

DIVISION BR. SEAT No. 108

[O. H. C.-97-A]

In the High Court of Orissa
ORDER SHEET

SIDHARTHA DAS
A.K. MOHANTY, S.P. TRIPATHY,
V. B. BEHERA, A. MISHRA, I. SWAIN,
S.S. OJHA,

Mr. Sarlabala Jena,

Jacqueline Jena - Intervenor

BLAPL/W.P. (C) No. 37977/2023 of 2023

Mrs. Soumya Ranjan Mohanty,

D. Acharya, B. Ray - OP No. 1
Petitioner

SK. MOHAMMAD JAHID @ ZAHID

Versus

STATE OF ODISHA & Ous.

Opposite-Party

Sl. No. of Order	Date of Order	ORDER WITH SIGNATURE	Office note as to action (if any), taken on Order
			<p>PRESENTED ON 17/11/2023</p> <p><i>[Signature]</i></p> <p>for, SUPERINTENDENT COMPUTER FILING SECTION</p> <p><i>[Signature]</i> 20/11/23</p> <p>Bikram Sethy Assistant Registrar (Judl.)</p> <p>for admission with defect no. 19.</p> <p>(1) I.A. No. 18347/23 is at flag-A for appropriate order</p> <p><u>Memo</u></p> <p>S K Brahma 20/11/23</p> <p><i>[Signature]</i> 20/11/23</p>



FC152552

SCANNED

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). No.37977 of 2023

Sk. Mohammad Jahid @ Zahid

Petitioner

Mr. A. Mishra, Advocate

Vs.

State of Odisha & Ors.

Opposite parties

Mr. P.P. Mohanty, AGA

CORAM:

ACTING CHIEF JUSTICE DR. B.R. SARANGI
MR. JUSTICE MURAHARI SRI RAMAN

ORDER

21.11.2023

W.P.(C) No.37977 of 2023

And

I.A. No.18347 of 2023

Order No.

01

This matter is taken up through hybrid mode.

2. Heard Mr. A. Mishra, learned counsel appearing for the petitioner and Mr. P.P. Mohanty, learned Additional Government Advocate appearing for the State-opposite parties.
3. Mr. A. Mishra, learned counsel appearing for the petitioner contended that Annexure-1 is the check list for verification of documents for five years long term lease of sairat sources, namely, Jagadapur Sand Quarry, for which auction was held on 21.09.2022, wherein the name of opposite party no.5 finds place at Sl. No.3. From the same it would be evident that opposite party no.5 has quoted Rs.1405/- towards additional charges, whereas the petitioner has quoted Rs.1278.13. So far as opposite party no.5 is concerned, he has furnished the bank guarantee/ITR filed for the year 2021-22 for individual but not for HUF, but it has been stated as HUF. If he submitted ITR for the year 2021-22 for

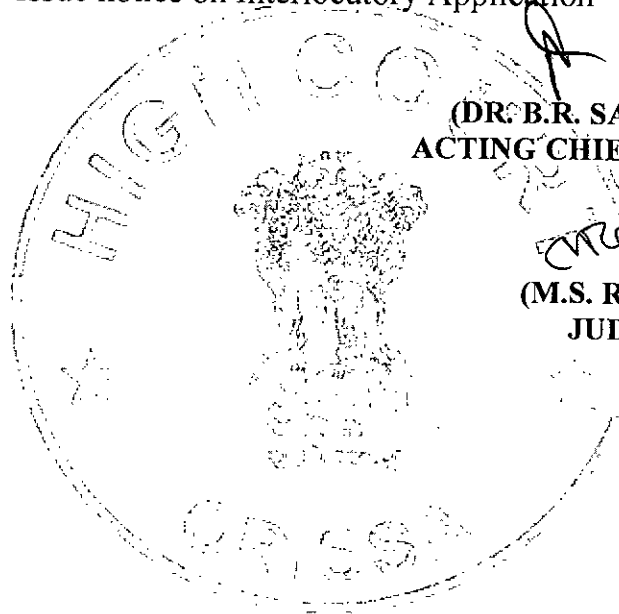
individual business, the same cannot be in conformity with the provisions of law. Thereby, his bid should not have been accepted by the opposite party-authorities.

4. Mr. P.P. Mohanty, learned Additional Government Advocate appearing for the State-opposite parties seeks time to obtain instructions as to whether opposite party no.5 submitted bank guarantee/ITR for the year 2021-22 HUF or individual.

5. Put up this matter next week.

6. Let two extra copies of the writ petition be served on learned Additional Government Advocate to enable him to obtain instructions in the matter.

7. Issue notice on Interlocutory Application



(DR. B.R. SARANGI)
ACTING CHIEF JUSTICE

(M.S. RAMAN)
JUDGE

Alok

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 37977 of 2023

Sk. Mohammad Jahid @ Zahid

...

Petitioner

Mr. Sidhartha Das, Advocate

-versus-

State of Odisha and Others

... *Opposite Parties*

Mr. P.P. Mohanty, Addl. Govt. Advocate

CORAM:

ACTING CHIEF JUSTICE DR. B.R. SARANGI

MR. JUSTICE MURAHARI SRI RAMAN

Order No.

ORDER

01.12.2023

02.

1. Mr. P.P. Mohanty, learned Additional Govt. Advocate seeks time to file counter affidavit.

2. Call this matter after two weeks. Counter affidavit be filed in the meantime.

(DR. B.R. SARANGI)

ACTING CHIEF JUSTICE

(M.S. RAMAN)

JUDGE

SK Jena/Secy.



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 37977 of 2023

Sk. Mohammad Jahid @ Zahid

.....

Petitioner

M/s. S. Das and associates, Advocates

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. P.P. Mohanty, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE G. SATAPATHY

ORDER

01.05.2024

Order No.

03.

This matter is taken up by hybrid mode.

2. Learned counsel for the Petitioner seeks time to file rejoinder affidavit.
3. List this matter after two weeks. Rejoinder affidavit, if any, be filed in the meantime.

(DR. B.R. SARANGI)
JUDGE

(G. SATAPATHY)
JUDGE



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 40524 of 2023

Sudhir Kumar Pattanaik

.....

Petitioner

Ms. J. Jena, Advocate

-versus-

State of Orissa & Others

.....

Opp. Parties

Mr. S.B. Panda, A.G.A.

Mr. S.R. Mohanty, Advocate

(for O.P. No.6)

W.P.(C) No. 37977 of 2023

Sk. Mohammad Jahid @ Zahid

.....

Petitioner

Mr. Sidhartha Das, Advocate

-versus-

State of Orissa & Others

.....

Opp. Parties

Mr. S.B. Panda, A.G.A.

Mr. S.R. Mohanty, Advocate

(for O.P. No.5)

Ms. J. Jena, Advocate (for Intervenor)

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MISS JUSTICE SAVITRI RATHO

ORDER

26.11.2024

Order No.

03.

These matters are taken up through hybrid Mode.

2. As jointly requested on behalf of the parties, list these matters on 10.12.2024.

3. Counter affidavit, if any, shall be filed in the meanwhile.

(Chakradhari Sharan Singh)

Chief Justice

(Savitri Ratho)

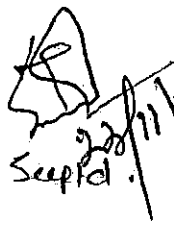
Judge

Sukanta/puspa

IN THE HIGH COURT OF ORISSA

Case No. WP (C) 37977 of 2023

OFFICE NOTES

Sl. No. of Order for compliance	Date of Order for compliance	Notes and action taken on order with signature of Dealing Assistant and Superintendent
01	21.11.2023	<p>Issue No. <u>49703 - 707</u></p> <p>Date <u>23/11/23</u></p> <p>Notice in I.A. No. 18347/23 issued to OP Nos 1 to 5 by RP with AD fixing 28.11.23 for appearance and show cause.</p> <p><u>S K Brahma</u> 23.11.23</p> <p> 23/11/23 Superd.</p>
01	21.11.2023	<p>for admission with defect no. 19.</p> <p>(i) ADs of notice issued in I.A. No. 18347/23 awaited.</p> <p>(ii) Receipt regarding service of two extra copies of the writ petition on the learned AGA not filed.</p> <p>(iii) I.A. No. 18347/23 is at flag-A for further orders.</p> <p>This week</p> <p><u>S K Brahma</u> 28/11/23 <u>A K Sahu</u> 28/11/23</p> <p>Bench</p>

IN THE HIGH COURT OF ORISSA

Case No. WP(C) 37977 / 2023

OFFICE NOTES

Sl. No. of Order for compliance	Date of Order for compliance	Notes and action taken on order with signature of Dealing Assistant and Superintendent
02.	01.12.2023	<p>for admission with defect no-19</p> <p>(i) Counter filed by OP No-4 . paginated. (2nd copy not filed, copy not served)</p> <p>(ii) I.A. No. 18347/23 is at flag-'A' for for further order.</p> <p>(iii) I.A. No. 19435/23 is at flag-'B' for intervention - (copy served on Id. ASC) (Mr. Santabala Jena & associate entered appearance)</p> <p>(iv) Receipt regarding service of two extra copies of the Id. AGA WP. on the Id. AGA not filed.</p> <p>(v) ADs returned from OP Nos 2, 3, 44 after service. ADs returned from OP No-5 with a postal endorsement. "Insufficient address". AD not returned from OP-1.</p> <p>for ref. in WP(C) 40524 / 23</p> <p>S K Brahma 23/11/24 Alexa Kumar Sahu 23/11/24</p> <p>Bench.</p>

IN THE HIGH COURT OF ORISSA

Case No. WP(C) 37977 / 2023

OFFICE NOTES

Sl. No. of Order for compliance	Date of Order for compliance	Notes and action taken on order with signature of Dealing Assistant and Superintendent
03.	01.05.2024	<p>Notes at prepage dtd. 23/4/24 may please be repeated.</p> <p>(vi) Rejoinder not yet filed.</p> <p>for ref. in <u>WP(C) 40524/23</u></p> <p>S K Brahma 01/7/24 Alok Kumar (Sd/-) 1/7/24</p> <p>Bench -</p> <p><u>Order No. 03 dated 26.11.24 passed in</u> <u>WP(C) 40524/23</u></p>

IN THE HIGH COURT OF ORISSA

Case No. WP(C) 37977/2023

OFFICE NOTES

Sl. No. of Order for compliance	Date of Order for compliance	Notes and action taken on order with signature of Dealing Assistant and Superintendent
03	01.05.2024	<p>For admission with defect no-19</p> <p>(i) Counter filed by OP No-4 & its rejoinder filed by the petitioner. (copy served)</p> <p>(ii) I.A. No. 18347/23 is at flag-'A' for further orders.</p> <p>(iii) I.A. No. 19435/23 is at flag-'B' for intervention. (Copy served on Id. etc)</p> <p>(iv) M/s Sarlabala Jena & associate entered appearance</p> <p>(v) Receipt regarding service of two extra copies of the W.P. on the Id. etc not filed.</p> <p>(vi) ADs returned from OP Nos 2, 3 & 4 after service</p> <p>• Notice returned unserved from OP-5 with a postal endorsement "Insufficient address"</p> <p>• AD not returned from OP-1</p> <p style="text-align: right;"><u>With WP(C) 40524/23</u></p> <p style="text-align: right;">(memo)</p> <p style="text-align: right;">S K Brahma 14/8/24</p> <p style="text-align: right;">Alexandra Behn 14/8/24</p> <p style="text-align: right;">Bench.</p> <p style="text-align: right;">Returned from Ist</p> <p style="text-align: right;">Shiv 09/10/24</p>

IN THE HIGH COURT OF ORISSA

Case No. W.P.(C) no. 37977/2023

OFFICE NOTES

Sl. No. of Order for compliance	Date of Order for compliance	Notes and action taken on order with signature of Dealing Assistant and Superintendent
3.	1.05.2024	<p>for Admission With deposit no. 18</p> <p>i) Counter Affidavit filed on 13/12/23 by Opp. 4.</p> <p>ii) Reply Affidavit dated 12/17/24 filed by the Petitioner.</p> <p>iii) I.A. NO. 18347/23 is at flag 'A' for further orders.</p> <p>iv) I.A. NO. 19435/23 is at flag 'B' for intervention.</p> <p>(Mr. Sailabala Jena and associate have entered appearance)</p> <p>v) Receipt req. Service of two extra copies of W.P. on the ld. AGA not filed.</p> <p>vi) AD returned from Opps 2, 3 & 4 after valid service.</p> <p>vii) Notice returned unserved from Opp. 5 with a postal remark, "Insufficient address".</p> <p>viii) AD not returned from Opp. 1.</p> <p>Rachmi R. Srin 14/11/2024</p> <p>Bench for ref. on W.P.(C) no. 40524/2</p>

IN THE HIGH COURT OF ORISSA

Case No. WPC (C) 37977/23

OFFICE NOTES

Sl. No. of Order for compliance	Date of Order for compliance	Notes and action taken on order with signature of Dealing Assistant and Superintendent
		<p>M/s Saumya Ranjan Mohanty and associates entered appearance on behalf of OP No. 5 by filing v. noma.</p> <p><u>Shmy</u> <u>06/12/24</u></p> <p><u>Order No. 03 dated 26.11.24 passed in WPC (C) 40524/23</u></p> <p>for admission with defect No. 19</p> <p>(i) Counter affidavit dated 13.12.23 filed by OP No. 4 & its rejoinder affidavit^{add} 12.7.24 filed by petitioner</p> <p>(ii) I.A. No. 18347/23 is at flag 'A' for further order</p> <p>(iii) I.A. No. 19435/23 is at flag 'B' for intervention.</p> <p>(M/s Gailabala Jena and associate have entered appearance)</p> <p>(iv) AD not returned from OP No. 1</p> <p><u>Adj. to 10.12.24</u></p> <p><u>Ret. in WPC (C) 40524/23</u></p> <p><u>S K Brahmara</u> <u>06/12/24</u></p> <p>Bench.</p>



ORISSA HIGH COURT
FILING ACKNOWLEDGEMENT SLIP

CNR

Filing No

Date and Time

Misc Case/IA

Petitioner Name

Petitioner Advocate Name

Respondents Name

Respondents Advocate

Amount

Police Station

FIR

ODHC010931162023

WP(C)/0037977/2023

17/11/2023-16:04:32

18347/2023

SK. MOHAMMAD JAHID @ ZAHID

SIDHARTHA DAS

STATE OF ODISHA



Friday 17th of November 2023 04:19:15 PM

STAMP REPORT

NATURE OF DEFECT

1. COURT FEE DEFICIENT *Ref. & pay up (c)*
2. VALUATION OF THE PROPERTY NOT GIVEN *✓*
3. AUTHENTICATION FEE IS DEFICIENT *✓*
4. AFFIDAVIT / VERIFICATION NOT PROPER *✓*
5. SECOND COPY OF THE PETITION NOT FILED *✓*
6. RECEIPT SHOWING SERVICE OF COPY TO AG / CG / IT / CT ETC. NOT FILED *✓*
7. VAKALATNAMA :
(i) NOT PROPERLY STAMPED / EXECUTED / ACCEPTED *✓*
(ii) NAMES IN CAPITAL LETTERS / ENROLMENT NUMBERS / MOBILE PHONE NUMBERS OF ALL THE SIGNING ADVOCATES NOT INDICATED *✓*
8. CAUSE TITLE NOT IN ORDER *✓*
9. PROVISION OF LAW NOT INDICATED ON TOP OF CAUSE TITLE *✓*
10. SUBJECT CODE NOT FURNISHED / INCORRECTLY MENTIONED *✓*
11. NEAT, LEGIBLE, ATTESTED ANNEXURES NOT FILED *✓*
12. ASSESSMENT SLIP NOT FILLED IN PROPERLY *✓*
13. NOT PROPERLY INDEXED *✓*
14. PETITIONS / APPEALS / APPLICATIONS :
(i) NOT IN SUPERIOR QUALITY A4 SIZE PAPER / LESS THAN 75 GSM PAPER *✓*
(ii) NOT IN PROPER FONT / NOT IN PROPER FONT SIZE *✓*
(iii) MARGIN NOT PROPER / LINE SPACING NOT PROPER *✓*
(iv) NOMENCLATURE NOT CORRECTLY INDICATED *✓*
(v) ALL PAPERS NOT PROPERLY SIGNED *✓*
(vi) NAME OF THE FILING ADVOCATE NOT IN CAPITAL LETTERS / ENROLMENT NUMBER NOT INDICATED WHEREVER SIGNATURE OF SUCH ADVOCATE APPEARING IN THE PETITION / APPEAL / APPLICATION *✓*
15. APPLICATION CONTAINS MORE THAN ONE PRAYER *✓*
16. LIMITATION PERIOD EXPIRED *✓*
17. REFERENCE CERTIFICATE NOT FURNISHED *✓*
18. CERTIFIED COPY OF TRIAL / APPELLATE COURT ORDER NOT FILED *✓*
19. UNDERTAKING FOR FILING OF TRANSLATED COPY NOT FILED *✓*
20. VERNACULAR CERTIFICATE NOT FURNISHED *✓*
21. STATUTORY DEPOSIT / AWARDED AMOUNT NOT DEPOSITED *✓*
22. OTHER DEFECT (IF ANY) *✓*

DEFECTIVE/READY

SUBJECT—

SUB-CATEGORY—

SINGLE JUDGE/DIVISION BENCH (Put ✓ mark)

(Full signature of Stamp Reporter)

Bikram Sethy
Assistant Registrar (Judl.)

