



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.32950 of 2025

Birendra Kumar Das

....

Petitioner

Dr.Badri Narayan Ray, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. Saswat Das,

Additional Government Advocate

CORAM:

THE HON'BLE THE CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE MURAHARI SRI RAMAN

ORDER

25.03.2026

Order No.

- 02.
1. A stale claim is sought to be resurrected by filing the instant writ petition seeking an intervention of this Court in keeping the tender alive when it has received its death.
 2. The petitioner participated in the tender call notice dated 09.11.2020 and was emerged successful therefrom. The security deposit was to be furnished within the stipulated time mentioned in the tender call notice, which admittedly could not be submitted.
 3. According to the petitioner, since the Pandemic was going on, the petitioner and his mother suffered therefrom and, in fact, was hospitalized, which prevented the petitioner to submit the security deposit. Subsequently, representations have been made to the authorities to permit him to submit the security deposit, but the authorities kept those representations in abeyance as no decision



was taken. Series of representations are annexed to the instant writ petition, but the writ petition is filed in the year 2025.

4. In the event the timeline is given for securing the compliance after being adjudged as a successful bidder, it is open to the authorities to take recourse as permissible and in absence of any express clause or provision in the statutory rules or the Code, the authorities cannot be compelled to usurp the power to do a thing not contemplated therein.

5. Mr. Saswat Das, learned Additional Government Advocate appearing for the State submits that since the timeline was given for deposit of the security deposit and the same having not been submitted and/or furnished by the petitioner, the authorities called the second lowest bidder, but the process could not be materialized and ultimately the decision was taken to cancel the said tender and to float a fresh tender in this regard.

6. Such decision has been taken way back in the year 2021 and, therefore, the deadwood cannot be resuscitated by approaching the Court after a lapse of more than four years. There is no statutory and/or vested right accrued to the petitioner, in the event the petitioner has defaulted the conditions enshrined in the tender call notice, even after being adjudged as the successful bidder to have the contract in his favour.

7. Since the authorities have not extended the time for submission of the security deposit and even if the same has been done voluntarily, in view of the fact that the tender has already been



cancelled, the authorities are free to take a decision as permissible in the terms and conditions embodied in the said tender call notice.

8. The writ petition is dismissed.

(Harish Tandon)
Chief Justice

(M.S. Raman)
Judge

Aswini