

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 20<sup>TH</sup> DAY OF AUGUST, 2015**

**BEFORE**

**THE HON'BLE MR. JUSTICE A S BOFANNA**

**WRIT PETITION NO.14884/2015 (GM-TEN)**

**BETWEEN:**

SRI GOVINDA RAJIAH  
S/O GOVINDAPPA,  
AGED ABOUT 51 YEARS,  
R/O B.D PURA  
KORATAGERE TALUK,  
TUMKUR DISTRICT 572129

**... PETITIONER**

(BY SRI. RAJAGOPAL M R, ADV.)

**AND:**

1. THE STATE OF KARNATAKA  
BY ITS SECRETARY,  
DEPARTMENT OF RURAL DRINKING  
WATER & SANITATION,  
VIKASA SOUDHA,  
BENGALURU- 560001
2. THE EXECUTIVE ENGINEER  
RURAL DRINKING WATER AND  
SANITATION DIVISION,  
TUMKUR DISTRICT  
TUMKUR 572101

**... RESPONDENTS**

(BY SRI. VIJAYAKUMAR A PATIL, AGA.)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA, WITH A PRAYER TO QUASH THE TENDER NOTIFICATION DT.16.3.2015 ISSUED BY THE R2 IN TENDER No.19/2014-15 (THROUGH E-PROCUREMENT) AS PER ANNEX-E IN SO FAR AS IT RELATES TO ITEM NO.11 INDENT NO.3339 OF CHATTENAHALLI VILLAGE, B.D.PURA GRAMA PANCHAYATHI IS CONCERNED AND ETC.

THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP THIS DAY, THE COURT MADE THE FOLLOWING:

**ORDER**

The petitioner is before this Court assailing the tender notification dated 16.03.2015 impugned at Annexure-E to the petition. The petitioner is seeking for issue of mandamus to direct the second respondent to complete the process in furtherance to the acceptance of the tender dated 12.03.2015.

2. The respondents had issued a tender notification dated 09.01.2015 indicating therein several works for which the tenders were invited. The petitioner had responded to the tender in respect of the work indicated in Sl.No.38 i.e., to undertake the work for installation of the pipe line under the Rural Water Supply and Sanitation Scheme to Chattenahalli Village within the limits of B.D. Pura Gram Panchayath, Koratagere Taluk.

3. The petitioner was the lone tenderer. The petitioner claims that by the communication dated 12.03.2015 as at Annexure-D, he had been intimated that his tender is accepted and the work would be entrusted to him. Subsequently, the tender notification dated 16.03.2015 as at Annexure-E has been issued. In the said notification at Sl.No.11, the work which was earlier indicated in the notification dated 09.01.2015 was included. It is in that view, the petitioner is claiming to be aggrieved by the issue of fresh tender notification. According to the petitioner, the same is contrary to the provision contained in Section 13 of the Karnataka Transparency in Public Procurements Act, 1999.

4. In the light of the contentions in that regard, I have perused the original file which has been produced by the learned Government Advocate. The fact that in response to the earlier tender, the petitioner was the only

person who has responded is not in dispute. Even if that be the position, when the rate which had been quoted by the petitioner was 50% more than the value of the work tendered, the respondents in any event should have taken a decision to reject the tender of the petitioner. It is however seen that the letter dated 12.03.2015 had been erroneously issued to the petitioner:

5. If that be the position, when on the face of it, it is seen that the price quoted is 50% more and even though the learned counsel for the petitioner contended that with regard to the price as had been quoted negotiations could have been held and the process could not have been reversed after issue of Annexure-D, what cannot be lost sight in the present facts as seen from the original file is that in response to the subsequent tender notification at Annexure-E dated 16.03.2005, three persons including the petitioner have responded and the rates as indicated would disclose that the same is

substantially less than what the petitioner had quoted at the first instance.

6. Therefore even if there are certain discrepancies in the procedure that has been followed by the respondents, when the public interest and public money is involved, the interference in the subsequent tender process which is more beneficial in that regard, in my opinion, cannot be interfered by this Court while exercising discretionary jurisdiction in a writ proceedings. Hence, the prayer made in the petition is declined.

The petition is accordingly disposed of.

**Sd/-  
JUDGE**

hrp/bms