IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.27776 of 2026

CNR No.ODHC010652512026

M/s. Anup Builder, Kalahandi .... ***Petitioner***

Mr. Bhabani Sankar Das, Advocate

-Versus-

State of Odisha & Ors. .... ***Opp. Parties***

Mr. Sanjay Rath, AGA

CORAM:
HON' BLE THE CHIEF JUSTICE
AND
HON'BLE MR. JUSTICE CHITTARANJAN DASH

ORDER
09.09.2026

Order No.

01. **1.** Heard learned counsel for both the Parties.

2. The bid submitted by the petitioner is rejected by the authorities on the premise that the petitioner has not complied with the mandates of Clause-2.1(7) of the Detailed Tender Call Notice (DTCN). The petitioner has challenged the said order of rejection on the ground that there is no default on his part in compliance with the conditions enshrined under Clause-2.1(7) of the DTCN and the authorities, for some reasons or other, have proceeded to reject the bid of the petitioner in order to favour a person in whose favour the work has been awarded.

2. Clause-2.1(7) of the said DTCN reads thus:-

> *"**2.1 (7) Undertaking for Installation of Hot Mix Plant within 60 Km.***
> *An undertaking in shape of declaration by the bidder should be uploaded with the bid documents mentioning there in that, he will procure the material mix from the Hot Mix Plant established within 60Km from the work site before execution of the work, failing which the bid will be summarily rejected"*

3. Admittedly, the rejection of technical bid of the petitioner was solely on the ground that he has not produced the undertaking as required under Clause-2.1(7). The bare reading of the said clause clearly gives a stipulation that the bid could be summarily rejected if the bid documents are not supported by the said undertaking.

4. The moment the conditions are stipulated in the DTCN, it cannot be treated as a mere idle formality but every bid should be submitted in conformity with the conditions so imposed in the DTCN. It is a cardinal principle of law that once the thing is required to be done in a particular manner, it should be done in such manner and not otherwise. [see ***Nazir Ahmad v. King-Emperor***, reported in **(AIR) 1936 Privy Council 253**]

6. Since the affidavit so relied upon does not appear to have been filed with strict conformity to the said Clause of the DTCN, we do not find any infirmity and/or illegality on the part of the tendering authorities in rejecting the bid of the petitioner.

7. The writ petition sans merit and the same is hereby dismissed.

(Harish Tandon)
Chief Justice

(Chittaranjan Dash)
Judge

AK Pradhan/Priyanka

Signature Not Verified
Digitally Signed
Signed by: PRIYANKA BARIK
Designation: JUNIOR STENOGRAPHER
Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 10-Sep-2026 11:50:29