94-8249335846

1. RFA / RSA / FAO / SAO / LPA / SPA / CRP. / Review pet / O.Ref / EXFA / EXSA / CM APP. Tr. P (c) WP (c) / WA / SCLP / Co. Appl / Co. Pet / Co. Case / Co. App / Bkg. P / Mat. A / Mat Ref / RP (FAMCT) Test Case / Intest. Case / L.A. Ref / RCFA / L.A.A. / RCSA / RE Rev / MAC / MAC APP / EL Pet / ELAPP / Arb. P / Arb. A / Insurance Ref / Cont. Cas (c) Court. App (c) / MFA (Name of the Act) / MSA / SP.JC (Name of the Act) / Cri A / Cri. Rev / Ckl. M.C / BLAPL / Cal. M APPI / WP (cri) CUSREF STREV.

Case Type WPC No. 34977 / 2023 Date of Regn. 17/11/23

2. If 'State' is party, Name of the Deptt : (Pet / Res) [Put mark]

If Public Undertakings (Specify name) : (Pet / Res) [Put mark]

3. (a) Number of category under which the matter falls :

2	8	2	0	0	3
---	---	---	---	---	---

If OTHERS, specify the subject _____

- (b) Which is applicable ? [Put mark]

(Single Bench Div. Bench/ Three Judge Bench / Five Judge Bench)

4. Article of the Constitution / Act (Central / State) [Put mark]

An Application under Article 226 of the Constitution of India

5. Section / Sub- Section Involved _____

6. Rules Involved _____

7. Whether any other matter is pending in this Court on the same point of law Don't know

If so, give the number of matter : _____

8. Whether any other matter is pending against the impugned order / judgement ?

If so, give the number of matter _____

9. Whether the matter is covered by any judgement of the Supreme Court this Court or any other High Court, If so give the details of the Judgement _____

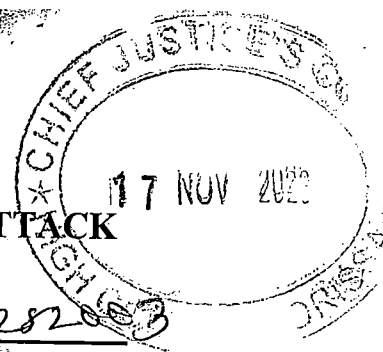
10. Point of law involved in the matter _____

Date - 17/11/23

Signature of the Advocate h

IN THE HON'BLE HIGH COURT OF ORISSA, CUTTACK
WP(C) No. 37977 OF 2023

Code No. 282003



Sk. Mohammad Jahid @Zahid

... Petitioner

-Versus-

State of Orissa and others

... Opp. Parties

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8.	VAKALATNAMA	

Cuttack

Date: 17.11.2023

Advocate.

SIDHARTHA DAS

Enrolment No. O- 909/1991

Ph No. 9437023733

IN THE HIGH COURT OF ORISSA: CUTTACK

W.P. (C) No. 37977/2023

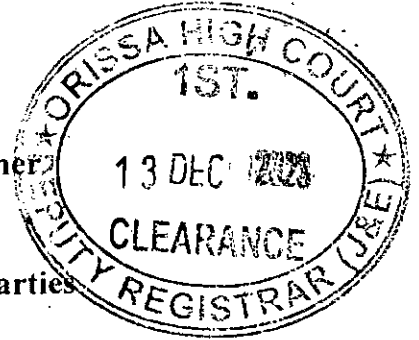
Sk Mohammad Jahid @ Zahid

....petitioner

-Versus -

State of Orissa and others

...Opp. Parties



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CUTTACK,

DTD.08.12.2023.


ADDL.GOV.T.ADVOCATE

IN THE HIGH COURT OF ORISSA, CUTTACK

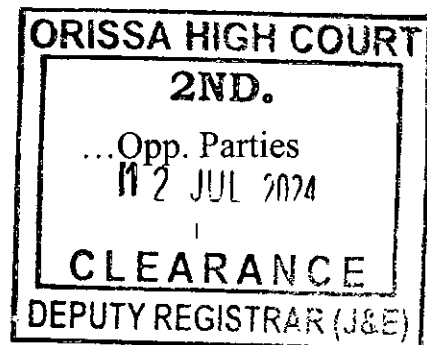
W.P. (C) No. 37977 OF 2023

Sk Mohammad Jahid @Zahid

...Petitioner

-Versus-

State of Orissa and Others



INDEX

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Cuttack

Date- 12/7/24


ADVOCATE

SIDHARTHA DAS

En. No. O-909/1991

Ph. No. 9437023733

IN THE HON'BLE HIGH COURT OF ORISSA, CUTTACK

WP(C) No. 34977 OF 2023Code No. 272003

Sk. Mohammad Jahid @Zahid

... Petitioner

-Versus-

State of Orissa and others

... Opp. Parties

SYNOPSIS

That, this instant writ petition is filed by the petitioner challenging the illegal, arbitrary and unjust action finalisation of the successful bidder to the second highest bidder as per the comparative statement namely Jitendra Ku. Agrawal who has submitted the ITR of HUF and not in a personal capacity and has not submitted the details of the movable property verified from the concerned local revenue along with the application form which is a clear violation of the terms provided in the Tender call Notice. The Tahsildar instead of going for a fresh tender now settle the lease with the second highest bidder which is illegal and entire tender process to be set aside as none of the participants filed their property details pursuant to condition No.4 of the Tender Notice.

Cuttack

Date: 17.11.2023


Advocate.

SIDHARTHA DAS

Enrolment No. O- 909/1991

Ph No. 9437023733

IN THE HON'BLE HIGH COURT OF ORISSA, CUTTACK

WP(C) No. 37977 OF 2023Code No. 282003

Sk. Mohammad Jahid @Zahid

... Petitioner

-Versus-

State of Orissa and others


... Opp. Parties

DATE AND EVENT

<u>DATE</u>	<u>EVENTS</u>
1.08.2022	Tender Call Notice issue regarding Jagdalpur Sand Quarry.
21.09.2022	Tender Call bid sheet issued.
13.10.2023	Tahsildar issued a Letter regarding finalisation of the successful bidder in respect of Jagdalpur Sand Quarry.

Cuttack

Date: 17.11.2023


 Advocate.

SIDHARTHA DAS

Enrolment No. O- 909/1991

Ph No. 9437023733

IN THE HIGH COURT OF ORISSA, CUTTACK

W.P. (C) No. 87977 /2023

CODE No. 282003

IN THE MATTER OF

An application Under Articles 226
and 227 of the Constitution of India;

AND

IN THE MATTER OF

An application under Odisha Minor
Mineral Concession Rules, 2016;

AND

IN THE MATTER OF

An application challenging the illegal
and arbitrary finalisation of the
successful bidder of Jagadampur Sand
Quarry vide Tahasildar Letter
dtd.13.10.2023;

AND

IN THE MATTER OF

Sk. Mohammad Jahid @Zahid, aged about
43 years, S/o- S.K Zamauddin, AT --Padampur
NAC, Ward No. 8, PO - Rajbaralambar,
Dist - Bargarh.

...Petitioner

-Versus-

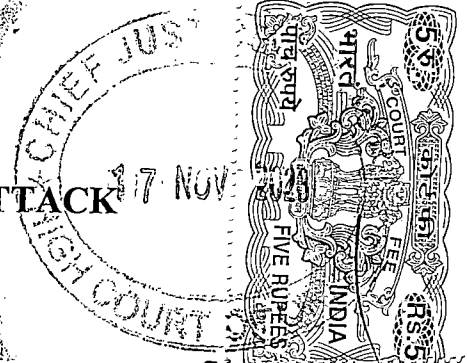
Supendra Prasad Dhal
Advocate
NOTARY, CUTTACK

8/17/11 2023

Presented in Court

B.O.

SIDHARTHA DAS
ADVOCATE



66083

1. State of Orissa, represented through its Secretary, Steel & Mines Department, Dist- Khurdha
2. Collector, Bargarh, AT/PO/Dist - Bargarh.
3. Sub-Collector, Padampur, AT/PO Padampur, Dist - Bargarh.
4. Tahasildar, Jharbandh, AT/PO - Jharbandh, Dist - Bargarh.
5. Jitendra Ku. Agrawal, aged about 49 years, Father name not known, At/Po/PS/Dist - Deogarh

...Opposite Parties

The matter out of which this writ application is arising out of W.P.(C) No. 21744/ 2022 disposed of on 27.09.2022 and W.P.(C) No. 23679/2022 disposed of on 14.08.2023 and W.P.(C) No. 21631/2022 disposed of on 27.09.2022, as per the instruction supplied by the petitioner.

To,

The Hon'ble Chief Justice of Odisha High Court and his Companion Justices of the said Hon'ble Court.

The humble petition on behalf of the abovenamed petitioner.

Surendra Prasad Dhal
Advocate
NOTARY, CUTTACK

6/17-11

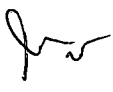
MOST RESPECTFULLY SHEWETH:-

1. That, the petitioner being one of the participants in the Tender proceedings has filed this instant writ petition is filed by the petitioner whereby challenging the illegal, arbitrary and unjust action finalisation of the successful bidder to the second highest bidder as per the comparative statement namely Jitendra Ku. Agrawal who has submitted the ITR of HUF and not in a personal capacity and has not submitted the details of the movable property verified from the concerned local revenue authority along with the application form which is a clear violation of the terms provided in the Tender call Notice. A Copy of the Comparative statement is annexed herewith and marked as **ANNEXURE-1.**
2. The Petitioner is a legal and citizen of India and falls within the jurisdiction of this Hon'ble Court. The cause of action for filing of the present writ petition, the details whereof submitted in the succeeding paragraphs, has also arisen within the territorial jurisdiction of this Hon'ble Court.
3. That the Tahsildar, Jharbandh has issued a Tender Call notice for lease of the term 2022-23 to 2026-27 of sand Quarry, Jagdalpur along with two other sand Quarry. The last date for filing of Tender is 25.08.2022. As per Tender call notice the minimum price per cubic metre as govt price is fixed of Rs.750/- (Rupees Seven Fifty only) excluding other charges. A Copy of Tender Call Notice dtd.1.08.2022 is annexed herewith and marked as **ANNEXURE-2.**
4. That in respect of Jagdalpur Sand Quarry altogether eight persons participated in the Tender and the authorities on 21.09.2022 has finally Opened the Tender in the presence

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Advocate
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The Tender committee and thereafter prepared a bid sheet which has signed by all the tendering authorities. A Copy of the Tender Call bid sheet dtd.21.09.2022 is already annexed herewith as Annexure-1 to this writ petition.

5. That as a matter of fact as per Tender bid sheet dtd.21.09.2022 one Sacchin Agrawal has quoted the Highest price of Rs.1857.02/- (Rupees Eighteen Hundred Fifty-Seven rupees only) but the authority concerned reason best known to them did not issued intimation to Sacchin Agrawal and waited one year after opening of the tender and recently issued a letter dtd.13.10.2023 to all the participants to select successful bidder and now decided second highest bidder namely Jitendra Ku. Agrawal who has quoted approximately less of Rs.450/- (Rupees Four Hundred Fifty only) from the highest bidder though he has not submitted the IT return for the tender documents in his personal capacity rather submitted IT return under HUF. The said letter mentioned the delay of selection due to pending of various Writ petition before the Hon'ble High court of Orissa.
6. That when the matter stood thus suddenly the Tahsildar issued a Letter on dtd.13.10.2023 to the present petitioner along with other participants regarding finalisation of successful bidder in respect of Jagdalpur Sand Quarry wherein all the participants are requested to remain present on 31.10.2023 at about 10 A.M. A Copy of the letter dtd.13.10.2023 is annexed herewith and marked as ANNEXURE-3.


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7. That in the aforementioned letter contents the bidder was not finalised because there is direction of Advocate General, Odisha Cuttack vide Lett No.49220(3) dtd.20.09.2022 till disposal of the writ application (Mentioned in the Letter) pending before this Hon'ble High court of Orissa and to implement the order of this Hon'ble High court of Orissa to select the successful bidder accordingly this latter is issued by the Tahsildar.
8. That the petitioner thereafter verifies the orders the writ application mentioned in the letter and found that there is no interim order to finalise the successful bidder and this Hon'ble court of Orissa only disposed of the writ application as the matter has been infructuous and some of the matter has been withdrawn. A Copy of the Order dtd. 27.09.2023, 14.08.2023 and 27.09.2022 passed W.P.(C) No. 21744/ 2022, W.P.(C) No. 23679/2022 and W.P.(C) No. 21631/2022 respectively are annexed herewith and marked as ANNEXURE-4 SERIES.
9. That the tahsildar after delay of 1 year instead of going for a fresh tender Notice with an ulterior motive selected the second Highest bidder namely Jitendra Ku. Agrawal who has quoted the price of Rs.1405 per Cubic Meter which is less of Rs.450 (Rupees Four Hundred Fifty Only) from the highest bidder who has quoted the price as Rs.1857.02 (Rupees Eighteen Hundred Fifty-Seven Only) which cause huge loss to the state exchequer.

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Advocate
NOTARY, CUTTACK

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10. That the tahsildar after delay of 1 year instead of going for a fresh tender Notice with an ulterior motive selected the second Highest bidder namely Jitendra Ku. Agrawal who has quoted the price of Rs.1405 per Cubic Meter which is less of Rs.450 (Rupees Four Hundred Fifty Only) from the highest bidder who has quoted the price as Rs.1857.02 (Rupees Eighteen Hundred Fifty-Seven Only) which cause huge loss to the state exchequer.
11. That at the time of finalisation of successful bidder by the tendering committee they have selected Jitendra Ku. Agrawal as the successful bidder who is the second highest bidder as per the tender Comparative Statement and when the Opposite parties are trying to declare in presence of the petitioner along with other participants the petitioner immediately object to such selection as because he has not submitted the ITR for the year 2021-2022 on his personal capacity but submitted the ITR of HUF which is not permissible under the OMMC Rule, 2016. Thereafter the Tahsildar intimated the petitioner that he will refer the matter to their Higher Authorities to get approval for issuance of intimation to the second highest bidder as successful bidder.
12. That it is humbly submitted that the ITR of HUF will not be accepted as because when the rule is enacted the intention of the rule makers is that any amount defaulted by the lease holder during the lease period will be realised through certificate proceeding but in respect of the HUF ITR the state government cannot recovered their dues from the member of the HUF.

Signature
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 Advocate
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13. That in the aforementioned Circumstances if the second highest bidder Jitendra Ku. Agrawal bid amount is not accepted on the ground for submission of the ITR of HUF then the present petitioner is the Second highest bidder and entitled to be declared as a successful bidder.
14. That as per Tender call notice Vide Annexure -2 is mandatory every applicant has to submit their movable property after getting approval from the concerned Local revenue authority but in the present case the second highest bidder has not submitted his movable property. Hence, the said offer may not be accepted in the eyes of Law and the authority should go for a next highest bidder.
15. That it is pertinent to mention here that pursuant to the tender call notice the tender was opened in due time but the Tahsildar didn't finalise the highest bidder from last one year though there is no specific order from the Hon'ble Court to stay the further proceedings in the tender call Notice only after disposal of the writ application the Tahsildar reason best known to him now going to issue intimation to Jitendra Ku Agrawal who has not participated in his individual capacity by filing the ITR of year 2021-22 on the basis of the HUF which is not in accordance with the terms of the OMMC Rule, 2016.
16. That the Tahsildar instead of going for a fresh tender now settle the lease with the second highest bidder which is illegal and entire tender process has to be set aside as none of the participants filed their property details pursuant to condition No.4 of the Tender Notice.

17. That, it is humbly submitted that the petitioner urges before this Hon'ble Court to grant her leave to plead additional grounds if any at the time of hearing.
18. That the Petitioners having no other speedy or efficacious remedy has moved before this Hon'ble High Court.
19. That, if the prayer made hereunder is not granted then the petitioner will be highly prejudiced and will suffer irreparable loss.

PRAYER

In the light of the aforesaid facts and circumstances this Hon'ble Court may be graciously pleased to set aside the selection of the Opp. Part No.5 as successful bidder by cancelling the entire Tender call Notice vide Annexure -2;

And; Further be pleased to direct the Opp. Party authority to conduct a fresh tender in respect of Jharband Sand Quarry.

And; be further pleased to pass any other order(s)/Direction(s) as this Hon'ble Court thinks fit and proper;

And; for this act of kindness the petitioner as in duty bound shall every pray.

Cuttack

By the Petitioner through

Date: 17.11.2023

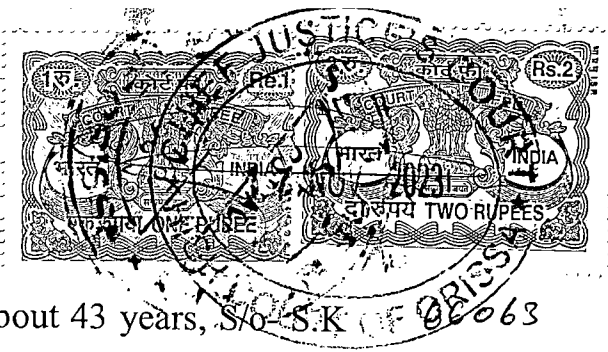
Advocate

SIDHARTHA DAS

Enrolment No. O- 909/1991

Ph No. 9437023733

Surendra Prasad Dhal
Advocate
NOTARY, CUTTACK

AFFIDAVIT

I, Sk. Mohammad Jahid @Zahid, aged about 43 years, S/o - S.K. Zamauddin, AT - Padampur NAC, Ward No. 8, PO - Rajbaralambar, Dist - Bargarh, do hereby solemnly affirm and state as follow:-

1. That, I am the Petitioner in this case.
2. That, the facts stated in this application are based on records and true to my belief.

