovereign is not expected to behave in such fashion.

4. Considering the facts as stated above, we direct the concerned authority to return the EMD deposited by the petitioner within three weeks from the date of the communication of the order along with an interest @ 6% per annum from the date of declaration of the successful bidder till the actual payment.

5. In view of the above, the instant writ petition is disposed of.

6. Since the State has suffered the loss for payment of the interest amount, it is open to the competent authority to fix the responsibility on any of the officer and may realize the said interest component from his salary or otherwise.

(Harish Tandon)
Chief Justice

(G. Satapathy)
Judge

Sisira

Signature Not Verified
Digitally Signed
Signed by: SISIRA KUMAR BEHERA
Designation: Junior Stenographer
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 28-Oct-2026 17:41:21