



IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.5971 of 2026

Manas Kumar Sahu

....

Petitioner

Represented by Adv.-
Mr. Anjan Kumar Biswal, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Represented by Adv.-
Mr. Debashis Tripathy,
Additional Government Advocate

CORAM:

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK
AND
HON'BLE MR. JUSTICE MURAHARI SRI RAMAN

ORDER

27.02.2026

(Hybrid Mode)

W.P.(C) No.5971 of 2026 and
I.A. No.3687 of 2026

Order No.

- 01.** **1.** A condition in Tender Call Notice dated 31.12.2025 issued by the Collector & District Magistrate, Mayurbhanj under Annexure-3 is assailed in the instant writ petition.
- 2.** It is submitted by Mr. Anjan Kumar Biswal, learned counsel that Certificate of Registration for common carrier under the Carriage by Road Act, 2007 read with the Carriage by Road Rules, 2011 was issued in favour of the petitioner by the State Transport Authority, Odisha, Cuttack. It is



submitted that Clause 13 of Detailed Terms and Conditions of the Tender Call Notice stipulated that the applicant must possess a valid Common Carrier License granted under the Carriage by Road Act, 2007 and the Carriage by Road Rules, 2011 from the competent authority.

2.1. The term "Registering Authority" has been defined under clause (j) of Section 2 of the Carriage by Road Act, 2007, to mean the State Transport Authority or the Regional Transport Authority constituted under Section 68 of the Motor Vehicles Act, 1988. Accordingly, the petitioner obtained the license *vide* Anneexure-1 from the State Transport Authority. However, under the heading "Mandatory Enclosures" appended to the Tender Call Notice *vide* Clause 9, it is stipulated that "Transport License: A copy of the valid Transporting Agents license from State Transport Authority under Odisha Motor Vehicle Rules, 1990 (valid throughout the State of Odisha)." Rule 39 of the Odisha Motor Vehicles Rules, 1993 confers power on the Regional Transport Officer to exercise power under Section 68 of the Motor Vehicles Act, 1988.

2.2. Since Clause 13 is pitted against Clause 9 as reflected hereinabove, the counsel submitted that the petitioner is under apprehension that despite he is in possession of valid licence issued under the Carriage by Road Act, in view of Clause 9 it would not be possible for the petitioner to participate in the tender.

3. Issue notice.



4. Mr. Debashis Tripathy, learned Additional Government Advocate appears and waives issue of notice on behalf of the opposite party nos. 1 to 3.
5. Issue notice to the opposite party no.4 by speed post with A.D., requisites for which shall be filed by tomorrow (28.02.2026). In the event of furnishing such requisites within the period stipulated, Office shall send the notice to the said opposite party by fixing a short returnable date.
6. List this matter on 25th March, 2026.

(Manash Ranjan Pathak)
Judge

(Murahari Sri Raman)
Judge

Aswini