



IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) No.36489 of 2025

M/s. Saroj Kumar Sharma ... ***Petitioner***

Mr. Sukanta Kumar Dalai, Advocate
-Versus-

State of Odisha and others ... ***Opposite Parties***

Mr. Debashis Tripathy, AGA
Mr. Prabodha Chandra Nayak, Advocate for
Intervener

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

ORDER
11.03.2026

Order No.

02. W.P.(C) No.36489 of 2025 and I.A. No.22617 of 2025 and I.A. No.4719 of 2026

1. The petitioner has not only challenged the order dated 28th October, 2025 cancelling the tender but also the floating of the fresh tender dated 11th November, 2025 on the ground of discrimination, arbitrariness, favouritism and violation of the several provisions of the Odisha Public Works Department Code (OPWD Code).

2. According to the petitioner, once the financial bids were opened and the declaration was made to a successful person, it is preposterous to suggest that the authorities would proceed to cancel the entire tender.

3. Our attention is drawn to the several documents concerning the minutes of the proceeding of a Technical Evaluation Committee where the Chief Construction Engineer, Balangir (R&B) Circle, Balangir was a party to it, where the decision was taken to proceed with the tender process and the declaration having already made.



Interestingly, though the said Chief Construction Engineer, Balangir (R&B) Circle, Balangir was heading the said Committee as the Chairperson, did not sign on the minutes thereof. The cancellation appears to have been projected on a technical as well as the administrative ground, but the document preceding the said decision *prima facie* indicates that the said decision to cancel the said tender is arbitrary and whimsical.

4. While the instant writ petition remained pending as there was no interim order passed by this Court preventing the authorities to proceed with the fresh tender process, the successful bidder has already been notified and the said successful bidder has filed an application seeking addition in the instant writ petition. Since the principal relief claimed in the instant writ petition relates to the legality of the cancellation order and the floating of the fresh tender, the applicant of Interlocutory Application No.4719 of 2026 is a proper and necessary party and, therefore, would be affected by any order passed in the instant writ petition.

4. Accordingly, the I.A. No.4719 of 2026 is hereby allowed. The applicant is added as an opposite party in the main writ petition. The petitioner is directed to serve a copy of the writ petition upon the newly added opposite party in course of the day.

5. As the facts so unfurled and adumbrated hereinbefore, we find *prima facie* case having made out for an interim protection. We invite the newly added opposite party to make the submissions as to whether any agreement and/or contract has been awarded pursuant to the declaration as a successful bidder. The learned counsel appearing for the newly added opposite party submits, on instruction, that no contract has been entered into nor a LoA is issued in his favour.



6. In view of the above, we, therefore, restrain the authorities from proceeding any further till the next date.
7. List this matter on 18th March, 2026.

(Harish Tandon)
Chief Justice

(M.S. Raman)
Judge

MRS/Laxmikant