Identified by
SIDHANTHA DAS
Advocate.

✓
Sk. Mohammad Jahid
Deponent

CERTIFICATE

Certified that due to non-availability of cartridge papers, this matter has been typed in thick white papers.

Cuttack

Date.17.11.2023

Advocate.



The above named Deponent
Solemnly affirm on 17.11.2023
by Sk. Mohammad Jahid
being identified by Sidhanta Das
(Advocate)
17.11.2023
Surenbra Prasad
Advocate
NOTARY, CUTTACK

CHECK LIST FOR VERIFICATION OF DOCUMENTS FOR FIVE YEARS LONG TERM LEASE OF SAIRAT SOURCES

JAGADALPUR SAND QUARRY:- Auction on Dt. 21.09.2022

Name of the applicant	Whether the applicant submitted application form-M in Triplicate	Whether application fees in shape of Challan submitted or not (Rs.1000/-)	Whether trace map and land schedule of sairat sources submitted or not	Whether affidavit submitted or not regarding any mining dues not pending against him/her	Whether Bank Guarantee/ ITR filed for the year 2021-22 submitted or not	Whether the applicant submitted the VAT clearance certificate/ GST for the year 2021-22	Whether the Demand Draft towards EMD value paid or not (Rs.8625/-)	Amount toward additional charges quoted
1. Sachin Agrawal	Yes	Yes	Yes	Yes	No	No	Yes	Rs.1857.02
2. Seikh Md. Zahid	Yes	Yes	Yes	Yes	No	No	Yes	Rs.1278.13
3. Jitendra Ku. Agrawal	Yes	Yes	Yes	Yes	Yes (HUF)	No	Yes	Rs.1405.00
4. Nilamani Dansana	No	No	No	No	No	No	No	Nil
5. Pradeep Pattanaik	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Rs.240.00
6. Sudhira Ku. Pattanaik	Submitted One Copy	Yes	Yes	Yes	Yes	No	Yes	Rs.525.75
7. Om Prakash Pradhan	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Rs. 222.00
8. Krutibas Pradhan	No	No	No	No	No	No	No	Nil

21/9/22

11/9/22

21.09.2022

21.09.2022

21/09/22

21-09-22

21-9-22

21-09-2022

ତହସିଲ କାର୍ଯ୍ୟାଳୟ, ଝାରବନ୍ଧ

17 NOV 2023

ବିଜ୍ଞାପନ ସଂ. ୧୪୯୧ / ଟା. ୦୧.୦୮.୨୦୨୨ ରିଖ

ଲଘୁ ଖଣିଜ ଉତ୍ପାଦନ ଲିଜ୍ ସମ୍ପର୍କରେ ଜଣାହାର

ଏତଦ୍ୱାରା ସର୍ବସାଧାରଣଙ୍କ ଅବଗତ ନିମନ୍ତେ ଜଣାଇ ଦିଆଯାଉଅଛି ଯେ, ଓଡ଼ିଶା ସରକାରଙ୍କ ରାଜସ୍ୱ ଓ ବିପର୍ଯ୍ୟୟ-ପରିଚଳନା ବିଭାଗ ଅଧୀନସ୍ଥ ଝାରବନ୍ଧ ତହସିଲ ଅନ୍ତର୍ଗତ ଲଘୁ ଖଣିଜ ଉତ୍ପାଦନ ଗୁଡ଼ିକର ଆସନ୍ତା ୫ (ପାଞ୍ଚ) ବର୍ଷ ନିମନ୍ତେ, ଅର୍ଥାତ୍ ୨୦୨୨-୨୩ ଆର୍ଥିକ ବର୍ଷ ଠାରୁ ୨୦୨୬-୨୭ ଆର୍ଥିକ ବର୍ଷ ପର୍ଯ୍ୟନ୍ତ ଲିଜ୍ ପ୍ରଦାନ ନିମନ୍ତେ ତହସିଲଦାର, ଝାରବନ୍ଧ ଦ୍ୱାରା ଦରଖାସ୍ତ ଆହ୍ୱାନ କରାଯାଉଅଛି । ଲିଜ୍ ପାଇଁ ଉଦ୍ଦିଷ୍ଟ ଥିବା ଖଣିଜ ଉତ୍ପାଦନ ବିଶଦ୍ ବିବରଣୀ ଏକ ସଂଯୁକ୍ତ ପତ୍ର (Annexure-1) ରେ ପ୍ରଦାନ କରାଯାଇଛି । ଲଘୁ ଖଣିଜ ବିଶେଷ ଓଡ଼ିଶା ଲଘୁ ଖଣିଜ ରିହାତି ନିୟମ, ୨୦୧୭ ଏବଂ ପରବର୍ତ୍ତୀ ସଂଶୋଧନ ୨୦୧୭ ଏବଂ ୨୦୧୮ ଅନୁଯାୟୀ ନିର୍ଦ୍ଧାରିତ Form-M ପୂରଣ କରି ଏହାର ତିନି କପି ସହ ନିମ୍ନ ଲିଖିତ ଦଲିଲ ସଂଲଗ୍ନ କରି ଜଡ଼ମୁଦ ଦିଆ ଲଘାପା (Sealed Cover) ରେ ଆବେଦନ କରିପାରିବେ, ଯାହାକି ନିମ୍ନ ସ୍ଥାନର କାରୀଙ୍କ କାର୍ଯ୍ୟାଳୟରେ ଡା. ୦୫.୦୮.୨୦୨୨ ରିଖ ପୂର୍ବାହ୍ନ ୧୧.୦୦ ଘଟିକାରୁ ଆସନ୍ତା ଡା. ୨୫.୦୮.୨୦୨୨ ରିଖ ଅପରାହ୍ନ ୫.୦୦ ଘଟିକା ପୁରା ତହସିଲ କାର୍ଯ୍ୟାଳୟରେ ଥିବା ବାକ୍ସ (Drop Box) ରେ ପକାଇପାରିବେ ଏବଂ ଡା. ୨୬.୦୮.୨୦୨୨ ରିଖ ପୂର୍ବାହ୍ନ ୧୧.୦୦ ଟା ସମୟରେ ଲିଜ୍ ଦରଖାସ୍ତକାରୀ କିମ୍ବା ତାଙ୍କର ଅନୁମତିପ୍ରାପ୍ତ ପ୍ରତିନିଧିଙ୍କ ଉପସ୍ଥିତିରେ ଦରଖାସ୍ତ ଗୁଡ଼ିକର ତନଖି କରାଯିବ । ତାଙ୍କ ଦ୍ୱାରା କିମ୍ବା ଅନ୍ୟାନ୍ୟ ମାଧ୍ୟମରେ ପଠାଯାଇଥିବା କୌଣସି ଦରଖାସ୍ତ ଗ୍ରହଣ କରାଯିବ ନାହିଁ । ଆବେଦନକାରୀ ଓ ସମୟ ପରେ କୌଣସି ଦରଖାସ୍ତ ଗ୍ରହଣ କରାଯିବ ନାହିଁ । ଅସଂପୂର୍ଣ୍ଣ ଦରଖାସ୍ତ ଗୁଡ଼ିକ ସିଧା ସଲଖ ବାଟିଲ କରାଯିବ । Form-M ବ୍ୟତୀତ ଅନ୍ୟ କୌଣସି ଦରଖାସ୍ତକୁ ବିଚାରକୁ ନିଆଯିବ ନାହିଁ । ସୌରାଜ୍ୟ ଉତ୍ପାଦନ ନିଲାମ ସଂବନ୍ଧୀୟ ସମସ୍ତ ତଥ୍ୟ ବରଗତ ଜିଲ୍ଲାର ୱେବସାଇଟ୍ "www.bargarh.nic.in" ଏବଂ ତହସିଲ କାର୍ଯ୍ୟାଳୟର ନୋଟିସ୍ ବୋର୍ଡରେ ଉପଲବ୍ଧ ଅଛି ।

ପୁନଶ୍ଚ ସମସ୍ତଙ୍କ ଅବଗତ ନିମନ୍ତେ ଜଣାଇ ଦିଆଯାଉଅଛି ଯେ, ଯେଉଁ ଲଘୁ ଖଣିଜ ଉତ୍ପାଦନ ଗୁଡ଼ିକ ପାଇଁ ନିର୍ଦ୍ଧାରିତ ତାରିଖ ପୁରା କୌଣସି ଦରଖାସ୍ତ କିମ୍ବା ଯଥେଷ୍ଟ ସଂଖ୍ୟାର ଦରଖାସ୍ତ ହସ୍ତଗତ ହେବନାହିଁ, କେବଳ ସେହି ଉତ୍ପାଦନ ପାଇଁ ଦ୍ୱିତୀୟ ପର୍ଯ୍ୟାୟରେ ଡା. ୩୦.୦୮.୨୦୨୨ ଅପରାହ୍ନ ୧.୦୦ ଘଟିକା ପୁରା ଓ ତୃତୀୟ ପର୍ଯ୍ୟାୟରେ ଡା. ୦୫.୦୯.୨୦୨୨ ଅପରାହ୍ନ ୧.୦୦ ଘଟିକା ପୁରା ଦରଖାସ୍ତ ସମାନ ଭାବରେ ଗ୍ରହଣ କରି ଉକ୍ତ ତାରିଖରେ ଅପରାହ୍ନ ୨.୦୦ ଘଟିକାରେ ତନଖି କରାଯିବ ।

ତହସିଲଦାର, ଝାରବନ୍ଧ
Tahsildar
Jharbandh
01.09.2022

ଦରଖାସ୍ତ ସହ ଦାଖଲ କରିବାକୁ ଥିବା ଦଲିଲ ଓ କାଗଜାତ

୧. ଦରଖାସ୍ତ ଥିବା ବାବଦକୁ ଟ. ୧୦୦୦.୦୦ କି। (ଏକ ହଜାର ଟଙ୍କା) ର ଟ୍ରେଜେରୀ ଚାଲିଶ ଯାହା ଫେରସ୍ତ କରାଯିବ ନାହିଁ।
(Head of Account- "0853-Non-Ferrous Mining and Metallurgical Industries-102-
Mineral Concession Fees, Rents and Royalties")
୨. ଆବେଦନ କରିଥିବା ନିଜ ଜମିର ତଥ୍ୟସିଲ ଓ ନକ୍ସା।
୩. କୌଣସି ମାଜନିଙ୍ଗ ବାବଦକୁ ରକେୟା ଦେଇ ନ ଥିବା ନେଇ ଏକ ସତ୍ୟପାତ୍ର।
୪. ଆବେଦନକାରୀ ତାଙ୍କର ସ୍ଥାବର ସମ୍ପତ୍ତିର ତାଲିକା ସଂପୃକ୍ତ ରାଜସ୍ୱ ଅଧିକାରୀ କ'ଣ ଠାରୁ ଆଣି ଦରଖାସ୍ତ ସହ ସଂଲଗ୍ନ କରିବେ।
୫. Bank Guarantee କିମ୍ବା ସଂପୃକ୍ତ କ୍ଷମତା ପ୍ରାପ୍ତ ଅଧିକାରୀଙ୍କ ଠାରୁ ପ୍ରାପ୍ତ Solvency Certificate, ଯାହା ରୋୟାଲଟି ରାଶି ଓ ଦରଖାସ୍ତକାରୀଙ୍କ ଦ୍ୱାରା ପ୍ରସ୍ତାବିତ ଅତିରିକ୍ତ ଦେୟ ଦ୍ୱାରା ଉଚ୍ଚ-ସୈନ୍ଦବ୍ୟ ସ୍ୱରୂପୀ ପ୍ରତିଭୂତ ପରିମାଣ (mgd)ର ଗୁଣଫଳକୁ କମ୍ ମୂଲ୍ୟର ହୋଇନଥିବ ଓ ତାହାର ବୈଧତା ୧୮ ମାସରୁ ଉର୍ଦ୍ଧ୍ୱ ହୋଇନଥିବ, ତାହା ଦାଖଲ କରିବେ ନଚେତ୍ ଦରଖାସ୍ତ ଖାରଜ୍ କରାଯିବ।
୬. ବୈଷୟିକ ଦକ୍ଷତା ତଥା ଉପକରଣ ଥିବା ଯନପାତି ସଂପର୍କିତ ତଥ୍ୟ।
୭. ୨୦୨୧-୨୨ ଆର୍ଥିକ ବର୍ଷର VAT Clearance Certificate।
୮. I.T. Clearance Certificate କିମ୍ବା ୨୦୨୧-୨୨ Assessment year ର I.T. Return ର ନକଲ ପ୍ରଦାନ କରିବେ।
୯. ନିର୍ଦ୍ଧାରିତ ଅମାନତ ରାଶି ମୂଲ୍ୟର ଡିମାଣ୍ଡ ଡ୍ରାଫ୍ଟ (Demand Draft)।

ହସିଲଦାର, ଜାରବନ୍ଧ
01/07/22
Tahasildar
Jharbandh

ସର୍ତ୍ତାବଳୀ

୧. ଆବେଦନକାରୀ ମାନେ ଲଘୁ ଖଣିଜ ରିହାତି ନିୟମ, ୨୦୦୪ (O.M.M.C. Rules, 2004) ଓ ଲଘୁ ଖଣିଜ ରିହାତି (ସଂଶୋଧନ) ନିୟମ, ୨୦୧୬ (O.M.M.C. Rules, 2016) ପରିସରଭୁକ୍ତ ହେବେ ।
୨. ଲିଜର ସମସ୍ତ ସର୍ତ୍ତାବଳୀ ଗ୍ରହଣ କରୁଥିବା ଓ ସର୍ବାଧିକ ଅତିରିକ୍ତ ଦେୟ ଦାଖଲ ପାଇଁ ଆବେଦନ କରିଥିବା ଆବେଦନକାରୀଙ୍କୁ ଲିଜ ପାଇଁ ଯୋଗ୍ୟ ବିବେଚନା କରାଯିବ । ଯଦି ଏକାଧିକ ଆବେଦନକାରୀଙ୍କ ସର୍ବାଧିକ ଅତିରିକ୍ତ ଦେୟର ପରିମାଣ ସମାନ ହୁଏ, ସେହି କ୍ଷେତ୍ରରେ ଲିଜଟି ଉପାଦାନାଧୀନରେ ଲିଜଧାରୀଙ୍କୁ ଚୟନ କରାଯିବ ।
୩. ଚନ୍ଦ୍ରଶିଳାପାର, ଖାରବନ୍ଧ ଦ୍ୱାରା ନିର୍ଦ୍ଧାରିତ ହୋଇଥିବା ଅମାନତ ରାଶିକୁ ନିଲାମରେ ଚୟନ ହୋଇଥିବା ଲିଜଧାରୀ Demand Draft ଆକାରରେ Form-M ସହିତ ଜମା କରିବେ ।
୪. ସର୍ବୋଚ୍ଚ ଅତିରିକ୍ତ ଦେୟ ପ୍ରଦାନ ପାଇଁ ଦର୍ଶାଇଥିବା ଆବେଦନକାରୀ ଯଦି ନିର୍ଦ୍ଧାରିତ ସମୟ ସୀମା ମଧ୍ୟରେ ଅମାନତରାଶି ଦାଖଲ କରିବାରେ ସୁଲାପି କରନ୍ତି, ତେବେ ଦ୍ୱିତୀୟ ଓ ପରବର୍ତ୍ତୀ ସର୍ବାଧିକ ନିଲାମଧାରୀଙ୍କୁ କ୍ରମାନ୍ୱୟରେ ସୁଯୋଗ ମିଳିଥାନ୍ତି ।
୫. ସରକାରୀ ଭାବେ ଧାର୍ଯ୍ୟ ଅତିରିକ୍ତ ଦେୟ ହାରତାରୁ କମ୍ ଦରରେ ଦରଖାସ୍ତ କରିଥିବା ଆବେଦନକାରୀଙ୍କ ଦରଖାସ୍ତ ସିଧାସଳଖ ଖାରଜ କରାଯିବ ।
୬. ଜିଲ୍ଲାପାଳ, ବରଗଡ଼ ନିମ୍ନଲିଖିତ କୌଣସି ବା ସମସ୍ତ କାରଣ ଦର୍ଶାଇ ନିଲାମକୁ ରଦ୍ଦ କରିପାରିବେ ।
 କ. ସ୍ୱତନ୍ତ୍ର ଓ ବିସ୍ତାରିତ ଭାବେ ନିଲାମ ସମ୍ବନ୍ଧୀୟ ପ୍ରଚାର ଓ ପ୍ରସାର ହୋଇନଥିଲେ ।
 ଖ. ଚନ୍ଦ୍ରଶିଳା ଭାବରେ ଆବେଦନକାରୀ ନିଲାମରେ ଭାଗ ନ ନେଲେ ।
 ଙ. ଆବେଦନକାରୀଙ୍କ ଦରଖାସ୍ତରେ ଦର୍ଶାଯାଇଥିବା ଅତିରିକ୍ତ ଦେୟ ହାର ଅନୁମତିପ୍ରାପ୍ତ ଅଧିକାରୀଙ୍କଦ୍ୱାରା ଧାର୍ଯ୍ୟ ହାରତାରୁ କମ୍ ହୋଇଥିଲା ।
୭. ଲିଜ ପାଇଁ ଆବେଦନ କରିବା ପୂର୍ବରୁ ଲଘୁ ଖଣିଜ ଉପ ଗୁଡ଼ିକୁ ପରିଦର୍ଶନ କରି ସୈରତ ପରିଚାଳନା ପାଇଁ ଗମନାଗମନ ପୁରୁଷା, ଗଚ୍ଛିତ ଥିବା ଖଣିଜ ଦ୍ରବ୍ୟ ର ପରିମାଣ ତଥା ଅନ୍ୟାନ୍ୟ ଆନୁସଙ୍ଗିକ ସୁବିଧା ସମ୍ବନ୍ଧରେ ପର୍ଯ୍ୟବେକ୍ଷଣ କରି ଲିଜ ନିଲାମରେ ଅଂଶ ଗ୍ରହଣ କରିବେ । ଏ ସମ୍ବନ୍ଧୀୟ କୌଣସି ଅଭିଯୋଗ ପରବର୍ତ୍ତୀ ସମୟରେ ଗ୍ରହଣଯୋଗ୍ୟ ହେବନାହିଁ କିମ୍ବା କର୍ତ୍ତୃପକ୍ଷ ଦାୟୀ ହେବେ ନାହିଁ ।
୮. ଲିଜ ଅବଧି ମଧ୍ୟରେ କୌଣସି ବିପର୍ଯ୍ୟୟ ପାଇଁ କର୍ତ୍ତୃପକ୍ଷ ଦାୟୀ ରହିବେ ନାହିଁ ।
୯. ସର୍ବୋଚ୍ଚ ନିଲାମଧାରୀ ନିଜ ଖର୍ଚ୍ଚରେ ଓ ଦାୟିତ୍ୱରେ ମାଇନିଙ୍ଗ ପ୍ଲାନ (Mining Plan) ସରକାରଙ୍କ ଦ୍ୱାରା ଘୋଷିତ ହୋଇଥିବା R.O.P. କ୍ଷେତ୍ରରୁ ପ୍ରସ୍ତୁତ କରି ଓ ପରିବେଶ ସମ୍ବନ୍ଧୀୟ ଅନୁମତି (Environment Clearance) ଯଥା ସମୟରେ କ୍ଷମତାପ୍ରାପ୍ତ ଅଧିକାରୀଙ୍କଠାରେ ଦାଖଲ କରିବେ, ନଚେତ ଲିଜ ବାତିଲ କରାଯିବ ।
୧୦. Mining Plan ଓ Environment Clearance ପାଇଲା ପରେ ସର୍ବୋଚ୍ଚ ନିଲାମଧାରୀ ସମସ୍ତ ଦେୟ ପଇଠ କଲା ପରେ Registration Act, 1908 ଓ Stamp Act, 1899 ଅନୁଯାୟୀ ଲିଜଧାରୀ ଲିଜ ଗୁଡ଼ିନାମା (Lease Deed) ସ୍ୱାକ୍ଷର କରିବେ ।
୧୧. ଲିଜ ବାବଦକୁ ରୟାଲ୍ଟି ଦେୟର ଶତକଡ଼ା ୫ ଭାଗ ପରିମାଣ ରାଶି ପରିବେଶ ପରିଚାଳନା ପାଣ୍ଠି E.M.F. (Environment Management Fund) ବାବଦକୁ ଓ ଶତକଡ଼ା ୧୦ ଭାଗ ରାଶି D.M.F. (District Mineral Foundation) ବାବଦକୁ ଲିଜଧାରୀ ଚନ୍ଦ୍ରଶିଳାପାରଙ୍କ ନିକଟରେ ଜମା କରିବେ ।
୧୨. ଆବଶ୍ୟକ ସ୍ଥଳେ ନିୟମାନୁଯାୟୀ ପଇଠ ହୋଇଥିବା ଅମାନତ ଜମାରାଶିକୁ ବ୍ୟାଜ୍ୟାସ୍ତ କରିବାର କ୍ଷମତା କ୍ଷମତାପ୍ରାପ୍ତ ଅଧିକାରୀଙ୍କର ରହିଛି ।

