



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.22483 of 2025

M/s. Konkan Railway Corporation Petitioner
Ltd., Navi Mumbai

Mr. Sajit Mohanty, Senior Advocate
assisted by Mr. Ipsit Aurobindo Acharya, Advocate
-Versus-

East Coast Railway and others Opposite Parties

Mr. Santosh Samantaray, CGC for O.Ps No.1 to 3

CORAM:
HON'BLE THE CHIEF JUSTICE
AND
HON'BLE MR. JUSTICE MURAHARI SRI RAMAN

Order No.

ORDER
18.08.2025

W.P.(C) No.22483 of 2025 and I.A. No.13567 of 2025

- 01.** 1. The bid submitted by the petitioner is rejected at the technical bid stage on the premise that the extract of the board resolution was not attached to Appendix-II to the tender document. The clauses contained in the notice inviting tender postulate that along with the bid, the intending bidder must submit the power of attorney in the prescribed format appearing under Appendix-II thereto duly affirmed before the notary. The said Appendix-II is required to be signed by a person duly authorised by the board of directors in a resolution taken in the board meeting.



2. Our attention is drawn to the notes appended to the said Appendix-II where the bidder was required to submit for verification the extract of the charter documents and documents such as a board or shareholders' resolution/power of attorney in favour of the person executing this power of attorney for the delegation of power hereunder on behalf of the bidder as and when so required.

2.1. The note conveys a laudable intention that the extract of the board resolution is not *sine qua non* to filing the Appendix-II along with the bid document. It is imperative on the part of the intending bidder to produce the extract of the board resolution if it is so required by an authority, but we do not find any justification in rejecting the bid at the technical bid stage when furnishing the board resolution or annexing the same along with the said format is not a mandatory requirement.

3. We are given to understand that simultaneously with the evaluation of the bids submitted by the intending bidders at the technical bid stage, the authorities have proceeded to open the financial bid as well but the letter of acceptance has not been issued to the successful bidder.



4. Since we find a *prima facie* case having made out as the authority cannot reject the bid on a ground not contemplated in the notice inviting tender, the opposite party-authorities are restrained from taking any steps or a further steps on the basis of the said notice inviting tender till the listing of this matter on the next date.

5. Let this matter be listed on 1st September, 2025 when the learned Central Government Counsel appearing for the authorities (opposite parties No.1 to 3) shall disclose the stand of his client in this regard.

6. Issue notice both on the writ petition as well as in the I.A. to opposite parties No.4 and 5 by registered/speed post with A.D., making it returnable before the next date, requisites for which shall be filed within three working days.

7. The appearance memo filed in Court today by Mr. Sanjit Mohanty, learned Senior Counsel appearing for the petitioner, is taken on record.

(Harish Tandon)
Chief Justice

(M.S. Raman)
Judge