



IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 15TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE M.G.S.KAMAL

WRIT PETITION NO.202697 OF 2025 (GM-TEN)

BETWEEN:

BASWESHWARA ENTERPRISES,
GANDHI GUNJ, BIDAR-585403,
REPRESENTED BY ITS PROPRIETOR,
CHANDRASHEKAR S/O SHIVARAI HEBBALE,
AGED ABOUT 61 YEARS, OCC: PROPRIETOR,
BASWESHWARA ENTERPRISES, GANDHI GUNJ.
BIDAR-585403.

...PETITIONER

Digitally signed
by KHAJAAMEEN
MALAGHAN
Location: HIGH
COURT OF
KARNATAKA

(BY SRI. AMEET KUMAR DESHPANDE, SENIOR COUNSEL FOR
SRI G.V. DESHPANDE, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
DEPARTMENT OF BACKWARD CLASS WELFARE,
REPRESENTED BY ITS PRINCIPAL SECRETARY,
M.S.BUILDING, BENGALURU-01.
2. DEPUTY COMMISSIONER
AND PRESIDENT OF DISTRICT LEVEL FOOD
MATERIALS PROCUREMENT COMMITTEE,
BIDAR-585401.



3. DEPUTY DIRECTOR,
DEPARTMENT OF SOCIAL WELFARE,
TQ. AND DIST. BIDAR-585401.
4. CHIEF EXECUTIVE OFFICER,
ZILLA PANCHAYAT, BIDAR-585401.

...RESPONDENTS

(BY SRI. MALLIKARJUN SAHUKAR, AGA FOR R1 TO R3;
SRI. PRASHANT S. KUMMAN, ADVOCATE FOR R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE WRIT OF CERTIORARI AND TO GRANT FOLLOWING RELIEFS I) TO QUASH THE IMPUGNED LETTER / ORDER DATED 06.09.2025 ISSUED BY RESPONDENT NO.2 IN FILE NO.HUNE / SAKAEBE / LEKHA/ AHARA / TENDER / C.R-17 / 2021-22 A COPY OF WHICH IS PRODUCED AT ANNEXURE-C, II) DIRECT RESPONDENTS NO.2 AND 3 TO GIVE FULL EFFECT TO THE WORK ORDER DATED 04.09.2025 PRODUCED AT ANNEXURE-B AND TO PERMIT THE PETITIONER TO CONTINUE SUPPLY OF FOOD MATERIALS TO ALL THE TALUKAS IN BIDAR DISTRICT IN TERMS OF THE SAID WORK ORDER FOR THE CONTRACT PERIOD 2025-26 TO 2026-27, IIA) ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT ORDER OR DIRECTION QUASHING THE IMPUGNED ORDER DATED 08.09.2025 ALLEGEDLY PASSED BY RESPONDENT NO.2 CANCELING THE WORK ORDER DATED 04.09.2025 AS BEING ILLEGAL, ARBITRARY, ANTIDATED, MALAFIDE AND WITHOUT JURISDICTION, THE COPY WHICH IS AT ANNEXURE-D1 AND III) GRANT ANY OTHER ORDER OR WRIT WHICH THIS HONOURABLE COURT MAY DEEM NECESSARY IN THE CIRCUMSTANCES OF THE CASE.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:



CORAM: HON'BLE MR. JUSTICE M.G.S.KAMAL

ORAL ORDER

(PER: HON'BLE MR. JUSTICE M.G.S.KAMAL)

The petitioner is before this Court seeking following reliefs:

- I) To quash the impugned letter / order dated 06.09.2025 issued by respondent No.2, in file No. HUNE / SAKAEBE / LEKHA/ AHARA/ TENDER/ C.R-17/ 2021-22 a copy of which is produced at Annexure-C.*
- II) Direct respondent No.2 and 3 to give full effect to the work order dated 04.09.2025 produced at Annexure-B and to permit the petitioner to continue supply of food materials to all the Talukas in Bidar District in terms of the said work order for the contract period 2025-26 to 2026-27.*
- IIA) Issue a writ of certiorari or any other appropriate writ order or direction quashing the impugned order dated 08.09.2025 allegedly passed by respondent No.2 canceling the work order dated 04.09.2025 as being illegal, arbitrary, antedated, malafide and without jurisdiction, the copy which is at Annexure-D1 and*
- III) Grant any other order or writ which this Honourable Court may deem necessary in the circumstances of the case.*



02. Facts leading to the present petition is that in response to a notification dated 24.06.2025 issued by respondent No.2, calling for the tenders for the purpose of supply of food grains and other items to Dr. B. R. Ambedkar, Pre-Metric and Post-Metric Boys and Girls Hostel and Government Residential Schools, petitioner had submitted his tender. One of the conditions of the tender is that the item rates to be quoted in respect of the goods enlisted in Annexure-2 to the tender document shall be plus or minus 15% of the market price as prevalent in APMC, Supermarket, More, Metro, Cash and Carry, Reliance Mart. The petitioner accordingly quoted the rates for supply of the items described in Group-A to Group-I at Annexure-2 to the notification. Along with the petitioner, two other bidders namely G. A. Shamsunder (Chanakya Enterprises) and Asha K. M., of Karnataka Co-operative Consumer Federation Ltd., also had participated. After the evaluation of the bids submitted by the participants, the petitioner herein was declare to be L1 as he had quoted



the price within the limit of minus 15% of the market price while the other two bidders had quoted below minus 15%. As such, they were disqualified. In furtherance thereof, a work order was issued to the petitioner on 04.09.2025 as per Annexure-B subject to certain conditions. One of which was that the petitioner was required to execute a bond in Rs.200/- stamp paper. The petitioner has also executed the bond as required.