୧୩. ଲିଜଧାରୀ ଲିଜପ୍ରାପ୍ତ ସେରତ ଉତ୍ସର ସାମାନ୍ୟତଃ ଜମି ନିଜ ଖର୍ଚ୍ଚରେ ବାଡ଼ ଦେବେ ଓ ସମ୍ପୃକ୍ତରେ ଏକ ଫଳକ (Display Board) ରୋସେରତ ଉତ୍ସର ନାମ, ନାମ, ଲିଜ ଅବଧି ତଥା ମାଲିକାନା ମୂଳ ଅନୁସାରେ ଗଢ଼ିତ ଥିବା ଲଗୁ ଖଣିଜର ସମଗ୍ର ପରିମାଣ ଉଲ୍ଲେଖ କରିବେ ।

୧୪. ଉପରୋକ୍ତ ସହାୟକୀ ପୁରଣ ହେଲା ପରେ ଲଗୁ ଖଣିଜ ଉତ୍ତୋଳନ ପାଇଁ କାର୍ଯ୍ୟାଦେଶ ଦିଆଯିବ । କ୍ଷମତା ପ୍ରାପ୍ତ ଅଧିକାରୀଙ୍କ ତାରା କାର୍ଯ୍ୟାଦେଶ ନ ପାଇବା ପର୍ଯ୍ୟନ୍ତ ଲିଜଧାରୀ ସେରତ ଉତ୍ସର ଲଗୁ ଖଣିଜ ଦ୍ରବ୍ୟ ଉତ୍ତୋଳ ପାରିବେ ନାହିଁ ।

୧୫. ଲିଜ ସମନ୍ୱୟ ସହାୟକୀ ଅବେଦନକାରୀ ତହସିଲଦାର, ଝାରବନ୍ଧ କାର୍ଯ୍ୟାଳୟରେ ପ୍ରତ୍ୟେକ କାର୍ଯ୍ୟ ଦିବସରେ ଦେଖି ପାରିବେ ।


୧୬. ଯଦି ଏହି ଲିଜପ୍ରାପ୍ତ କିଛି ତ୍ରୁଟି ପରିଲକ୍ଷିତ ହୁଏ, ତାକୁ ସଂଶୋଧନ କରିବାର କ୍ଷମତା କ୍ଷମତାପ୍ରାପ୍ତ ଅଧିକାରୀଙ୍କ ରହିବ ।

୧୭. ଜମା ରୟାଳଟି ରାଶିର ଶତକଡ଼ା ୨ ଭାଗ ପରିମିତ ରାଶିକୁ ଲିଜଧାରୀ ଆୟକର (Income Tax) ବାବଦକୁ ଚାଲାନ ଆକାରରେ ଜମା କରିବେ ।

୧୮. ଲିଜଧାରୀ ରୟାଳଟି ସହିତ ନିର୍ଦ୍ଧାରିତ Surface Rent ଓ Dead Rent ମଧ୍ୟ ପଠେଇ କରିବେ ।

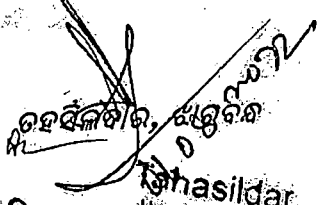
୧୯. ଲିଜ ଅବଧି ମଧ୍ୟରେ ଯଦି Schedule-I ରେ ଉଲ୍ଲିଖିତ ଦରରେ ଅଭିବୃଦ୍ଧି ଘଟେ ଓ ତାହା ଲିଜଧାରୀ ଉଲ୍ଲେଖ କରିଥିବା ଦଶପାତ୍ର ବେଶି ହୋଇଥାଏ, ତେବେ ଲିଜଧାରୀ ବର୍ଦ୍ଧିତ ହାରରେ ସରକାରୀ ଦେୟ ପଠେଇ କରିବେ ।

୨୦. Compensatory Aforestation ବାବଦକୁ ନିର୍ଦ୍ଧାରିତ ଦରରେ ଦେୟ ମଧ୍ୟ ପଠେଇ କରିବେ ।

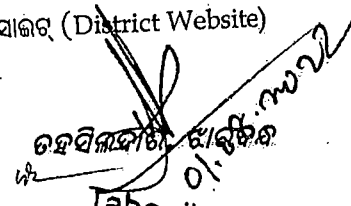
ଆପକ ସଂ. ୧୪୮୩ / ଚା. ୦୧.୦୮.୨୦୨୨  Tahasildar Jharbandh

ଏହାର ଏକକିତା ନକଲ ଜିଲ୍ଲାପାଳ, ବରଗଡ଼/ ଉପ-ଜିଲ୍ଲାପାଳ, ବରଗଡ଼/ ପଦ୍ମପୁରଙ୍କ ଅବଗତ ନିମନ୍ତେ ପ୍ରେରଣ କରାଗଲା ।

ଏହାର ଏକକିତା ଲେଖାଏଁ ନକଲ ଜିଲ୍ଲାର ସମସ୍ତ ଗୋଷ୍ଠି ଉନ୍ନୟନ ଅଧିକାରୀ ଏବଂ ତହସିଲଦାର/ ଝାରବନ୍ଧ ବ୍ଲକର ସମସ୍ତ ସରପଞ୍ଚ/ ନିର୍ବାହୀ ଯମା, ପୂର୍ବ ବିଭାଗ, ବରଗଡ଼/ ନିର୍ବାହୀ ଯମା, ଗ୍ରାମ ଉନ୍ନୟନ ପଦ୍ମପୁର/ ନିର୍ବାହୀ ଯମା, କ୍ଷୁଦ୍ର ଜଳସେଚନ ପଦ୍ମପୁର/ ନିର୍ବାହୀ ଯମା, କ୍ଷୁଦ୍ର ଜଳସେଚନ ମଣ୍ଡଳ ପଦ୍ମପୁର/ ନିର୍ବାହୀ ଯମା, ଗ୍ରାମ୍ୟ ଜଳଯୋଗାଣ ଓ ପରିମଳ, ବରଗଡ଼/ ଉପ-ନିର୍ଦ୍ଦେଶକ, ଖଣି, ସମ୍ବଲପୁର/ ବନ ମଣ୍ଡଳ ଅଧିକାରୀ, ବରଗଡ଼ଙ୍କ ନିକଟକୁ ଏହାର ବହୁଳ ପ୍ରଚାର ନିମନ୍ତେ ତାଙ୍କର ବିଜ୍ଞାପନ ବୋର୍ଡରେ ପ୍ରଦର୍ଶିତ କରିବା ନିମନ୍ତେ ଅନୁରୋଧ ପୂର୍ବକ ପ୍ରେରଣ କରାଗଲା ।

ଆପକ ସଂ. ୧୪୮୩ / ଚା. ୦୧.୦୮.୨୦୨୨  Tahasildar Jharbandh

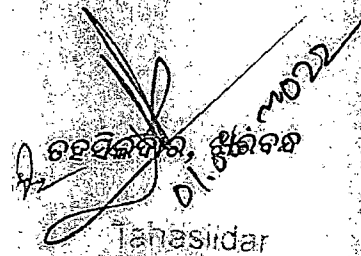
ଏହାର ଏକକିତା ନକଲ ଜିଲ୍ଲା ସୂଚନା ବିଜ୍ଞାନ ଅଧିକାରୀ, ବରଗଡ଼ଙ୍କ ନିକଟକୁ ଜିଲ୍ଲା ଖେବ ସାଇଟ (District Website) www.bargarh.nic.in ରେ ଉଲ୍ଲେଖ କରିବା ନିମନ୍ତେ ପ୍ରେରଣ କରାଗଲା ।

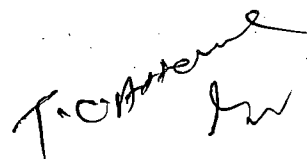
 Tahasildar Jharbandh

Annexure-1

୨୦୨୨-୨୩ ଆର୍ଥିକ ବର୍ଷରେ ଖାରବନ୍ଦ ଚନ୍ଦ୍ରବିଲରେ ୫ ବର୍ଷ ଅବଧିର ଲିଜ ପ୍ରଦାନ ପାଇଁ ଖଣିଜ ଉତ୍ସର ବିବରଣୀ

କ୍ର. ସଂ.	ଲଘୁ ଖଣିଜ ଉତ୍ସର ନାମ	ମୌଜା ର ନାମ	କି ପ୍ରକାର ଲଘୁ ଖଣିଜ	ଉତ୍ସ ଅବା ଜମିର ବିବରଣୀ				ସର ହମ୍ମ ପ୍ରତିବୃତ୍ତ ପରିମାଣ (ହାବେ ମିଟର ବର୍ଗ)	ଲଘୁ ଖଣିଜର ସରକାରୀ ଦର (ପ୍ରତି କ୍ୟୁବିକ ମିଟର ପାଇଁ)		ଅନାବଦ ରାଶିର ପରିମାଣ (Earnest Money Amount)
				ଖା.ନଂ	ପ୍ଲଟ୍ ନଂ	କିସ ନା	ରକବା (ଏକର ରେ)		ରସାଇଟ	ଅବରଡ ବେସ	
୧	୨	୩	୪	୫	୬	୭	୮	୯	୧୦	୧୧	୧୨
୧.	ଜଗଦଳପୁର ବାଲି ଘାଟ	ଜଗଦଳ ପୁର	ବାଲି	୫୧	୩୧୭(ବୁ)	ନବି	୧୪.୫୫	୭୫୦୦	ଟ. ୩୫.୦୦	ଟ. ୮୦.୦୦	୪୩୧୨୫
୨.	ଲେଉଟା ବାଲି ଘାଟ	ଲେଉଟା	ବାଲି	୧୨୨	୧୧୨୨(ବୁ)	ନବି	୧୫.୪୦	୧୨୭୫୦	ଟ. ୩୫.୦୦	ଟ. ୮୦.୦୦	୭୩୩୧୩
୩	ବଲାଙ୍ଗିର ବାଲି ଘାଟ	ବଲାଙ୍ଗିର	ବାଲି	୨୧୦	୧୧୨୧/୧୭୫୨ (ବୁ) ୧/୧୭୭୩(ବୁ)	ନବି	୬.୬୦ ୮.୪୦	୧୭୫୦	ଟ. ୩୫.୦୦	ଟ. ୮୦.୦୦	୫୬୦୭୩


 Tahasildar
 Jharkhand


 T. C. Anand

Letter No. 1858 Date, 13.10.23

-16-
ANNEXURE-3

Mr. Jagan Mohan Pradhan
Mr. Jagan Prasad Agrawal
Mr. Jagan Prasad Jha
Mr. Jagan Prasad Agrawal
Mr. Jagan Prasad Agrawal
Mr. Jagan Prasad Agrawal
Bidders of Jagadapur Sand Quarry

Sub: Regarding finalization of successful bidder of Jagadapur Sand quarry.
Ref: District Office Letter No. 15561/Dated.12.10.2023

Sr.

As you all well informed that the auction of Jagadapur Sand Quarry was held on dated 21.09.2022, but bidder was not finalized at that time by the direction of Advocate General, Odisha Cuttack vide letter No. 49220(3)/ Dated. 20.09.2022, till disposal of three writ petition i.e. WPC No. 21631/2022, 21744/2022 & 23679/2022 pending before Hon'ble High Court of Odisha. Now the said three writ petition has been disposed of by the Hon'ble Court. Accordingly to implement the said order of Hon'ble Court, the successful bidder shall be finalized on dated 31.10.2023, 11.00 AM at Tahasil Office Jharbandh.

Therefore, you are all informed to present in the scheduled date, time & venue fixed by the undersigned without fail.

Yours faithfully,

Tahasildar Jharbandh

Tahasildar
Jharbandh

T.C. Agrawal
In

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 21744 of 2022

*Seikh Mohammad Zahid@ Sk. Md.
Zahid*

.....

Petitioner

Mr. S.R. Mohanty, Adv.

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. P.P. Mohanty, AGA

CORAM:

**DR. JUSTICE B.R. SARANGI
MR. JUSTICE G. SATAPATHY**

ORDER

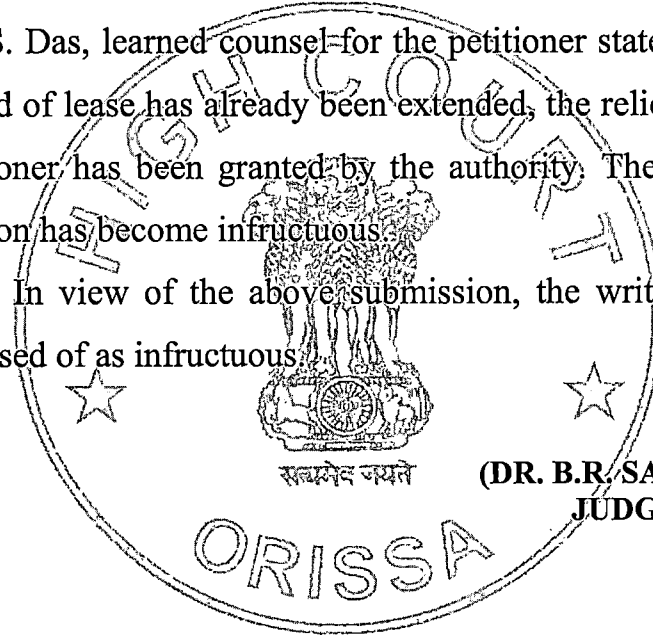
27.09.2022

**Order No.
02.**

This matter is taken up through hybrid mode.

2. Mr. S.R. Mohanty, learned counsel appearing on behalf of Mr. S. Das, learned counsel for the petitioner states that since the period of lease has already been extended, the relief sought by the petitioner has been granted by the authority. Therefore, the writ petition has become infructuous.

3. In view of the above submission, the writ petition stands disposed of as infructuous.



**(DR. B.R. SARANGI)
JUDGE**

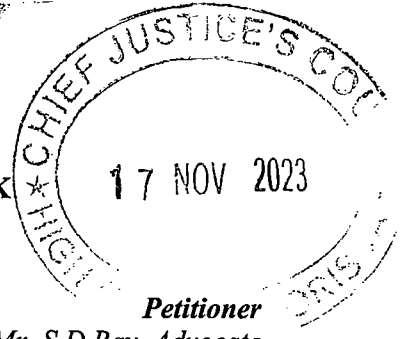
**(G. SATAPATHY)
JUDGE**

Ashok/Kishore

[Handwritten signature]

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.23679 of 2022



Nabin Pradhan

.....

