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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1095 OF 2015
(Arising from SLP(C) No.36400/2011)

State of Orissa and others

..Appella

nts

versus

M/s Haraparbati Construction and another

..Respond

ents

O R D E R

Leave granted.

We have heard learned counsel for the rival parties,
and perused the tender conditions, especially the co
nditions
expressed in paragraph 4A(b) thereof.

spendent

Despite having given ample opportunity, re
No.1 has not been able to establish from the material placed
before the authorities, that the conditions express
ed in
paragraph 4A(b) stood fulfilled by respondent No.1.

ed in

In the above view of the matter, we are satisfied, that
respondent No.1 did not satisfy the conditions of the tender,
and as such, could not have been considered for the award of the
tender. The High Court clearly erred in recordin
g the
conclusion based on Annexures A-3, B/3 and C/3, which have been

relied

Signature Not Verified

upon by the State of Orissa, that responden

t No.1

Digitally signed by

fulfilled the tender conditions expressed in paragraph 4A(b).

Parveen Kumar Chawla

Date: 2015.01.22

13:51:49 IST

Reason:

Having permitted respondent No.1 to place the material

S.L.P.(C) No.36400 of 2011

Delay condoned.

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Leave granted.

The appeal is allowed in terms of the signed order.

All pending interlocutory applications are disposed of.

S.L.P.(C) No.3577 of 2012

Learned counsel for the respondent seeks further time, so as to enable him to place material on the record of this case depicting that the respondent fulfilled in one year the conditions prescribed under paragraph 4A(b), namely, Cement concrete - 210.65 Cum., Earthwork - 360660.00 Cum. and R.R.stone packing - 1274.72 Cum. required for eligibility.

Prayer is allowed.

Needful be done within three weeks. List thereafter.

Learned counsel for the respondent contends, that he would establish the eligibility of the respondent with reference to the year 2008-09.

(Parveen Kr. Chawla)
Court Master

(Renuka Sadana)
Court Master

(signed order is placed on the file]