



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 23965 of 2026
ODHC010549122026

Nanda Naik

....

Petitioner

Mr. Prafulla Kumar Rath, Senior Advocate
assisted by Mr. Subham Agrawal, Advocate
-versus-

State of Odisha and others

....

Opposite Parties

Mr. Sanjib Kumar Swain, Additional Government Advocate
Mr. Prashanta Kumar Nayak, Advocate (Intervener)

CORAM:
HON'BLE THE CHIEF JUSTICE
AND
HON'BLE MR JUSTICE CHITTARANJAN DASH

Order No.

ORDER
01.09.2026

01. **1.** The challenge is made to a Notice Inviting Tender (NIT) for the road works in Odisha under the National Competitive Bidding through e-Procurement floated on 29th November, 2025 containing a clause relating to the quoting of the price not below 15% of the estimated cost. It is averred that by virtue of a corrigendum dated 31st January, 2026, the relevant clause appearing in the Odisha Public Works Department (OPWD) Code was modified and the authorities did not take any step in this regard, as the process of the tender was not completed by that time.



2. Our attention is drawn to an Office Memorandum dated 9th January, 2026 issued by the Principal Secretary to Government, Works Department indicating that since the tender has been floated before the issue of the Works Department Office Memorandum dated 3rd January, 2026, the bid shall be finalized as per the unamended provisions.

3. According to Mr. Prafulla Kumar Rath, learned Senior Counsel assisted by Mr. Subham Agrawal, learned counsel appearing on behalf of the petitioner, since the process of the tender was ongoing, the authorities cannot rely on an unamended provision but should have made a corrigendum incorporating the amended provision to apply while finalizing the said tender.

4. Mr. Prashanta Kumar Nayak, learned counsel appearing on behalf of the successful bidder submits that the tender has already been finalized but the work order has not been issued as yet.

5. Mr. Sanjib Kumar Swain, learned Additional Government Advocate (AGA) appearing on behalf of the opposite parties-State seeks time to take necessary instructions from the concerned authorities in this regard.



6. In view of the above, list this matter 9th September, 2026.

(Harish Tandon)
Chief Justice

(Chittaranjan Dash)
Judge

S. Behera

Signature Not Verified
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Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 02-Sep-2026 16:32:46