Petitioner

Mr. S.D.Ray, Advocate

Vs.

State of Odisha & Others

.....

Opposite Parties

Mr. T. Pattnaik, ASC

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE MURAHARI SRI RAMAN

ORDER

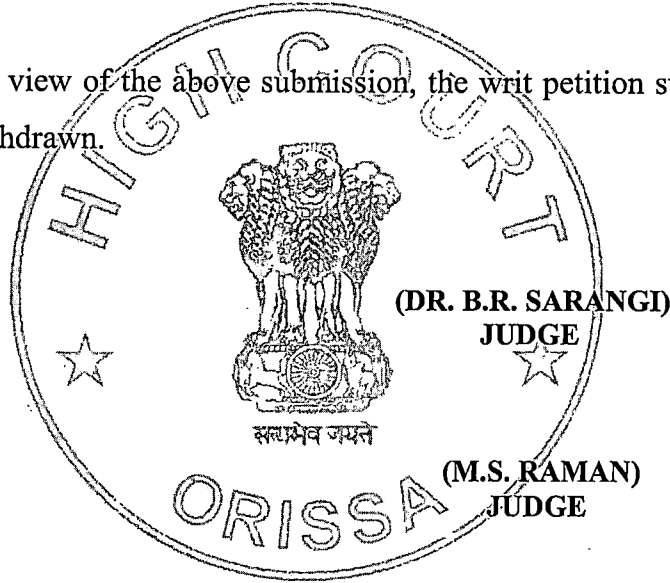
14.08.2023

Order No.
09

This matter is taken up through hybrid mode.

2. Learned counsel for the petitioner states that the petitioner does not want to press this writ petition and may be permitted to withdraw the same

3. In view of the above submission, the writ petition stands disposed of as withdrawn.



Aswini

Signature Not Verified

Digitally Signed
Signed by: ASWINI KUMAR SETHY
Designation: PA(SECRETARY-IN-CHARGE)
Reason: Authentication
Location: ORISSA HIGH COURT, CUTTACK
Date: 14-Aug-2023 18:28:51

T.C. Asthana
for

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 21631 of 2022

Nabin Pradhan

.....

Petitioner

Mr. S.D. Ray, Adv.

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. P.P. Mohanty, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE G. SATAPATHY

ORDER

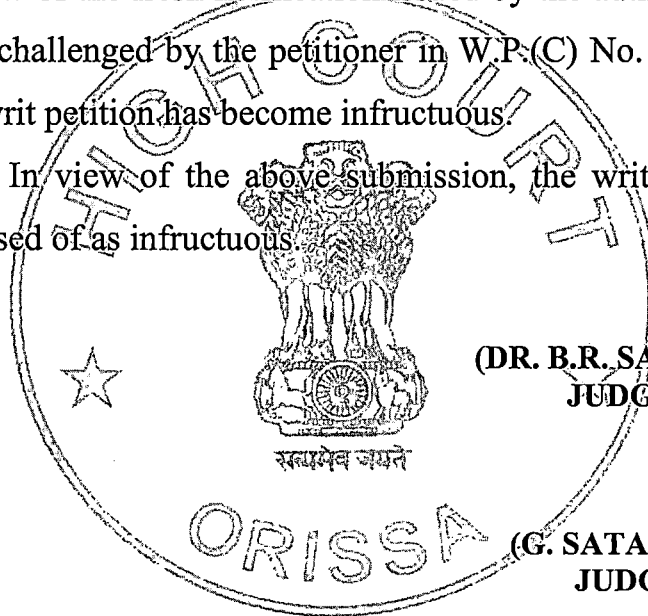
27.09.2022

Order No.

02.

This matter is taken up through hybrid mode.

2. Mr. S.D. Ray, learned counsel for the petitioner states that in view of the fresh notification issued by the authority which has been challenged by the petitioner in W.P.(C) No. 23679 of 2022, this writ petition has become infructuous.
3. In view of the above submission, the writ petition stands disposed of as infructuous.



Ashok/Kishore

T.C. Annal
ln

IN THE HIGH COURT OF ORISSA: CUTTACK

W.P. (C) No. 37977/2023



Sk Mohammad Jahid @ Zahid

....petitioner

-Versus -

State of Orissa and others

...Opp. Parties

COUNTER AFFIDAVIT FILED BY OPP.
PARTY NO. 4

I, Subadar Pradhan, aged about 59 years, S/o-Sri. Nipara Pradhan, at present working as Tahasildar, Jharbandh, At/Po- Jharbandh, Dist-Bargarh, Odisha , do hereby solemnly affirm and state as follows:

1. That I am working as Tahasildar, Jharbandh, At/Po- Jharbandh, Dist-Bargarh, Odisha, Opposite Party No.4 in the aforesaid writ petition. I have gone through the writ petition and understood the contents made thereof. I am otherwise acquainted with the facts of the present case and competent to swear this affidavit.

2. That the present Writ petition as laid is not maintainable and is liable to be dismissed.

3. That the present Writ Petition is also devoid of merit and therefore is liable to be dismissed .

Subadar Pradhan
08-12-2023

S/8/12/2023
Surendra Prasad Bhal
Advocate
NOTARY, CUTTACK

4. That the Writ petition as laid is not maintainable either in facts or in law and wholly misconceived.

5. That the present writ application is not maintainable in this Hon'ble Court, as till today, the successful bidder has not yet declared by this deponent.

6. That the petitioner has filed the aforesaid writ petition with a prayer to set aside the selection of Opp.Party No.5, as the successful bidder of Jagdalpur Sand Quarry, vide tender call notice under Annexure-2, even if, the Opp.Party No.5 has not yet declared as successful bidder.

For That it is humbly submitted that on 01.08.2022, the Tahasildar, Jharbandh issued an auction notice from the interested bidders to auction three Sand Quarries, wherein one sand quarry relates to Jagdalpur sand quarry. In the said auction notice a royalty of sum of Rs.35/- and additional charge of Rs.80/- was fixed relating to Jagdalpur Sand quarry. In the said notice it was also stipulated as per Clause-7 of notice that, one bidder has to submit VAT Clearance Certificate for the year 2021-22 and as per Clause-8 the bidder, has to submit I.T. Clearance Certificate or I.T. Return for the assessment year 2021-22. In the said bid, 8 bidders were participated, out of which two bidders namely one Pradeep Pattnaik and one Om Prakash Pradhan submitted the VAT Clearance Certificate, but on the other hand, they had quoted Rs.240/- and Rs.222 as the

Tahasildar Pradhan

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Surendra Prasad Bhaui
Advocate
NOTARY, CUTTACK

additional charges, which are very meager to the rate quoted by one bidder namely Sachin Agrawal for Rs.1857/- and Jitendra Kumar Agrawal for Rs.1405 respectively. The said Sachin Agrawal has not submitted any Bank Guarantee or I.T.R. for the year 2021-22 as per clause No.8 of Auction notice.

While the matter stood thus, the said bid has not finalized by this deponent due to pendency of other three writ petitions namely W.P(C)No. 21631 of 2022(Nabin Pradhan-Vrs-State of Odisha and others), W.P(C)No.23679/2022(Nabin Pradhan-Vrs-state of Odisha and others) and W.P(C)No.21744 of 2022(Sk.Mohammad Jahid @ Zahid-Vrs-State of Odisha and others) in this Hon'ble Court. In the meanwhile, this Hon'ble Court was pleased to dispose of the aforesaid three writ petitions. After disposal of the aforesaid three writ petitions, on 13.10.2023 this deponent wrote a letter to six bidders to remain present on 31.10.2023 at 11.00 A.M. in the Tahasil Office Jharbandh to finalise the successful bidder of Jagdalpur Sand Quarry. It may be noted that even if 8 bidders were participated in the bid, as the two bidders namely Nilamani Dansana and Krutibash Pradhan had not submitted any paper as per the terms and conditions of the auction notice, hence the said two bidders were not directed to remain present at Tahasil Office, Jharbandh for settlement of auction.

Nabin Pradhan
Subadar

Surendra Prasad
Advocate
NOTARY, CUTTACK

It is further submitted that on 02.11.2023, this deponent wrote a letter to the Additional District Magistrate, Bargarh requesting for a clarification, as one of the bidder namely Jitendra Kumar Agrawal, who has quoted a sum of Rs.1405 as additional charges per cubic meter of sand, he has submitted the Income Tax Return of HUF for the year 2021-22, even if he has submitted the Application-M individually. It is further submitted that as the two bidders have submitted VAT Clearance Certificate only, who have quoted very meager price. Hence, this deponent requested the Additional District Magistrate to issue necessary clarification in this regard.

Copy of the Form-M along with Income Tax Return of Jitendra Kumar Agrawal and copy of letter dtd.02.11.2023 of Tahasildar, Jharbandh addressed to the Additional District Magistrate, Bargarh are annexed herewith and marked as ANNEXURES:A/4 and B/4 respectively.

Subadar Pradhan

8. That the averments made in Paragraph-1 of the writ petition are disputed and denied. It is humbly stated that the successful bidder of Jagdalpur Sand quarry has not finalized yet due to doubt arising with regard to HUF Income Tax Return and VAT clearance certificate and the same has been referred to District Office Bargarh for clarification vide Tahasildar

9/8/23
Surentra Prasad
Advocate
NOTARY, CUTTACK



Jharbandh Letter No. 1964/ dated. 02.11.2023. As per OMMC amendment Rules -2022, there is no need to submit the Movable property list from verified concerned local Revenue authority. Thus a corrigendum was published vide office letter No. 1660/ Dated. 22.08.2022. Hence there is no clear violation of the terms provided in the tender call Notice No. 1491/ dated. 01.08.2022.

9. That, the averments made in Paragraph-2 of the writ petition, this deponent has no comment to offer.

10. That the averments made in Paragraph-3 of the writ petition are disputed and denied. It is humbly submitted that the Tahasildar, Jharbandh has issued a tender call Notice for lease of the term 2022-23 to 2026-27 of Jagdalpur Sand Quarry along with two other sand Quarry. The last date of submission of the bid with regard to aforesaid three sand quarries was fixed to 25.08.2022 and opening of tender was fixed to 26.08.2022. While the matter stood thus, some interested bidders with regard to Jagdalpur Sand Quarry have filed writ petition in this Hon'ble Court inter-alia challenging both the bid notice and corrigendum. Taking into consideration of the aforesaid facts and in view of the order dated 16.08.2022 passed by this Hon'ble court in W.P(C) No.20495/2022, the auction process of Jagdalpur sand Quarry was deferred to 03.09.2022. On 03.09.2022, the

Subadar Pradham

4/8/22
NOTARY

Tahasildar Jharbandh has again extended the period of submission of bid to 20.09.2022 and the opening of bid in respect of Jagdalpur was posted to 21.09.2022. As the petitioner mentioned that the minimum govt. Price per cubic meter in the tender notice was fixed to Rs. 750/- excluding other charges is false and fabricated and the petitioner is put to strict proof of the same. The actual minimum price per cubic meter fixed by the District Office Bargarh i.e royalty Rs.35/- (Rupees Thirty Five) only and Additional Charge of Rs. 80/- (Rupees Eighty) only.

All other allegations/averments made in this paragraph are disputed and denied.

11. That the averments made in Paragraph-4 of the writ petition this deponent no comment to offer.

12. That the averments made in Paragraph-5 of the writ petition are disputed and denied. It is humbly stated that the successful bidder of Jagdalpur Sand quarry has not finalized yet, due to doubt arising on HUF and VAT clearance certificate and the same has been referred to District Office Bargarh for clarification vide Tahasildar Jharbandh Letter No. 1964/ Dated. 02.11.2023.

All other allegations/averments made in this paragraph are disputed and denied.

Sulbador Radha



Surendra Prasad Bhat
Advocate
NOTARY, CUTTACK

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13. That the averments made in Paragraph-6 of the writ petition, it is humbly submitted that as per clarification received from Additional Govt. Advocate, Odisha Cuttack vide letter No. 49220(3)/ dated. 20.09.2022 successful bidder of Jagdalpur sand quarry was not finalised till disposal of three writ petition i.e W.P(C) No.-21631/2022, 21744/2022 & 23679/2022, which were pending in the Hon'ble high Court of Odisha. In the meantime said three writ petitions i.e W.P(C) No.-21631/2022, 21744/2022 & 23679/2022 were disposed of by this Hon'ble Court vide Order No. 02/dated. 27.09.2022, order No. 02/dated. 27.09.2022 and order No. 09/dated. 14.08.2023 respectively. As per direction of the Additional Govt. Advocate Odisha, Cuttack, Clarification received from District Office, Bargarh vide letter No. 15561 dated. 12.10.2023 and date was fixed to 31.10.2023 by the Tahasildar Jharbandh for declaration of highest bidder of Jagdalpur sand quarry.

Subash Pradhan

All other allegations/averments made in this paragraph are disputed and denied.

14. That the averments made in Paragraph-7 of the writ petition shall be dealt with at the time of hearing.

15. That the averments made in Paragraph-8 of the writ petition are disputed and denied. It is humbly stated that clarification has been received from District Office Bargarh vide letter No. 15561/ dated.

C/ 8-12
Surenara Prasad Bhaia
Advocate
NOTARY, CUTTACK

12.10.2023 to finalize the bidder and settle the source. So that the Tahasildar Jharbandh called for finalization of successful bidder of Jagdalpur Sand quarry on dtd. 31.10.2023 vide letter No. 1858/ dated. 13.10.2023.

Copy of letter No. 15561/ dated. 12.10.2023 is annexed herewith and marked as ANNEXURE:C/4.

All other allegations/averments made in this paragraph are disputed and denied.

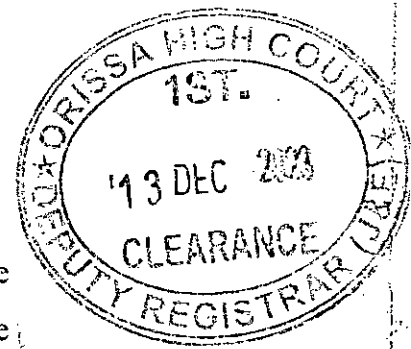
16. That, the averments made in Paragraphs No.9, 10, 11, 12 and 13 of the writ petition are disputed and denied. It is humbly submitted that the successful bidder of Jagdalpur Sand quarry has not finalized yet, due to doubt arising on HUF and VAT clearance certificate and the same has been referred to District Office Bargarh for clarification vide Tahasildar Jharbandh Letter No. 1964/ Dated. 02.11.2023. Further, Sri. Sachin Agrawal who has quoted the highest price of Rs. 1857.02 and the petitioner Sk. Mohammad Zahid who has quoted the price of Rs. 1278.13 have not submitted the required IT return for the year 2021-22 or Bank Guarantee as mentioned in the bid sheet. Hence their bids are no more valid as per the terms and conditions of auction notice.

Pradhan
Subadar

All other allegations/averments made in this paragraph are disputed and denied.

Surentra Prasad Bhal
Advocate
NOTARY, CUTTACK

48/12



17. That, the averments made in Paragraph-14 of the writ petition, it is humbly stated that submission of the Movable property list from concerned local Revenue authority is contrary to the provisions of amended Rule 27 (4)(iv) of the OMMC Rules, 2016, which was amended on 31.03.2022. Pursuant to amendment of such Rule on 22.08.2022, one corrigendum was issued by the Tahasildar Jharbandh, wherein one eligible bidder has to submit a Bank Guarantee or the previous year Income Tax Return.

Copy of letter dtd.22.08.2022 is enclosed herewith and marked as ANNEXURE:D/4.

All other allegations/averments made in this paragraph are disputed and denied.

18. That the averments made in Paragraphs-15 and 16 of the writ petition are disputed and denied. The same shall be dealt with at the time of hearing.

19. That, the averments made in Paragraphs No.17, 18 & 19 of the writ petition shall be dealt with at the time of hearing.

20. That in the facts and circumstances stated above, the writ petition has absolutely no merits and is liable to be dismissed and the petitioner is not entitled to reliefs as prayed for:

CC 12
Surenjit Kumar Singh
NOTARY PUBLIC

21. That this deponent craves liberty of this Hon'ble Court for filing further affidavit(s) if necessary.

22. That the facts stated above are true to my knowledge, based on official records.

Identified by :

Surentra Bhuyan
8/12/23

Advocate's Clerk,
A.G. Office.

DEPONENT

**Tahasildar
Jharbandh**

CERTIFICATE

Certified that due to non-availability of cartridge papers, this papers have been used.

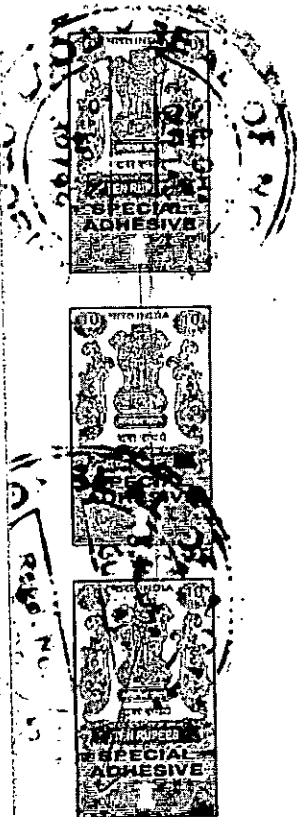
CUTTACK,
DTD.08.12.2023.

