IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.29064 of 2026

CNR NO. ODHC010690762026

M/s Shivam Distributors, Cuttack and others .... ***Petitioners***

Mr. B.S. Tripathy-1, Senior Advocate
Along with
Mr. A. Sahoo, Advocate

-versus-

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

Mr. Debasish Tripathy, AGA

W.P.(C) No.4009 of 2026

CNR NO. ODHC010081052026

M/s Shivam Distributors, Cuttack and others .... ***Petitioners***

Mr. B.S. Tripathy-1, Senior Advocate
Along with
Mr. A. Sahoo, Advocate

-versus-

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

Mr. Debasish Tripathy, AGA

CORAM:
HON'BLE THE CHIEF JUSTICE
AND
HON'BLE MR. JUSTICE MRUGANKA SEKHAR SAHOO

ORDER

Order No. **05.11.2026**

02. This matter is taken up through Hybrid mode.

2. Both the Writ Petitions are by the same Petitioner.

W.P.(C) No.4009 of 2026 was filed earlier on 01.02.2026

and W.P.(C) No.29064 of 2026 has been filed on 03.09.2026.

3. Pursuant to tender call notice for supply of 'Principal Food Grains and other Miscellaneous Articles' to Circle Jail, Choudwar, Cuttack for the year 2026-2027 the Petitioner has participated in the process of selection of a supplier. His technical bid was rejected by the Tender Issuing Authority (Opposite Party No.3) which is under challenge in W.P.(C) No.4009 of 2026. The further prayer made in the Writ Petition is for a direction to the authorities to issue the Petitioner financial bid documents so as to enable him to participate in the financial bid pursuant to the tender call notice for supply of 'Principal Food Grains and other Miscellaneous Articles' for the year 2026-2027.

The prayer made in the subsequent Writ Petition, i.e., W.P.(C) No.29064 of 2026 is intrinsically related to the prayer made in the earlier Writ Petition, as in the subsequent Writ Petition, the following prayer has been made:

> *"... i) hold and declare the inaction and/or illegal action on the part of the OPs No.3 and 4 in not allowing the petitioners to participate in Quotation Process since April,2026 towards procurement of Principal Food Grains & other Misc. Articles to Circle Jail, Cuttack (Kataka) through month-wise local purchase for 2026-27 as palpably wrong, bad, malafide and illegal and thereby further;*
>
> *ii) direct OP No.3 and 4 to forthwith allow the petitioners to participate in Quotation Process towards procurement of Principal Food Grains & other Misc. Articles to Circle Jail, Cuttack (Kataka) through month-wise local purchase for the month of September,2026 and onwards until disposal of pending*

4. In W.P.(C) No.4009 of 2026 notices were issued. The State Opposite Parties were directed to file counter affidavit. The further progress of the impugned tender was stayed for a period of eight weeks from the date of order, i.e., 11.03.2026 or until further orders whichever is earlier.

The subsequent W.P.(C) No.29064 of 2026 was taken up on 14.10.2026 and was directed to be listed on 15.10.2026. Both the Writ Petitions are heard together.

5. The counter affidavit dated 07.04.2026 filed by the State-Opposite Parties in W.P.(C) No.4009 of 2026 is also adopted as the counter affidavit of the State - Opposite Parties in W.P.(C) No.29064 of 2026.

6. It is submitted by Mr. Tripathy, learned Senior Advocate appearing for the Petitioner that pursuant to the bid offered by the Petitioner, in response to the tender call notice for procurement of 'Principal Food Grains and other Miscellaneous Articles' for the financial year 2026-2027 the Petitioner submitted his bid on 23.12.2025. The Deputy Inspector General (DIG) of Prisons (Head Quarters) by letter dated 05.12.2025 notified the modalities of procurement of 'Principal Food Grains and Other Essential' for the year 2026-2027, which is to be followed by all the authorities of various prisons within the State. Submissions is in the case at hand the said guideline has not been followed.

7. By letter dated 21.01.2026 received by the Petitioner from

the tendering authority, the Petitioner was intimated that his bid has not been entertained as approved supplier due to his past irregular conduct. Copy of letter has been annexed to W.P.(C) No.4009 of 2026 marked as Annexure-4 which indicates thus:

> *"Your name has not been entertained as approved supplier for the year 2026-27, due to your pass antecedents for irregular supplies to this Jail during the year 2025-26".*

8. The submissions are that the allegations against the Petitioner regarding the past antecedents and irregular supplies are false, mala fide, illegal, bad in law and is without jurisdiction.

9. Learned Additional Government Advocate relies on the counter affidavit filed on behalf of the Opposite Party Nos.2 &3 - the DIG of Prisons (HQ), Office of the Director and Correctional Services Odisha and Senior Superintendent Circle Jail, Cuttack at Choudwar. The reasons supported by the annexed documents have been stated by the authorities: that the Petitioner had supplied coconut oil in the month of September, 2005 which was found to be beyond the date of expiry (15.09.2025) as mentioned on the pack. After detection, the Petitioner was asked to replace the supplied coconut oil by letter dated 15.09.2025.

9.1. The Petitioner failed to maintain regular supply for which repeated reminders were sent such as 08.11.2025, 06.12.2025, 11.12.2025 and 10.01.2026, copies of which have been annexed to the counter affidavit indicating that the Petitioner did not receive the order to supply the articles nor the Petitioner did respond to the messages sent by the Officer-in-Charge in the

mobile number supplied by the Petitioner for contact.

10. The stand of the Petitioner before this Court is that he did not receive the above letters.

11. Perusal of copies of the letters indicate that those are office letters bearing the official outward issue number and date. The letter dated 15.09.2025 (Annexure-A/3) is regarding 51 ltrs. of coconut oil supplied on 02.09.2025 had printed expiry date as 15.09.2025. The outward issue number of the letter also indicates that copies were forwarded to the Additional District Magistrate, Cuttack – cum – Chairman, Purchase Committee as well as the Director General of Correctional Services, Odisha. Similarly, the copies of the letters dated 06.12.2025, 11.12.2025 and 10.01.2026 were sent to the Chairman, Purchase Committee as well as the Director General of Prisons, Correctional Services.

12. Rejoinder has been filed enclosing newspaper publications and certain other documents alleging 'maladministration' in the Circle Jail, Choudwar and 'illegal activities'. The allegations made in the rejoinder enclosing the documents and publications marked as Annexure-7 does not help the Petitioner to justify his failure to supply articles and cannot come to his rescue for supply of 51 ltrs. of coconut oil on 02.09.2025 having printed date of expiry: 15.09.2025.

13. In our considered view it would be travesty of justice if it is held that the Petitioner can indulge in not responding to the authorities, not supplying the goods or not maintaining the standard of the supplied goods due to 'maladministration' and

‘illegal activities’ in circle jail. The official correspondences to the Petitioner with the particulars such as outward number and date cannot be brushed aside by this Court only because the Petitioner has denied them to have received.

14. In any view of the matter the fact remains that Petitioner has not denied the averments in counter that he failed to maintain the supply chain and that he had supplied coconut oil approaching expiry.

15. In view of the above discussions, we do not find any merit in both the Writ Petitions.

The Writ Petitions are dismissed the Petitioner is not entitled to any of the reliefs sought for.

Interim orders passed earlier are vacated forthwith.

No costs.

(Harish Tandon)
Chief Justice

(Mruganka Sekhar Sahoo)
Judge

Signature Not Verified
Digitally Signed
Signed by: RAJESH KUMAR BADHEI
Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 05-Nov-2026 16:59:41

Amit/Rajesh