



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 7649 of 2026

Sidhartha Sankar Bag

....

Petitioner

Mr. Sougat Dash, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Ms. Aishwarya Dash, Additional Standing Counsel

CORAM:

HON'BLE THE CHIEF JUSTICE

AND

HON'BLE MR JUSTICE MURAHARI SRI RAMAN

ORDER

18.03.2026

Order No.

01.

I.A. No.4787 of 2026 and W.P.(C) No.7649 of 2026

1. The pivotal issue involved in the instant writ petition pertains to the legality and the validity of the Clause No.17 incorporated in the Auction Call Notice (ACN) dated 6th February, 2026.

2. According to the petitioner initially the said Tender Call Notice dated 6th February, 2026 did not contain the said clause but subsequently by virtue of a corrigendum dated 25th February, 2026, the last date of the submission of the bid was extended and the clause 17 has been newly inserted. Clause 17 puts a complete fetter and/or debarment on the intending participant, in the event, he has



suffered an order of blacklisting/debarment for a continuous period of three years.

3. The tenet of the said clause indicates that if any intending participants have been debarred for a continuous period of three years at any point of time, there is a complete perpetual debarment in participating the tender, which is against the public policy as well as the decision rendered by the apex Court in case of *State of Odisha v. Panda Infraproject Limited*, reported in (2022) 4 SCC 393.

4. In course of the hearing it is brought to our notice that subsequent to the said corrigendum dated 25th February, 2026 further corrigendum is issued from time to time extending the date of submission of the bid/offer and lastly it is fixed on 23rd March, 2026, but there is no recall and/or deletion of clause 17 inserted by the said corrigendum dated 25th February, 2026.

5. In view of the facts adumbrated hereinabove and the law as it stands that the debarment/blacklisting tantamounts to “civil death”, if the same is to operate perpetually and/or eternally. It is deprecated in a catena of decisions that the debarment/blacklisting must be for a specified period and should not be imposed to operate throughout the commercial life of a person.



6. We, thus, find *prima facie* case having been made out, we restrain the opposite party No.4-Balasore Municipality from proceeding any further on the basis of the said Auction Call Notice until further order of this Court.

7. Issue notice to the opposite party No.4 by Speed Post with A.D., making it returnable before the next date, requisites for which shall be filed within three working days.

8. List this matter on 15th April, 2026.

(Harish Tandon)
Chief Justice

(M.S. Raman)
Judge

Sisira

Signature Not Verified

Digitally Signed
Signed by: SISIRA KUMAR BEHERA
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 19-Mar-2026 12:46:30