[Signature]
ADDL.GOV'T.ADVOCATE

The above named Deponent
Solemnly affirm on *8/12/2023*
by *S. Bhuyan* (A.C.)

8/12/2023

NOTARY OF THE COURT



FORM - M
Application for grant of Quarry Lease
[See rule 27(4)]

To

The Tahasildar, Jharbandh

Slr.

Dated 25th August of the year 2022

1. I/We submit an application for a quarry lease for Sand (Coarse) (mineral) for a term of 05 years over 5.28 hectares of land in the area specified in the Annexure given below:-

2. A sum of Rs. 1000 payable as fee (Non-refundable) for grant of such lease under sub-rule (4) of rule 27 of the Odisha Minor Mineral Concession Rules, 2016 has been paid in the Government Treasury at Cuttack and a receipted challan bearing No. 3264317141 dated 25/08/22 is enclosed.

3. The required particulars are given below:-

- i) An affidavit stating that no mining due payable under the Act and Rules made there under is outstanding against the applicant. Attached.
- ii) Where land belongs to private persons; consent of all such persons for grant of quarry lease. NO
- iii) Solvency certificate and list of immovable property from the Revenue Authority. NA
4. (i) Name and address of the applicant. Jitendra Kumar Agarwal, A/P - Debagach, PIN - 768106
- (ii) Nationality of the applicant. Indian
- (iii) Profession of the applicant. Doctor
- (iv) Particulars of the areas, mineral wise, within the State for which the applicant or any person having joint interest with him. NO
 - a) Already holds a quarry lease. NO
 - b) Has already applied for a quarry lease but not granted. NO
 - c) Being applied for simultaneously. NO
 - d) Nature of joint interest, if any. NO
- (v) Means by which the minor minerals is/are to be raised, i.e. whether manual or mechanical. Both
- (vi) Manner in which the minor mineral raised to be utilized-
 - (a) For manufacture. Yes
 - (b) For sale. Yes
 - (c) Any other purpose. NO
- (vii) Details of the plan boundary description and land schedule of the area applied for to be enclosed. Yes enclosed.

True Copy Attested

8.12.22
Tahasildar
Jharbandh

(viii) Has the applicant any previous experience in quarrying/mining? If yes, details should be given..... No

(ix) Financial Resources of the applicant.

(a) Business

(b) cultivation

(x) Total investment in the operations anticipated..... As required

(xi) Any other particulars which the applicant wishes to furnish:

(a) Name of the village/Forest Block Deoghar, Jharbandh

(b) Whether the area belongs to Scheduled Area. No

(c) Details of the area applied for in each Survey Number khakho-51, platuo-316

(d) Full description of the area applied for with regard to nature features

(e) District Deoghar

5. Rate of additional charge (per cubic meter) quoted- 1405 + 35 (royalty)

N.B: The application shall be summarily rejected if the rate of additional charge quoted is less than the rate of additional charge specified in the notification.

I/We hereby declare that the particulars furnished above are correct and undertake to furnish any other details, plan, etc., as may be required by you.

Place Deoghar

Date 25/08/02

Yours faithfully,

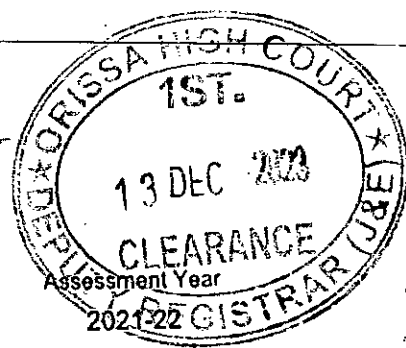
J. J. Jharbandh
Signature of the applicant

N.B: If the application is signed by an authorised agent of the applicant, the power of attorney should be attached.

True Copy Attested

[Signature]

Tahasildar
Jharbandh



INDIAN INCOME TAX RETURN ACKNOWLEDGEMENT

[Where the data of the Return of Income in Form ITR-1 (SAHAJ), ITR-2, ITR-3, ITR-4 (SUGAM), ITR-5, ITR-6, ITR-7
filed and verified]
(Please see Rule 12 of the Income-tax Rules, 1962)

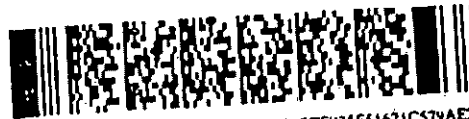
PAN AAHHJ4791E
Name JITENDRA KUMAR AGRAWAL (HUF)
Address COLLEGE ROAD, DEOGARH, DEOGARH, 24-Orissa, 91-India, 768108
Status HUF Form Number ITR-3
Filed w/s 139(1) Return filed on or before due date e-Filing Acknowledgement Number 572666570240921

Taxable Income and Tax details	Current Year business loss, if any	1	0
	Total Income		19,10,050
	Book Profit under MAT, where applicable	2	0
	Adjusted Total Income under AMT, where applicable	3	0
	Net tax payable	4	3,17,661
	Interest and Fee Payable	5	6,626
	Total tax, interest and Fee payable	6	3,24,287
	Taxes Paid	7	3,24,287
	(+)Tax Payable /(-)Refundable (6-7)	8	0
	Dividend Tax Payable	9	0
Distribution Tax details	Interest Payable	10	0
	Total Dividend tax and interest payable	11	0
	Taxes Paid	12	0
	(+)Tax Payable /(-)Refundable (11-12)	13	0
	Accreted Income as per section 115TD	14	0
	Additional Tax payable w/s 115TD	15	0
	Interest payable w/s 115TE	16	0
	Additional Tax and interest payable	17	0
	Tax and interest paid	18	0
	(+)Tax Payable /(-)Refundable (17-18)	19	0
Accreted Income & Tax Detail			

Income Tax Return submitted electronically on 24-09-2021 19:12:24 from IP address 10.1.82.65 and verified by JITENDRA KUMAR AGRAWAL having PAN AILPA1965D on 24-09-2021 19:16:07 using Electronic Verification code CBTXAPUYI generated through Aadhaar OTP mode

System Generated

Barcode/QR Code



AAHHJ4791E0357266657024092132FCY897CF935F51621C579AE2071232575CFB45

DO NOT SEND THIS ACKNOWLEDGEMENT TO THE REGISTRAR, BENGALURU

Tahasildar
Jharbandh

- 14 - 33
ANNEXURE-B/4

OFFICE OF THE TAHASILDAR, JHARBANDH

No. 1946 / Dt. 02/11/2023

To

The Additional District Magistrate
Bargarh

Sub: - Clarification regarding declaration of successful bidder of Jagadapur Sand Quarry.

Ref:- Your Office Letter No.15561 Dated.12.10.2023.

Sir,

With reference to the subject cited above, I am to say that declaration of successful bidder of Jagadapur sand quarry was fixed on dated. 31.10.2023 at Tahasil office Jharbandh, of which auction already completed on dated. 21.09.2022 & recorded in the bid sheet by the direction of the Hon'ble High court Odisha, Cuttack. But the successful bidder could not possible to declare on the fixed date due to following reason, Therefore I would request you to kindly clarify following points at an early date.

That, One bidder Sri. Jatindra Ku. Agrawal has submitted ITR for the year 2021-22, in which status mentioned as HUF (Hindu Undivided family), it is difficult part for the committee members to decide whether HUF ITR acceptable or not, as other bidders raised allegation that ITR should be individual. Therefore I would request you to kindly clarify whether HUF ITR is acceptable or not.

That, except two bidders, nobody submitted VAT clearance certificate as mentioned in the Advertisement of Jagadapur sand Quarry. As both bidders claimed that other application should be rejected. Therefore I would request you to kindly clarify whether VAT clearance/GST clearance is mandatory or not.

That, many bidders requested that highest bidder should be finalized as per the advertisement. Therefore, I would request you to kindly clarify the above points and direct the Tahasildar Jharbandh for further course of action at an early.

- Encl:- 1. Bid Sheet of Jagadapur sand quarry.
2. Advertisement & Corrigendum of Jagadapur sand quarry
3. Letter No.49220 (3) /Dated. 20.09.22
Of Addl. Advocate General Cuttack.


Tahasildar
Jharbandh

Yours faithfully,


Tahasildar, Jharbandh
Tahasildar
Jharbandh

34

A5

ANNEXURE-1/4

OFFICE OF THE COLLECTOR & DISTRICT MAGISTRATE: BARGARH

(Revenue Section)

No. 15561 /Dated. 12.10.2023

To

The Tahasildar
Jharbandh

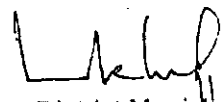
Sub: Clarification regarding declaration of successful bidder in respect of
Jagdalpur Sand Quarry
Ref: - Your office letter No.1758/ Dt.29.09.2023

Sir,

With reference to the letter on the subject cited above, I am to say that there is clear instructions from the Additional Government Advocate, Odisha, Cuttack vide his letter No.49220(3) date 20.09.2022 to open the bid but not to finalise the same till disposal of the writ petition bearing No. WP(C) No.21631/2022, WP(C) No.23679/2022 & WP(C) No.21744/2022 pending in the Hon'ble High Court of Odisha. As it is seen from the copy of orders of the Hon'ble High Court passed in the aforesaid cases, as supplied by you, those have been disposed of. So now there is no restriction in finalisazing the bidder and settle the sources. As Competent Authority you are supposed to carry out the order of the Hon'ble High Court and to take necessary steps to settle those sources to augment government revenue following due procedure as per OMMC Rules as early as possible and transfer the same to Steel and Mines Department.



This is for your information and necessary action.

Yours faithfully,


Additional District Magistrate,
Bargarh

Memo No-15562/Rev. dt. 12.10.2023.

Copy to the Sub-Collector, Padampur for information and necessary action.


Additional District Magistrate,
Bargarh
Tahasildar
Jharbandh

- 16 -

ANNEXURE-1/4

ତହସିଲ କାର୍ଯ୍ୟାଳୟ, ଝାରବନ୍ଧ

ସଂ. 1660 / ଚା. 22.08.22 ରିଖ

Corrigendum

ଗତ ତା. ୦୧.୦୮.୨୦୨୨ ରିଖ ଦିନ ଝାରବନ୍ଧ ତହସିଲ ରେ ପ୍ରକାଶିତ ହୋଇଥିବା ଲଘୁ ଖଣିଜ ଉତ୍ପାଦନ ଲିଜ ସମ୍ବନ୍ଧରେ ବିଜ୍ଞାପନ ସଂଖ୍ୟା ୧୪୯୧ ତା. ୦୧.୦୮.୨୦୨୨ ର ଦରଖାସ୍ତ ସହ ଦାଖଲ କରିବାକୁ ଥିବା ଦଲିଲ ଓ କାଗଜାତ ର କ୍ରମିକ ନଂ (୫) ରେ ଥିବା "Bank Guarantee କିମ୍ବା ବ୍ୟବସାୟ ଶକ୍ତି ପ୍ରାପ୍ତ ଅଧିକାରୀଙ୍କ ଠାରୁ ପ୍ରାପ୍ତ Solvency Certificate, ଯାହା ରୋୟାଲଟି ରାଶି ଓ ଦରଖାସ୍ତକାରୀଙ୍କ ଦ୍ଵାରା ପ୍ରସ୍ତାବିତ ଅତିରିକ୍ତ ଦେୟ ଦ୍ଵାରା ଉକ୍ତ ସୈରାତର ସର୍ବନିମ୍ନ ପ୍ରତିଭୂତ ପରିମାଣ (mgq)ର ଶୁଣାଫଳକୁ କମ୍ ମୂଲ୍ୟର ହୋଇନଥିବ ଓ ତାହାର ବୈଧତା ୧୮ ମାସରୁ ଉର୍ଦ୍ଧ୍ଵ ହୋଇନଥିବ, ତାହା ଦାଖଲ କରିବେ ନଚେତ୍ ଦରଖାସ୍ତ ଖାରଜ୍ କରାଯିବ" ପରିବର୍ତ୍ତେ "Income Tax Return of previous financial year showing annual income for an amount not less than the amount of additional charge offered and the royalty payable for the minimum guaranteed quantity for one whole year or Bank guarantee valid for a period of eighteen months for the amount not less than the amount as above." ହେବ ।

ପ୍ରକାଶ ଆଉକି ରାଜସ୍ଵ ବିଭାଗ ଓଡ଼ିଶା ସରକାରଙ୍କ ନୋଟିଫିକେସନ ସଂ ୧୨୧୬୦ ତା.୧୯.୦୪.୨୦୨୨ ର କ୍ରମିକ ସଂ. (୩) ରେ ଥିବା ନିୟମ ବଳରେ ଏହି ପରିବର୍ତ୍ତନ କରାଗଲା।

ଏବଂ Annexure -1 ରେ ଥିବା ସର୍ବ ନିମ୍ନ ପ୍ରତିଭୂତ ପରିମାଣ ଓ ଅମାନତ ରାଶିର ପରିମାଣ ସଂସୋଧନ ହୋଇ ନୂତନ ମାତ୍ରାରେ ପ୍ରସ୍ତୁତ କରାଗଲା ।

Tahasildar
Jharbandh

ତହସିଲଦାର ଝାରବନ୍ଧ
22-08-22

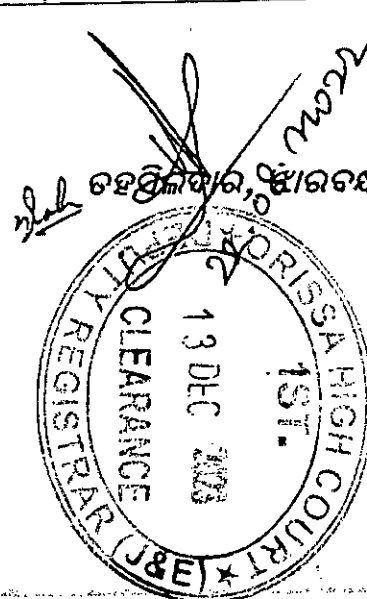
Annexure-1

୨୦୨୨-୨୩ ଆର୍ଥିକ ବର୍ଷରେ ଝାରବନ୍ଦ ଚହସିଲରେ ୫ ବର୍ଷ ଅବଧିର ଲିଜ୍ ପ୍ରଦାନ ପାଇଁ ଖଣିଜ ଉତ୍ସର ବିବରଣୀ

କ୍ର.ସଂ.	ଲଘୁ ଖଣିଜ ଉତ୍ସର ନାମ	ମୌଜାର ନାମ	କି ପ୍ରକାର ଲଘୁ ଖଣିଜ	ଉତ୍ସ ଅବା ଜମିର ବିବରଣୀ				ସର୍ବ ନିମ୍ନ ପ୍ରତିଭୂତ ପରିମାଣ (ହ୍ୟବ୍ରିକ୍ ମିଟର ରେ)	ଲଘୁ ଖଣିଜର ସରକାରୀ ଦର (ପ୍ରତି କ୍ୟୁବିକ୍ ମିଟର ପାଇଁ)		ଅନାମତ ରାଶିର ପରିମାଣ (Earnest Money Amount)
				ଖା.ନଂ.	ପ୍ଲଟ୍ ନଂ.	କିସମ	ରକବା (ଏକର ରେ)		ଇଲାଭଟି	ଅତିରିକ୍ତ ଦେୟ	
୧	୨	୩	୪	୫	୬	୭	୮	୯	୧୦	୧୧	୧୨
୧.	ଜଗଦଳପୁର ବାଲି ଘାଟ	ଜଗଦଳପୁର	ବାଲି	୫୧	୩୧୭ (ଭ)	ନଦି	୧୪.୫୫	୧୫୦୦	ଟ. ୩୫.୦୦	ଟ. ୮୦.୦୦	ଟ. ୮୭୨୫.୦୦ ଟ
୨.	ଲେଉଟା ବାଲି ଘାଟ	ଲେଉଟା	ବାଲି	୧୨୨	୧୧୨୨ (ଭ)	ନଦି	୧୫.୪୦	୨୫୫୦	ଟ. ୩୫.୦୦	ଟ. ୮୦.୦୦	ଟ. ୧୫୬୭୩.୦୦ ଟ
୩.	ବଲାଙ୍ଗିର ବାଲି ଘାଟ	ବଲାଙ୍ଗିର	ବାଲି	୨୧୦	୧୧୨୧/୧୭୫୨(ଭ) ୧/୧୭୭୩ (ଭ)	ନଦି	୭.୭୦ ୮.୪୦	୧୯୫୦	ଟ. ୩୫.୦୦	ଟ. ୮୦.୦୦	ଟ. ୧୧୨୧୩.୦୦ ଟ

True Copy Attested

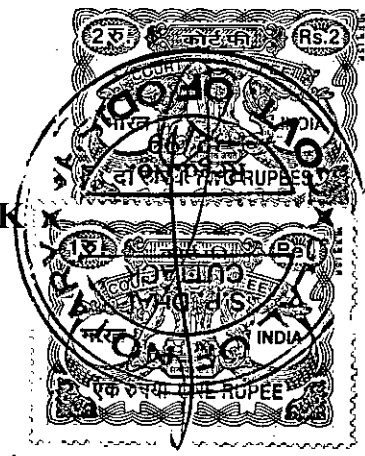
Tahasildar
Jharbandh



37
+ -

IN THE HIGH COURT OF ORISSA, CUTTACK

W.P. (C) No. 37977 OF 2023



Sk Mohammad Jahid @Zahid

...Petitioner

20412

-Versus-

State of Orissa and Others

...Opp. Parties

Rejoinder AFFIDAVIT FILED BY THE PETITIONER

I, Sk. Mohammad Jahid @Zahid, aged about 43 years, S/o- S.K Zamauddin, At- Padampur NAC, Ward No.8, PO- Rajbaralambar, Dist- Bargarh, do hereby solemnly affirm and state as follows:

1. That I am the petitioner in the abovementioned writ petition. I have gone through the counter affidavit filed by the Opposite Party No.4 and understood the contents made thereof. I am otherwise acquainted with the facts and circumstances of the present case and competent to swear this affidavit.
2. The present writ petition is maintainable and needs to be adjudicated as per merit.
3. That the counter affidavit filed by the Opposite Party No.4 has not represented to the facts properly pursuant to the allegation of the writ petition.
4. That the present petition humbly submitted that the Opposite Party No.4, Tahsildar mentioned in the Prayer to cancel the bids of the present petitioner 2who is Sl. No. and one Sachin

Surendra Prasad Dha
Advocate
NOTARY, CUTTACK

8/12/2024

Agrawal bearing Sl. No. 1 is no longer valid as they have not submitted proper IT return for the year 2021-2022.

