

A. Biswanath Patra vs State Of Odisha & Ors. Opposite ... on 5 February, 2024

Bench: B.R. Sarangi, Murahari Sri Raman

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No.1584 of 2024

A. Biswanath Patra

.....

Petitioner

Mr. M.R. Khatua, Advocate

Vs.

State of Odisha & Ors.

.....

Opposite Parties

Mr. P.K. Muduli, AGA

CORAM:

ACTING CHIEF JUSTICE DR. B.R. SARANGI

MR. JUSTICE MURAHARI SRI RAMAN

ORDER

05.02.2024 Order No. This matter is taken up through hybrid mode.

2. Heard Mr. M.R. Khatua, learned counsel appearing for the petitioner and Mr. P.K. Muduli, learned Additional Government Advocate appearing for the State-opposite parties.

3. The petitioner has filed this writ petition seeking to quash the order no.138 dated 02.01.2024 under Annexure-5, by which corrigendum has been issued extending time for receipt of application for registration as approved suppliers for supply of principal food grains and other misc. articles.

4. Mr. M.R. Khatua, learned counsel appearing for the petitioner contended that the tender call notice was issued under Annexure-1, clause-4 whereof states that the bidder should have a valid Food License under Food Safety and Standard Act, 2006. As such, on that basis the petitioner applied and the selection process was done. At that point of time, a corrigendum was issued under Annexure-5 dated 02.01.2024 extending the time limit for receipt of application for registration as approved suppliers for supply of principal food grains and other misc. articles, which cannot be sustained in the eye of law.

5. Mr. P.K. Muduli, learned Additional Government Advocate appearing for the State-opposite parties contended that since clause-4 of the tender call notice issued under Annexure-1 created confusion, it was modified vide Annexure-5 dated 02.01.2024 to the effect that the bidder should have a valid Registration Certificate/Food License under Food Safety and Standard Act, 2006. Meaning thereby, the bidder has to submit a valid Registration Certificate or Food License. Thereby, issuance of the corrigendum under Annexure-5 dated 02.01.2024 is justified extending the time for

participation of large number of bidders.

6. Considering the contentions raised by learned counsel for the parties and after going through the records, this Court finds that clause-4 of the tender call notice issued under Annexure-1 stated that the bidder should have a valid Food License under Food Safety and Standard Act, 2006 and the said clause has been clarified by way of corrigendum vide Annexure-5 dated 02.01.2024 indicating 06.02.2024 upto 5.00 PM as the last date of submission of applications. The last date of submission of applications being 06.02.2024, will not cause prejudice to any party.

7. Therefore, this Court does not find any illegality or irregularity in issuing corrigendum under Annexure-5 dated 02.01.2024 so as to cause interference of this Court at this stage. Accordingly, the writ petition merits no consideration and the same is dismissed.

(DR. B.R. SAR
ACTING CHIEF J

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(M.S. RAMA
JUDGE

Designation: A.R-cum-Sr. Secretary