

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 1ST DAY OF MARCH, 2013

BEFORE

THE HON'BLE MR.JUSTICE MOHAN .M. SHANTANAGOUDAR

WRIT PETITION NOS.10718-10719 OF 2013 (GM-TEN)

BETWEEN :

Sri S.V. Bandi
S/o Venkatappa Bandi
Aged about 46 years
No.6, I Floor, Annipura
Main Road, Sudamanagar
Bangalore-560 027.

..Petitioner

(By Sri H.N. Shashidhar, Adv.,)

AND :

1. The Secretary
Minor Irrigation Department
Vikas Soudha
Dr. Ambedkar Veedhi
Bangalore-560 001.
2. The Executive Engineer
Minor Irrigation Department
Tumkur District
Tumkur-577001.
3. Sri Pitchkal Venkateshwara Rao
Amrutha Constructions Pvt., Ltd.,
No.384/A, RNB, 2nd Stage
2nd Block, Geddalhalli
Bangalore-560 091.

..Respondents

(By Smt. S. Susheela, AGA., for R1 and R2)

These writ petitions are filed under Articles 226 and 227 of the Constitution of India, praying to direct the R1 to dispose of the appeals vide Annexure-A and C un-numbered appeal to the respondent in respect of the both works forthwith.

These writ petitions coming on for orders this day the Court made the following:-

ORDER

Learned Government Advocate is directed to take notice for respondents 1 and 2.

Notice to respondent No.3 is dispensed with since the order to be passed will not affect him.

2. Petitioner has sought for a direction to dispose of appeals vide Annexures-A and C both filed on 1.1.2013. Since the first respondent has not decided the appeals on merits, these writ petitions are filed.

3. As could be seen from Annexures-A and C, statutory appeals are filed by the petitioner under Section 16 of the Karnataka Transparency in Public

Procurement Act, 1999 (Karnataka Act 29/2000) ('Act' for short) on 1.1.2013. Already two months have lapsed. However, the appeals are not decided. The grievance of the petitioner is that the work order will be issued in favour of the successful bidder and if such action is taken by respondents 1. and 2, appeals will become infructuous. Such appeals will have to be decided as per law as early as possible. The Act prescribes 30 days for deciding the appeals.

Hence, the first respondent is directed to decide the appeals on merits and in accordance with law as early as possible but not later than the outer limit of **three weeks** from the date of receipt of this order.

Petitioner has sought for a direction to respondent No.2 not to issue work order in favour of successful bidder. Such a relief cannot be granted in this writ petition, inasmuch as the petitioner had already approached the appellate authority. Since the

appellate authority has to decide the appeals on merits, the second relief is refused.

Writ petitions are **disposed of** with the aforesaid observations.

**Sd/-
JUDGE**

*ck/-