5. That it is humbly submitted that in pursuant to the checklist the Tahsildar admitted in the Counter Out of Eight (8) Numbers of Participants Two (2) Numbers of Participants Sl. No. 4 and Sl. No.8 have been disqualified namely Nilamani Dansana and Krutibas Pradhan because no amount has been quoted and quoted the amount as "NIL". A Copy of the checklist for verification of Documents in the Jagadalpur Sand Quarry auction dated 21.09.2022 is already annexed as Annexure-1 in the writ petition and again being annexed here for adjudication of this matter as ANNEXURE-B/1.
6. That it is further humbly submitted that Sl. No. 5, Sl. No.6 and Sl. No. 7 namely Pradeep Pattnaik, Sudhir Ku. Pattanaik and Om Prakash Pradhan respectively have been disqualified as they have quoted lesser amount as quotation also the Sl. No. 6 namely Sudhir Ku. Pattanaik has only submitted One Copy instead of submitting the Form- M in Triplicate.
7. That it is humbly submitted that in pursuant to the facts above-mentioned Seven (7) Numbers of participants have been disqualified out of Eight (8) Numbers of participants due to various grounds and only one participant namely Jitendra Ku. Agrawal who has also not submitted the VAT and submitted the IT Return for the year 2021-22 under HUF is left over to be treated as single bidder tender and needs to be cancelled as per the ratio led down by this Hon'ble High Court of Orissa in W.P.(c) No. 22315 of 2016. The relevant portion of the judgement is quoted hereinbelow:

Surendra Prasad Dha
Advocate
NOTARY, CUTTACK

9/27

"There may be several tenders filed but only a single tender is found to be qualified, the same should be treated as a single tender, as there would be no competitive price bidding. As such, according to amended Clause-29 of the OPWD Code, in case of there being a single tender, as in the present case, the opposite party No.2 has no option but to cancel the tender and direct for retendering, which was been so done. Accordingly, the reliefs prayed for in the present writ petition do not deserve to be granted. The writ petition stands dismissed."

8. That it is humbly submitted that the Opp. Party No.4 Tahsildar reason best known to him has not cancelled the Tender and requested the Additional District Magistrate to issue necessary approvals in this regard despite the Opp. Party No.5 who is the Participant in the Tender vide Sl. No. 3 has filed the tender in his individual capacity but given the IT Return under the HUF for the year 2021-22 and also has not filed the VAT clearance Certificate.
9. That it is humbly submitted that in the recent amendment of Rule pursuant to recent Government SOP the second highest bidder has only been giving a Long-term lease on the basis of the highest bidden amount quoted and not as per the second highest amount quoted in case of the Highest bidder has been disqualified due to some reasons.
10. That it is further humbly submitted that the Opp. Party No.5 has previously participated as Sl. No.3 in the Tender of Sand Quarry, Balangir by giving IT return of HUF and the Tahsildar,

Surendra Prasad Dha
Advocate
NOTARY, CUTTACK

E/pt 7

40.

Balangir has rejected his bid on the basis that in case of any inconvenience the amount cannot be recovered from the HUF account and the purpose of giving IT Return under individual capacity.

11. That in the aforementioned circumstances the Tahsildar for considering the bid of Opp. Party No. 5 as successful bidder is illegal and arbitrary as it is a single bidder Tender and need to be cancelled.

12. That this writ petition is maintainable and liable to be decided and dismissed as per the merit.

Identified by

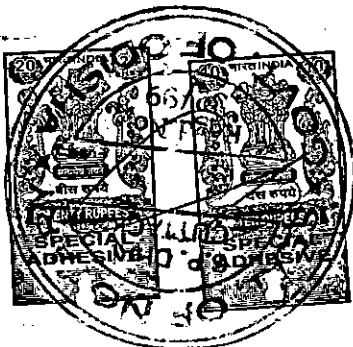
Sidhastha Das

Advocate

Cuttack
Date - 12/7/24

SK. Mohammad Jahid

Deponent



The above named Deponent

Solemnly affirm on.....
by.....
Being Identified by.....

Surendra Prasad Dhal
Advocate
NOTARY, CUTTACK

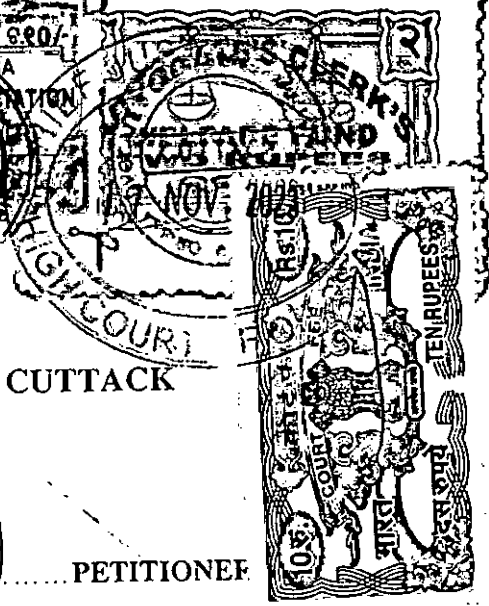
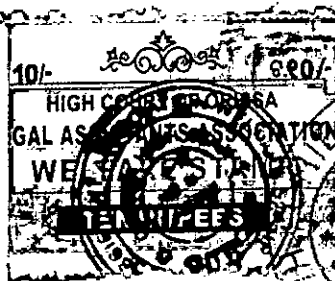
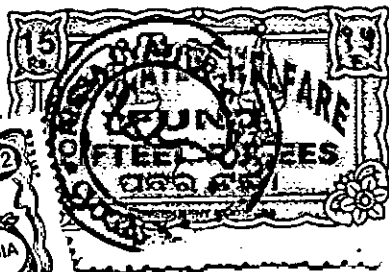
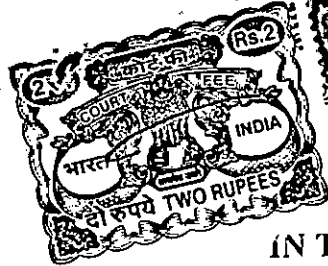
12/7/24

Annexure - B/1

Annexure - B/1

2/19/22
2/19/22

21-9-2-1



VAKALATNAMA
IN THE HON'BLE HIGH COURT OF ORISSA, CUTTACK

WPC) No. 37977 / 2023

Between

S.K. Mohammad Jahid @ Zahid

PETITIONER

AND

State of Orissa and others, OPPOSITE PARTY/IES 66063

Known all men by these present, that by this Vakalatnama,

I/We, S.K. Mohammad Jahid @ Zahid resident at 43
Yer, 310 - S.K. Zamuddin, A.K. Padampura,
NAC, Ward No. 8, PO - Rajbarambar,
Dist. - Bargarh,

Petitioner/ Opp. Parties in the aforesaid case do hereby appoint and retain SIDHARTHA
DAS O-909/1991 (Ph.No. 9437023733), A.K. MOHANTY O-463/2013 (Ph.No.
9437605525), S.P. TRIPATHY O-379/2018, (Ph.No. 9438120768), V.R. BEHERA O-
439/2019, (Ph.No. 9348067316), A. MISHRA O-173/2021, (Ph.No. 7978070492), I.
SWAIN O-1420/2021 (Ph.No. 8917564809), S.S. OJHA O-1510/2022 (Ph.No.
6370333241).

Advocate(s) to appear for
me/us in the above case and to conduct and prosecute (or defend) the same and all
proceedings that may be taken in respect of any application connected with the same of any
decree of order passed therein including all application for return of documents or receipt of
any money that may be payable to me/us in the said case and also in applications for review in
appeals under Orissa High Court Order and in applications for leave to appeal to Supreme
Court. I/We authorize my/our Advocate(s) to admit any compromise lawfully entered in the
said case.

Dated, the 17/11/2023.

Received from the executant(s) satisfied and accepted.

I hold no brief for the other side.

Advocate.

Advocate.

S.K. Mohammad Jahid

Advocate.

Advocate.

Signature of the Executant/s

Advocate.

Advocate.

Advocate.

Advocate.



IN THE HON'BLE HIGH COURT OF ORISSA: CUTTACK

I.A. No. 18347 OF 2023

(Arising out of W.P.(C) No. 34977 OF 2023)

In the matter of:

An application under Chapter-VI, Rule 27(a)
of the Orissa High Court Rules;

AND

In the matter of An application for an appropriate order;

AND

In the matter of: Sk. Mohammad Jahid @Zahid ...Petitioner

-Versus-

State of Orissa and others ...Opp. Parties

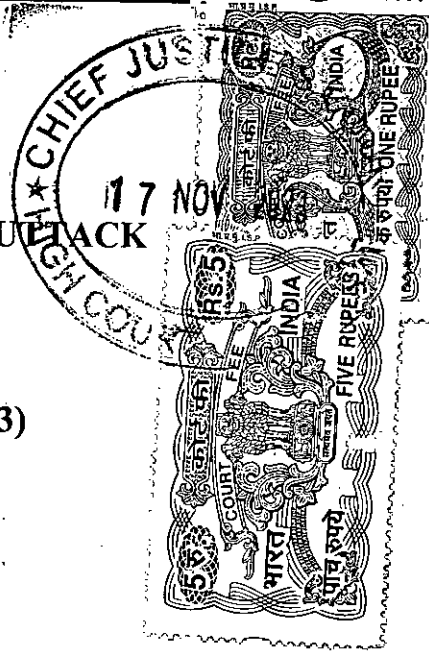
SIDHARTHA DAS
Advocate

To,

The Hon'ble the Chief Justice of Orissa High Court
and His Companion Justices of the said Hon'ble Court.

The humble petition of the
above named petitioner;

8/12-11-2023
Surendra Prasad Dhal
Advocate
NOTARY, CUTTACK



MOST RESPECTFULLY SHEWETH:-

1. That, this instant writ petition is filed by the petitioner challenging the illegal and arbitrary finalisation of the successful bidder of Jagadalpur Sand Quarry vide Tahasildar Letter dtd.13.10.2023.
2. That the averments made and the facts stated in the writ petition.
3. That the petitioner has a fair chance of success in the writ application and shall suffer irreparable loss and injury if the prayer made herein under is not granted.
4. That also if the prayer herein is not granted, then the said petition would become infructuous.

PRAYER

In the Light of the above facts and circumstances Petitioner humbly prays that this Hon'ble Court may be graciously pleased to direct the Opp. Parties authority not to execute any lease deed agreement in respect of Jitendra Ku. Agrawal till the disposal of this writ petition.

And pass such other orders/order or direction/directions as this Hon'ble court may deem just fit and proper under the facts and circumstances of the case;

And for this act of kindness, the petitioner shall as in duty bound ever pray.

Surendra Prasad Dhu
Advocate
NOTARY, CUTTACK

17-11

Cuttack

By the Petitioner through

Date: 17.11.2023

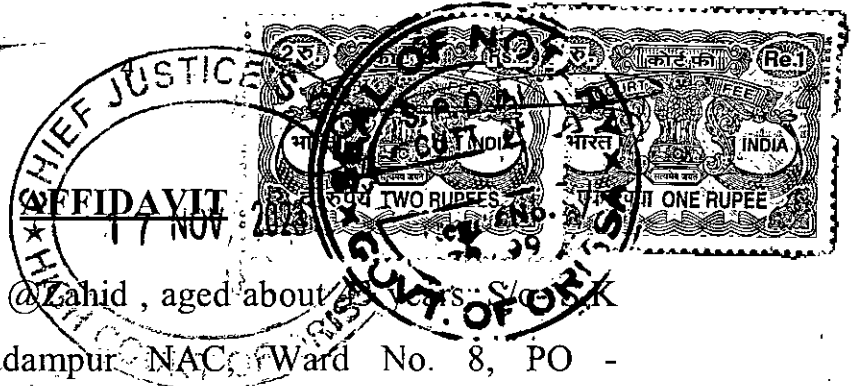
Advocate

SIDHARTHA DAS

Enrolment No. O- 909/1991

Ph No. 9437023733

4/17-11
Surendra Prasad Dhal
Advocate
NOTARY, CUTTACK



I, Sk. Mohammad Jahid @Zahid , aged about 45 years, S/o K Zamauddin, AT - Padampur NAC, Ward No. 8, PO - Rajbaralambar, Dist - Bargarh, do hereby solemnly affirm and state as follow:-

- 1. That, I am the Petitioner in this case.
- 2. That, the facts stated in this application are based on records and true to my belief.

Identified by
SIDHARTHA DAS-
Advocate.

✓
Sk. Mohammad Jahid
Deponent

CERTIFICATE

Certified that due to non-availability of cartridge papers, this matter has been typed in thick white papers.

Cuttack

Date.17.11.2023

Advocate.



The above named Deponent
Solemnly affirm on 17-11-2023
Being Identified
by S. Das
Surendra Prasad Dhal
Advocate
NOTARY, CUTTACK

OFFICE OF THE ADVOCATE GENERAL, ODISHA

SLNO: 552052 Date: 20-Nov-23 TIME: 10:47 AM

CASETYPE: WPC No: 37977 YEAR: 2023

PETITIONER / APPELANT: SK. MOHAMMAD JAHID

RESPONDENT / OPP PARTY: STATE

☒ PETITION & MEMO

☒ MISC CASE

☐ EXTRA COPY

☐ COUNTER

☐ ADDL

SET:

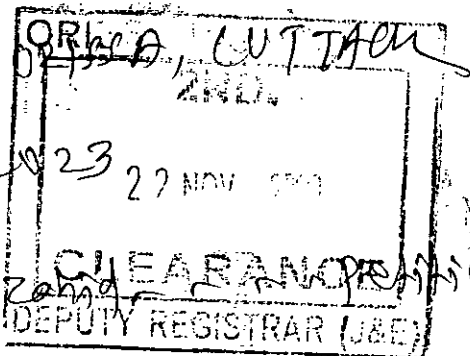
☐ REJONDER

☐ CONSOLIDATED

MISC. COPY

ADDL. STANDING
COUNSEL

IN THE HIGH COURT OF



WPC NO - 37977/2023

Sl. Mohammad Jahid @ Zahid

[Signature]

State of Orissa and am - - - - - Opp. Parties

MEMO

That the Petitioner herewith

files notice in the I A on the
Opp. Parties by way of Registered
Post with AD.

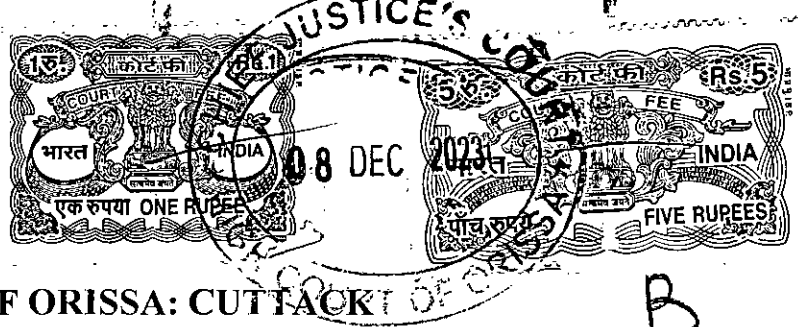
Postage paid
40x5
= 200

Cuttack
Date - 22/11/2023

[Signature]
Advocate

1st 108
DS-1

SCANNED



IN THE HIGH COURT OF ORISSA: CUTTACK

I.A. No. 19435 /2023

(Arising out of WP(C) 37977 /2023)

IN THE MATTER OF:

An application of Chapter-VI, Rule 27(A) of the Orissa high Court Rules.

AND

IN THE MATTER OF:

An application for intervention in the above writ petition to defend and object the prayer of the petitioner

AND

IN THE MATTER OF:

Sudhir Kumar Pattainaik , aged about 45 years , S/o- Prasanna Kumar Pattanaik , At/Po- Bartunda , P.S.-Paikmal , Dist-Bargarh.

..... Intervener Petitioner

AND

IN THE MATTER OF:

Sk. Mahammad Jahid @ Zahid

.....Petitioner

-Vrs-

State of Odisha & others

.....Opp. Partles

Surenara Prasad Dhal
Advocate
NOTARY, CUTTACK

SAILABALA JENA
ADVOCATE
E. No.-O-555/1998
Mob.-7008035441

To,

The, Hon'ble Acting Chief justice of High Court of Orissa and his lordship's companion justices of the said Hon'ble Court.