03. Things stood thus, by a communication dated 06.09.2025 produced at Annexure-C, the respondent No.2 - Deputy Commissioner, Bidar District Bidar, had instructed the respondent No.3 - Deputy Director Social Welfare Department, Bidar District to continue to avail the supply of food grains and materials as was done prior to the tender process subject matter of the writ petition. The said communication was issued purportedly in view of certain technical snags encountered in the process of finalizing the present tender. Being aggrieved by the said communication, petitioner approached this Court.



04. This Court by an interim order dated 08.08.2025 had stayed the aforesaid communication dated 06.09.2025 as per Annexure-C. Subsequent to filing of the writ petition, the respondent No.3 - Deputy Director, Social Welfare Department, Bidar District issued an order dated 15.09.2025 purporting to cancel the supply order earlier issued in favour of the petitioner on the premise that in the Karnataka Public Procurement E-Portal, status of the petitioner is shown as L3 and has remained as such. Therefore, as per the rules, the petitioner cannot be considered as L1 and the tender process therefore cannot be completed. Consequently, the order dated 04.09.2025 earlier issued by the respondent No.2 - Deputy Commissioner and Chairman of District Level Food Grains Supply Committee, Bidar has been cancelled. It is under these circumstances, the petitioner filed an application seeking amendment to the writ petition challenging the subsequent communication referred to above. Thereafter, the Deputy Commissioner appears to have passed another



order dated 08.09.2025 which is filed along with the additional statement of objection by the respondent - State on 10.10.2025 reiterating the reasons assigned by the respondent No.3 - Deputy Director of Social Welfare Department, Bidar referred to earlier.

05. Learned Senior Counsel appearing for the petitioner at the outset submits that though the petitioner has been successful bidder having been declared as L1, the impugned communication and subsequent orders have been issued merely because in the e-portal maintained by the respondent - authorities his status is continued to be shown as L3. He submits that this admitted technical snag / error on the part of the tender procuring authority cannot be the reason for respondent - authorities to arbitrarily withdraw / cancel the work order that was issued in favour of the petitioner in accordance with law. That except the aforesaid the communication dated 06.09.2025 and further order dated 08.09.2025, there is no other justification for withdrawing the supply order that



had been issued earlier by the respondent No.2 - Deputy Commissioner. Thus, he submits that the action on the part of the respondents is one without authority and arbitrary, which warrants interference in the hands of this Court.

06. In response, the Additional Government Advocate appearing for respondent – State, submits that the Annexure-B produced by the petitioner claiming to be the work order dated 04.09.2025 was not issued by the respondent No.2 - Deputy Commissioner. That the same had been obtained by the petitioner through un-authorized means. That a show-cause notice in this regard has already been issued against the officials involved. He further submits that the status of the petitioner has remained L3 in the e-tender procurement portal. As such, no letter or agreement has been entered into between the petitioner and the concerned authority. Therefore, he submits that in the circumstances the previous successful bidders were asked to continue with the supply of the food



grains and other materials to the hostels and schools to meet the exigencies. He also submits that Annexure-C has not been issued to the petitioner. That the work order not having been issued to the petitioner, he has no locus standi to maintain the petition. He however submits that since the entire tender process was through e-procurement portal, there cannot be any manual handling of the tender process. He also submits that though in terms of the condition the rates to be quoted shall be plus or minus 15%, in the e-portal the limit prescribed is only plus or minus 25%. Therefore, the e-portal software is not supporting the present tender condition being plus or minus 15%.

07. Heard. Perused the records.

08. There is no dispute of the fact that the petitioner along with others had indeed participated in the tender process invited by the respondent - authorities for the purpose of supply of food grains and other materials.



Annexure-B, which is dated 04.09.2025 though now sought to be distanced by the respondent - authorities, appears to have been issued by the respondent No.2 - Deputy Commissioner and Chairman of District Level Food Grains Purchase Committee. The said order indicates that petitioner being successful bidder and his price quote having been accepted, was declared as L1. This order has been subsequently sought to be withdrawn in terms of Annexure-C, a communication dated 06.09.2025 issued by respondent No.2 - Deputy Commissioner addressed to respondent No.3 - Deputy Director, Social Welfare Department, wherein it is stated that though the tender process has been completed, the same has encountered with certain technical snags / errors. Therefore, the previous tenderer who was supplying the food materials be requested to continue to supply temporarily. Interestingly, the said communication does not refer to the order dated 04.09.2025, which is produced by the petitioner at Annexure-B.



