



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.703 of 2026

M/s. Lakheswar Agency

....

Petitioner

Mr.Anjan Kumar Biswal, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Ms.Biswabara Dash,

Additional Standing Counsel

CORAM:

THE HON'BLE THE CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE MURAHARI SRI RAMAN

ORDER

11.03.2026

Order No.

- 01.
1. The present writ petition is filed by the petitioner challenging the action of the authorities in contemplating to award the contract to the other bidder despite the petitioner being the lowest bidder having declared so in the financial bid.
 2. It goes without saying that the petitioner was found eligible at the technical bid stage, as no discrepancy in submitting the bid nor eligibility was found lacking into the petitioner. The petitioner was under the impression that having quoted the lowest price would be awarded the contract but the conduct and the behavior of the authorities percolate an impression in his mind that they wanted to favour the particular bidder in awarding the contract at a price higher than the price quoted by the petitioner



3. Our attention is drawn to the comparative chart annexed to the instant writ petition to corroborate the stand that the petitioner has complied all the terms and conditions embodied in the tender call notice, and therefore, the action of the authorities is not only discriminatory but arbitrary, whimsical and in gross violation of the principles of equality, fairness and the transparency to be adhered to by the authorities.

4. Learned Additional Standing Counsel submits on instruction received by her from the concerned officer that the second tender committee meeting held for opening of the financial bid of eleven qualified service provider under the chairmanship of the Collector, Rayagada reveals that the petitioner has quoted the service charges after deducting the employee's share of EPF and ESI. Since such discrepancies have been found in the bid submitted by the petitioner, the tender committee has decided to withhold the process of tender and not to proceed any further on the selection of the agency.

5. The dispute hinges upon the compliance of all the terms and conditions embodied in the tender document and the discrepancy so perceived by the tender committee needs to be examined on the basis of the bid document submitted by all eleven qualified bidder, we, therefore direct the authorities to produce the bid document of all the eleven qualified bidder on the next date of listing.



6. Since the authorities have decided not to proceed any further on the basis of the said tender, there is no threat upon the invasion of the rights of the petitioner at present, and therefore, we do not intend to pass any interim order at this stage.

7. List this matter on 25th March, 2026.

(Harish Tandon)
Chief Justice

(M.S. Raman)
Judge

Aswini