

(2022) 06 OHC CK 0048
In the Orissa High Court
Case No : Writ Petition (C) No. 14576 Of 2022

Harekrishna Dhal

APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

Date of Decision : 17-06-2022

Acts Referred:

Citation : (2022) 06 OHC CK 0048

Hon'ble Judges : K.R. Mohapatra, J;M.S. Raman, J

Bench : Division Bench

Advocate : Prabodha Ch. Nayak, P.P. Mohanty,

Final Decision : Disposed Of

Judgement

W.P.(C) NO. 14576 OF 2022 & I.A. No. 7734 of 2022

1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition prays for a direction to set aside the fresh notice inviting tender dated 18th May, 2022 for construction of Cyclone Shelter Type-A (3000 Sq.ft.) at BCJ High School Campus for the year, 2020-21 (balance work) in the district of Jajpur.
3. Mr. Nayak, learned counsel for the Petitioner submits that pursuant to the earlier notice inviting tender (for short 'NIT') for the self-same work, the Petitioner became successful bidder and agreement for execution of the work was signed on 29th June, 2021. It was stipulated therein that the work should be completed by 28th May, 2022. But, due to the circumstance beyond the control of the Petitioner, he could not complete the work for which he made an application for extension of time pursuant to Clause-4 of the said NIT. When the matter was pending for consideration, a fresh tender call notice dated 18th May, 2022 has been issued for the balance work. He further submits that the letter for extension of time for completion of the work under Annexure-7 series is self explanatory. No fault can be found with the Petitioner for not completing the

work within the time stipulated. It is further submitted that before the stipulated date of completion of the work, fresh notice inviting tender (NIT) was issued under Annexure-1.

4. Taking into consideration the submission made by learned counsel for the Petitioner, this Court vide order dated 10th June, 2022 directed learned State Counsel to take instruction in the matter. Today, Mr. Mohanty, learned Additional Government Advocate, on instruction, submits that although technical bid has been opened, but no final decision has yet been taken pursuant to the NIT under Annexure-1.

5. In view of the above, this Court is of the opinion that the matter requires consideration.

6. Issue notice.

7. Since Mr. Mohanty, learned Additional Government Advocate accepts notice on behalf of all the Opposite Parties, five extra copies of the writ petition shall be served on the learned State Counsel, who prays for an adjournment to take instruction and file a detailed counter affidavit in the matter.

8. Put up this matter on 18th July, 2022.

9. Counter affidavit, if any, shall be filed in the meantime serving copy thereof on the learned counsel for the Petitioner.

10 As an interim measure, it is directed that the process in respect of MCS Pkg. No.14 pursuant to the NIT under Annexure-1 shall continue, but no final decision shall be taken on the same till the next date.

Urgent certified copy of this order be granted on proper application.

.....