



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). No.21798 of 2024

Gopal Chandra Sahu

....

Petitioner

Mr.P.C Nayak, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. Subha Bikash Panda, AGA

CORAM:

JUSTICE K.R. MOHAPATRA

JUSTICE DIXIT KRISHNA SHRIPAD

ORDER

13.05.2025

Order No.

07.

I.A. NO.11534 OF 2024

1. This matter is taken up through hybrid mode.
2. This I.A. has been filed to stay operation of the letter No.2818 dated 31.07.2024 (Annexure-1) in respect of the work “Periodical Renewal of 5 year completed post DLP PNGSY Package No.OR-24-153 (Diamunda to Mundapala) Road for the year 2023-24”.
3. It is submitted by Mr. Nayak, learned counsel for the Petitioner that after execution of the agreement in respect of the aforesaid package, the authority abruptly rejected the technical bid of the Petitioner and restrained the Petitioner from executing the work in question on the basis of an order passed by this Court in W.P.(C) No.16515 of 2024. He further submits that the subject matter of W.P.(C) No.16515 of 2024 does not relate to the instant package. The subject matter of W.P.(C) No.16515 of 2024 relates to another package, i.e. OR-24-123 and OR-24-51 of the same tender call notice. Thus, the technical bid of the Petitioner could



not have been rejected after execution of the agreement for performance of the work.

4. Mr. Panda, learned Addl. Government Advocate submits that in view of the order dated 15.07.2024 passed in W.P.(C) No.16515 of 2024, the authority felt it necessary to reject the technical bid and stop execution of the work although agreement for performance of the work had already been executed in favour of the Petitioner by that date. As such, no fault can be found with the authorities in passing order under Annexure-1. He, in support of his submission, refers to paragraph-5 of the additional affidavit which reads as under:-

“That, in reply to the averments made under Paragraph No.1 (A)(B) & (C) of the Consolidated Writ Petition, it is humbly submitted that the Notice dtd.29.08.2024 Vide Annexure-11 and the consequential direction issued Vide letter dtd.29.08.2024 under Annexure-12 have been issued in strict compliance with the order of this Hon'ble Court dtd. 15.07.2024 passed in W.P. (C) No.16515 of 2024 and therefore, nobody including the instant Writ Petitioner, could find fault with the said notice/order Vide Annexures-11 & 12 to the Consolidated Writ Petition.”

He, therefore, submits that no interim protection should be granted to the Petitioner during pendency of the writ petition.

5. Considering the submissions made by the learned counsel for the Parties and on perusal of the order dated 15.07.2024 passed by this Court in W.P.(C) No.16515 of 2024, it is apparent that such order relates to Package No.OR-24-123 and OR-24-51 of the same tender call notice. The package in respect of which an agreement has been executed with the Petitioner is OR-24-153. Thus, it is prima facie appears that the authority should not have



rejected the technical bid of the Petitioner on the basis of the order dated 15.07.2024 passed by this Court in W.P.(C) No.16515 of 2024 more particularly after execution of the agreement for performance of the work.

In that view of the matter, this Court is inclined to grant interim protection to the Petitioner during pendency of the writ petition.

6. Accordingly, it is directed that letter No.2818 dated 31.07.2024 issued by the Executive Engineer, Rural Works Division, Nuapada under Annexure-1 and the Notice No.1113 dated 29.08.2024 issued by Chief Construction Engineer, Rural Works Circle, Bhawanipatna so far as the package of the Petitioner, i.e, OR-24-153 is concerned shall be kept in abeyance till the next date.

(K.R. Mohapatra)
Judge

(Dixit Krishna Shripad)
Judge

W.P.(C) No.21798 of 2024

8. List this matter on 15.07.2025.

(K.R. Mohapatra)
Judge

(Dixit Krishna Shripad)
Judge