The humble petition of the
intervener petitioner above
named

MOST RESPECTFULLY SHEWETH:-

1. That, in this I.A. the intervener petitioner prays to intervene in the matter since the interest and the right of the Intervener Petitioner is directly affected as per the prayer made in this writ petition and if any order is passed by this Hon'ble Court thereafter.
2. That, in the Writ Petition the writ petitioner has prayed to cancel the entire tender call notice vide Annexure-2 and to set - aside the selection of Opp.Party No.5.
3. That, the intervener petitioner humbly submits that, as per the check list vide Annexure-1 the Opp.Party No.5 has no personal income tax return but he has submitted the income tax return of HUF.
4. That, the intervener petitioner humbly submits that the tender of Opp. Party No.5 should be cancelled due to the income tax return in the name of HUF for which the intervener petitioner has no objection and support the case of the writ petitioner.

Chak
SAILABALA JENA
ADVOCATE
E. No.-O-555/1998
Mob.-7008035441

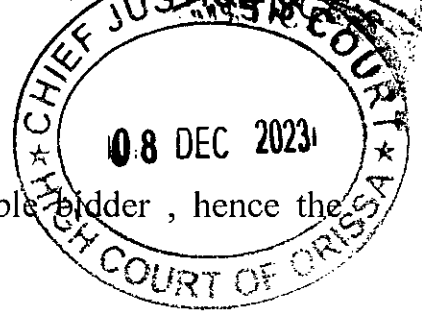
48/12
Supendra Prasad Dhal
Advocate
NOTARY, CUTTACK

5. That, the intervener petitioner humbly submits that, the tender of the writ petitioner should be cancelled since he has no income tax return as per the check list vide Annrexure-1.
6. That, in case the tender of the Opp. Party No.5 and writ petitioner is cancelled on the ground of non-compliance of income tax return, then the present intervener petitioner is the highest bidder and entitled for allotment on lease of the quarry.
7. That, the intervener petitioner humbly submits that, the highest Bidder Sacchin Agrawal quoted Rs. 1857.02 per cubic metre and the second highest bidder is Jitendra Kumar Agrawal who has no personal income tax return but in the name of HUF has quoted Rs 1405.00 per cubic metre. That, the next highest bidder is the writ petitioner who has quoted Rs. 1278.13 per cubic metre has no income tax return.
8. That, the first highest bidder did not turn up, second and third highest bidders has no income tax return as per the tender notice. Hence the present intervener petitioner who has quoted Rs.525.75 per cubic metre is illegible as highest bidder in whose favour the serial sources i.e Jagadalpur sand quarry should be allotted on lease.
9. That, the intervener petitioner humbly submits that, The intervener petitioner submitted three sets of M FORM which was confirmed during the meeting in pursuance to the letter dated 13.10.2023 which is within the knowledge of all including the Tahasildar, Jharbandh and the other bidders. Hence the

Tah
SAILABALA JENA
E. No.-O-555/1998
Mob.-7008035441

Surendra Prasad Jena
Advocate
NOTARY, CUTTACK

-4-



intervener petitioner is the highest illegible bidder, hence the quarry should be allotted to him on lease.

10. That, apart from the above submission of one sets of M Form application which is duly filled in does not affect the tender process nor the any of the rights of the other bidders.

11. That, the intervener petitioner humbly submits that, that the writ petitioner has prayed to quash the entire tender call notice vide annexure-2 wherein the tender has been invited in respect to the three seriats i.e. Jagadapur, lergaon and Bolangir.

12. That, the entire tender call notice should not be cancelled at the instance of the writ petitioner since he has no locus standi to pray for cancellation of the Lergaon and Bolangir sand quarry in which he is not the applicant.

13. That, the intervener petitioner humbly submits that, even if the Jagadapur sand quarry tender call notice should not be cancelled at any cost since the tender process is continuing from 1.8.2022 and the tender period is 2022-23 to 2026 -27. In the meantime two years has already passed. Hence there should not be further delay and the tender should be finalized in favour of the intervener petitioner for the reason the intervener petitioner is the highest illegible bidder.

14. That, the intervener petitioner prays to be impleaded as Opp.Party No.6 by necessary amendment of the writ petitioner.

SAILABALA JENA
ADVOCATE
E. No. - O-555/1998
Mob. - 7008035441

8/8/22
Suryendra Prasad Das
Advocate
NOTARY CERTIFICATE

15. That, the intervener Petitioner does not have any other alternative and efficacious remedy than to invoke the extra-ordinary jurisdiction of this Hon'ble Court

16. That, in case the intervention petition is not allowed and the present intervener petitioner is not given opportunity of participate in the proceeding, then great prejudice will be caused to the intervener petitioner which cannot be compensated in any other termin any other term.

PRAYER

It is therefore most respectfully prayed that, this Hon'ble Court may be pleased to allow this intervention petition of the intervener petitioner by impleading him as Opp. Party No.6 in the writ petition and thereby be pleased to given an opportunity to participate in the proceeding of the above writ petition.

This Hon'ble Court may also be pleased to pass any other further order and orders, direction/directions, as deemed fit and proper in fact and circumstances of the case.

Cuttack

By the intervener petitioner through

Dated. 8-12-2023

S Adv
Advocate

SAILABALA JENA
ADVOCATE
E. No.-O-555/1998
Mob.-7008035441

9/8/23
Sujendra Prasad Dhal
Advocate
NOTARY, CUTTACK



AFFIDAVIT

I, Sudhir Kumar Pattanaik, aged about 45 years, S/o- Prasann Kumar Pattanaik, At/Po- Bartunda, P.S.-Paikmal, Dist- Bargarh do hereby solemnly affirm and state as follows:-

1. That, I am the intervener Petitioner in this case.

That the facts stated above are all true to the best of my knowledge and belief.

Identified by

Sudhir Ku Pattanaik
Deponent

Tach
ADVOCATE

SAILABALA JENA
ADVOCATE
E. No.-O-555/1998
Mob.-7008035441

CERTIFICATE

Certified that due to non-availability of cartridge papers this petition has been typed on white thick paper.

Cuttack

By the intervener petitioner through

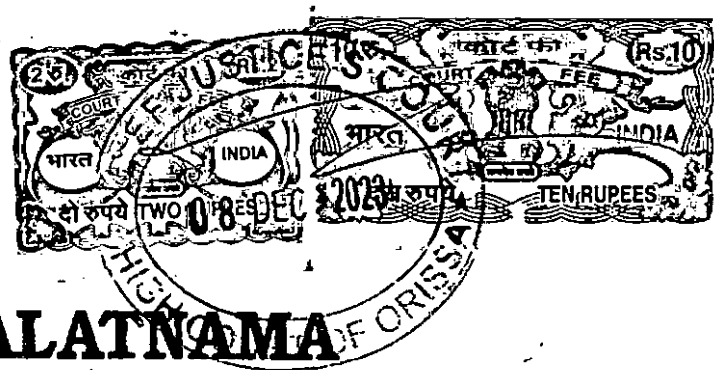
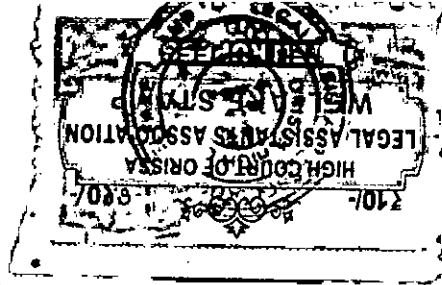
Date.

8-12-2023

Tach
Advocate

The above named Deponent **SAILABALA JENA**
Solemnly affirm on *8/12/2023* **ADVOCATE**
..... Being Identified **E. No.-O-555/1998**
by *S. Jena* **Mob.-7008035441**

8/12/2023
Supra
Advocate
NOTARY, CUTTACK



FORM OF VAKALATNAMA

IN THE HIGH COURT OF ORISSA, CUTTACK

I.A - No 1/2023

S.K. Mohammad Jahid @ Zahid Plaintiff / Petitioner
Appellant

Between

Versus

state of odisha & others Defendant / Oppo. Party
Respondent

Know all men by these presents, that by this Vakalatnama,
I / We Sudhir Kumar Pattanaik aged about 45 years, s/o -
Prasanna Kumar Pattanaik, At / PO - Bardunda, P.S - Paikmal, Dist -
Bargarh, Intervention Petition Plaintiff / Defendant Appellant / Respondent /
Petitioner / Opposite Party in the aforesaid Suit / Appeal Case do hereby appoint and
retain Sri Satibala Tene, Jodhpur, G-168-170,
Sector-6, CDA, Cuttack - 753014.

Advocate (s) to appear for me/us in the above case, and to conduct and prosecute
(or defend) the same and proceedings that may be taken in respect of any application
connected with the same or any decree or order passed therein including all applications
for return of documents or receipt of any moneys that may be payable to me/us in the
said case and also in applications for review in appeals under Orissa High Court Order
and in application for leave to appeal to Supreme Court. I / We authorise me/our
Advocate(s) to admit any compromise lawfully entered in the said case.

Dated the 8-12-2023

Received from the Executant (s)
satisfied and accepted as hold
no brief for the other side

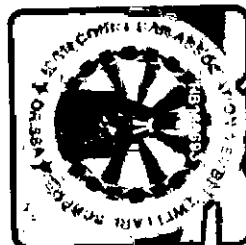
Sudhir
Advocate

Accepted as above
EN-0-555-1998
Advocate

Accepted as above
Jodhpur, G-168-170,
Advocate

EN-0-1366-2021

Sudhir Kumar Pattanaik
SIGNATURE OF EXECUTANT



3:54 PM

2023

SK MOHAMMAD JAHID

STATE

EXTRA COPY

SET:

CONSOLIDATED

ADDL. STANDING
COUNSEL

आर.पी.-54 / RP - 54

भारतीय डाक विभाग
DEPARTMENT OF POSTS, INDIA
प्रप्ति स्वीकृति / Acknowledgement

भारतीय डाक



India Post

रजिस्ट्री-पत्र / पार्सल प्राप्त हुआ

Received Registered Letter / Parcel /

क्रमांक / No. 0.8.3 तारीख / Dated का / of

* बीमे का मूल्य रुपये में 10, Sub-collector

* Insured of Rupees Padampur,

पाने वाले At / P - Padampur

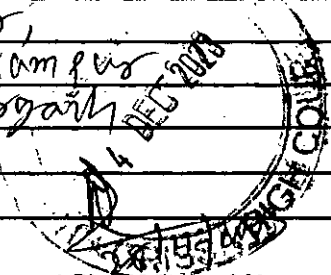
Addressed to Dist - Bargarh

को / on

बितरण डाकघर की तारीख - मोहर
Date-Stamp of Office of delivery

हस्ताक्षर और नाम / Signature and Name

अनावश्यक को काट दिया जाए
Strike out if not relevant



DB-1 / 108

डाक सेवार्थ
On Postal
Service

117418

Superintendent (DB-1)

0 Pusa High Court

Cuttack

प्रेषक डाकघर की नाम - मोहर
Name-stamp of office of posting



पिन / PIN

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WPC) NO 37977/22

अनावश्यक को काट दिया जाए
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आर.पी.-54 / RP - 54 भारतीय डाक विभाग
DEPARTMENT OF POSTS, INDIA
प्रति स्वीकृति / Acknowledgement

भारतीय डाक



India Post

रजिस्ट्री-पत्र / पार्सल प्राप्त हुआ

Received Registered Letter / Parcel

क्रमांक / No. 018-4 तारीख / Dated का / of

* बीमे का मूल्य रुपये में 10, Taha Singh, 2028 Jharbandh,

* Insured of Rupees At 100 Jharbandh,

प्राप्त की तारीख 21/8/23 - Jharbandh,

Addressed to

को / on

बितरण डाकघर की तारीख - मोहर
Date-Stamp of Office of delivery

हस्ताक्षर और नाम / Signature and Name
Jharbandh

DB-1 / 108

10/10

डाक सेवार्थ
On Postal
Service

Superintendent (DB-1)

Orissa High Court

Cuttack

प्रेषक डाकघर का नाम - मोहर
Name-stamp of office of posting

पिन / PIN

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W.R. / 110-37977/23

Received
C. P. Singh

28-11-23

आर.पी.-54 / RP - 54

भारतीय डाक विभाग
DEPARTMENT OF POSTS, INDIA
प्रप्ति स्वीकृति / Acknowledgement

भारतीय डाक



India Post

रजिस्ट्री-पत्र / पार्सल प्राप्त हुआ

Received Registered Letter / Parcel /

क्रमांक / No.	08.10.2	तारीख / Dated	का / of
* बीमे का मूल्य रुपये में	To, Collector, Bargarh,		
* Insured of Rupees	At 10/10/2023 - Bargarh,		
पाने वाले			
Addressed to	DEC 2023		
को / on			

बितरण डाकघर की तारीख - मोहर
Date-Stamp of Office of delivery

हस्ताक्षर और नाम / Signature and Name

अनावश्यक को काट दिया जाए
- Strike out if not relevant

DB-1 / 108

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डाक सेवार्थ
On Postal
Service

Superintendent (DB-1)

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cuttack

प्रेषक डाकघर की नाम - मोहर
Name-stamp of office of posting

WP(L) No-37/27/23



पिन / PIN

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आर.पी.-54 / RP - 54

भारतीय डाक विभाग
DEPARTMENT OF POSTS, INDIA
प्रप्ति स्वीकृति / Acknowledgement

भारतीय डाक



India Post

रजिस्ट्री-पत्र / पार्सल प्राप्त हुआ

Received Registered Letter / Parcel /

क्रमांक / No. 08-5 तारीख / Dated का / of

* बीमे का मूल्य रुपये में 10, Jitendra K. Aggarwal

* Insured of Rupees 10 - Not known

पाने वाले At/Po/PS + 24th DEOGARH

Addressed to

को / on

बितरण डाकघर की तारीख - मोहर
Date-Stamp of Office of delivery

हस्ताक्षर और नाम / Signature and Name

अनावश्यक को काट दिया जाए
- Strike out if not relevant

DB-1 / 102

डाक सेवार्थ
On Postal
Service

Superintendent (Wart DB-1)

Orissa High Court

Cuttack

प्रेषक डाकघर की नाम - मोहर
Name-stamp of office of posting

WPC/NO-37977/23

पिन / PIN

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SCANNED

OFFICE OF THE ADVOCATE GENERAL, ODISHA

SLNO:

552217

Date:

08-Dec-23

TIME:

4:01 PM

CASETYPE:

WPC

No:

37977

YEAR:

2023

PETITIONER / APPELLANT:

SUDHIR KUMAR PATTAINAIK

RESPONDENT / OPP PARTY:

STATE



PETITION & MEMO



MISC CASE



COUNTER



ADDL

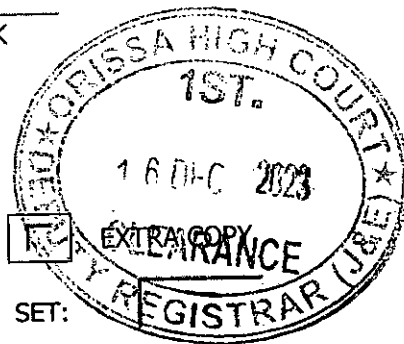


REJONDER



CONSOLIDATED

MISC. COPY



SET:

ADDL. STANDING
COUNSEL

SCANNED

COMPUTERISED FILING COUNTER
ORISSA HIGH COURT,CUTTACK
ACKNOWLEDGEMENT SLIP

Seat No : 108

Branch No : WRIT BRANCH (DIVISION BENCH-1)

Receipt No : 145146/2024

Date Of Receiving : 26/11/2024

Time : 12:55:51 PM

Filing No : WP(C)/37977/2023

Case No : WP(C)/37977/2023

Received From : Respondent (5)

Filed By: M/S SOUMYA RANJAN MOHANTY

Document(s) Filed :

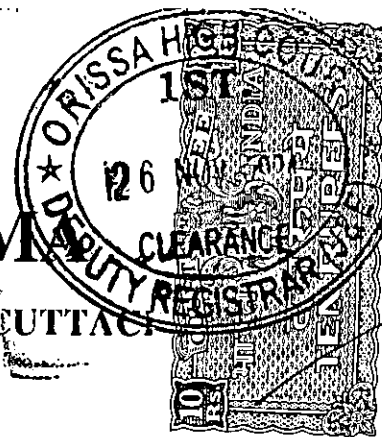
6- Vakalatnama --- Court Fee -Rs.12 (34775/2024)

26/11/24
↓ CJ court
10/12/24

FORM OF VAKALATNAM

IN THE HIGH COURT OF JUDICATURE ORISSA, CUTTACK

COP No. 37977 of 2023



Between :

SK. Mohammad Taher @ Zahed Plaintiff/Petitioner Appellant 34973

Versus

State of Orissa and others Defendant / Oppo. Party Respondent / Accused

pp. 5

Know all men by these presents, that by this Vakalatnama

I, We Siten dra Kumar Agrawal s/o Kew lash chandro Agrawal AT- College Road Debra garh Odisha 768108 Plaintiff / Defendant Appellant /

Respondent / Petitioner / Opposite party the aforesaid Appeal Suit / Revision Case

do hereby appoint and retain Sri SOWMYA RANJAN MOHANTY 795/15 7978131262, D. ACHARYA 650/20 8217022708 B. RAY 1845/21. 8249996362

Advocate (s), to appeal for me/us, in the above case and conduct and prosecute (or defend) the same and all proceeding that may be taken in respect of any application connected with the same, or any degree or order passed in therein including all applications for return of documents or receipt of any money that may be payable to me/us is said case and also in application for review, and in appeals. Under Orissa High Court order and in applications for leave to appeal to Supreme Court. I / we authorise my / our Advocate (s) admit any compromise lawfully in the said case and to represent me / us in during the trial.

Dated the 26/11/2024

Received from the executant (s)

Satisfied and acceptee as I hold no brief to the other side.

Advocate Accepted as above

Advocate Accepted as above

Advocate Accepted as above

Advocate Accepted as above

SIGNATURE OF EXECUTANTS.

