

Computer Lab Vs. State of Orissa and ors.

Computer Lab Vs. State of Orissa and ors.

SooperKanoon Citation : sooperkanoon.com/532554

Court : Orissa

Decided On : Mar-29-2004

Reported in : I(2005)BC513; 2004(I)OLR699

Judge : Sujit Barman Roy, C.J. and ;A.S. Naidu, J.

Acts : [Code of Civil Procedure \(CPC\) , 1908](#) - Sections 151

Appeal No. : RVWPET No. 3 of 2004

Appellant : Computer Lab

Respondent : State of Orissa and ors.

Advocate for Def. : Ashok Mohanty, Senior Standing Counsel and ;V. Narasing, Addl. Standing Counsel for Commercial Tax Department For Opp. Parties 1 to 3 and ;S.N. Mohapatra, Adv. For Opp. Party No. 4

Advocate for Pet/Ap. : S.K. Das and S. Swain

Disposition : Petition dismissed

Judgement :

A.S. Naidu, J.

1. M/s. Computer Lab, one of the firms which had submitted its bid to the Commercial Tax Department of the. Government of Orissa pursuant to its Tender

Call Notice issued on 20.8.2003, has filed this Review Petition inter alia seeking review of the judgment of this Court dated 19.12.2003 in W.P. (C) No. 12510 of 2003 on the ground that the said firm will be highly prejudiced if the direction issued to Government would be implemented.

2. It appears that the Review petitioner was not a party to the writ petition. It is alleged that the writ petitioner intentionally did not implead the review petitioner as an opposite party in the Writ Petition. Learned counsel for the writ petitioner at the other hand submitted that as no right had accrued to the review petitioner, it was not a necessary party to the writ petition. As a matter of fact, the writ petitioner challenged the order of rejection of its technical bid by the Commercial Tax Department. On the date of filing of the writ petition, no right indeed had accrued to the review petitioner. The opposite party Department also did not aver in its counter-affidavit that the review petitioner had been found eligible as it had quoted the lowest price. In course of hearing of the writ petition also this fact was not brought to the notice of the Court. But then, fact remains, during pendency of the writ petition, the opposite party Department proceeded to finalise the tender and gave opportunity to other firms to submit their price bids and also opened the same. All these actions having been taken during the pendency of the writ petition, the same will be hit by the principles of lis pendens.

3. Be that as it may, in view of the fact that the Department has now decided to scrap the entire tender process and entrust the work in question to a Government organisation, i.e. Orissa Computer Application Centre, Bhubaneswar, and a petition for modification of the judgment of this Court dated 19.12.2003 in W.P. (C) No. 12510 of 2003 has been allowed, there is no need to entertain this Review Petition which is, accordingly, dismissed.

Sujit Barman Roy, C.J.

I agree.