09. Subsequent to filing of the writ petition, the respondent No.2 - Deputy Commissioner has issued another order dated 08.09.2025 as per Annexure-D1, relevant portion of the said order reads as under:-

ಪ್ರಸ್ತಾವನೆ :

2025-26ನೇ ಹಾಗೂ 2026-27ನೇ ಸಾಲಿಗೆ ಬೀದರ ಜಿಲ್ಲೆಯ ಸಮಾಜ ಕಲ್ಯಾಣ ಇಲಾಖೆಯ 05 ತಾಲ್ಲೂಕಿನ ಡಾ. ಜಿ.ಆರ್. ಅಂಬೇಡ್ಕರ್ ಮೆಟ್ರಿಕ್ ಪೂರ್ವ / ಮೆಟ್ರಿಕ್ ನಂತರ & ಅಶ್ರಮ ಶಾಲೆಗಳಿಗೆ ಆಹಾರ ಧಾನ್ಯ ಹಾಗೂ ಇತರೆ ಸಾಮಗ್ರಿಗಳ ಸರಬರಾಜು ಮಾಡಲು ಉಲ್ಲೇಖಿತ (1) ರ ಸರ್ಕಾರದ ಆದೇಶದನ್ವಯ ಉಲ್ಲೇಖಿತ (2) ಇ-ಪ್ರೊಕ್ಯೂರಮೆಂಟ್ ಬಿಡರ್ ಪ್ರಕಟಣೆ ಹೊರಡಿಸಿ, ನಿಗದಿತ ಮಾನದಂಡಗಳನ್ನು ಹಾಗೂ ಬಿಡರ್ ನಿಯಮಗಳನ್ನು ಅನುಸರಿಸಿ ದಿನಾಂಕ 21.08.2025 ರಂದು ಉಲ್ಲೇಖಿತ (3) ಹಾಗೂ ಉಲ್ಲೇಖ (4) ರಂತೆ ದಾಖಲಾತಿಗಳ (ತಾಂತ್ರಿಕ ಭಾಷೆ) ಪರಿಶೀಲನಾ ಸಭೆ ಜರುಗಿಸಲಾಯಿತು. ಅದರಂತೆ ಬಿಡರ್‌ನ ತಾಂತ್ರಿಕ ದಾಖಲೆಗಳ ಅರ್ಜಿ ನಮೂನೆ ಹಾಗೂ ನಿಬಂಧನೆಗಳ ಒಳಪಟ್ಟಂತೆ ದಾಖಲೆಗಳು ತಾಂತ್ರಿಕ ಬಡ್ಡಿನಲ್ಲಿ ಅರ್ಹರಾದ 03 ಬಿಡರ್‌ದಾರರ ಸಮಿತಿಯ ಅಧ್ಯಕ್ಷರ ಅನುಮೋದನೆಯಂತೆ ಅರ್ಥಿಕ ಭಾಷೆ ದಿನಾಂಕ: 20-08-2025 ರಂದು ತೆರೆಯಲಾಯಿತು. ಬಿಡರ್‌ನ ನಿಬಂಧನೆಯಂತೆ ಮಾರುಕಟ್ಟೆಯಿಂದ 12 ತಿಂಗಳ (ಏಪ್ರಿಲ್-2024 ರಿಂದ ಮಾರ್ಚ್-2025ರ) ವರೆಗೆ ಸಹಾಯಕ ನಿರ್ದೇಶಕರು, ಕೃಷಿ ಮಾರಾಟ ಇಲಾಖೆ, ದರ ಸೇರಿದಂತೆ ಇತರೆ ಎಲ್ಲಾ ಸಗಟು ಮಾರುಕಟ್ಟೆ Reliance Retail Limited Bidar, Metro Super Market Bidar, ಉಪ ನಿರ್ದೇಶಕರು, ಆಹಾರ ನಾಗರಿಕ ಸರಬರಾಜು ಮತ್ತು ಗ್ರಾಹಕರ ವ್ಯವಹಾರಗಳ ಇಲಾಖೆ ಬೀದರ ಹಾಗೂ ಸಹಾಯಕ ನಿರ್ದೇಶಕರು, ಸಮಾಜ ಕಲ್ಯಾಣ ಇಲಾಖೆ, ಬೀದರ ಇವರುಗಳಿಂದ ಮಾರುಕಟ್ಟೆ ದರಗಳನ್ನು (ಪ್ರತಿ ಕೆಜಿ / ಅಂಟರ್ / QTL/Num) ಪಡೆದು ಅವುಗಳ ಸರಾಸರಿ ದರಗಳಲ್ಲಿ ಶೇ(+)-15% ಅಥವಾ ಶೇ(-)-15% ಮಿತಿಯೊಳಗೆ ಬಿಡ್‌ದಾರರು ಸಲ್ಲಿಸಿರುವ ದರಗಳೊಂದಿಗೆ ತುಲನಾತ್ಮಕವಾಗಿ ಹೊಂದಿಸಿ ಬಿಡರ್ ಡಾಕ್ಯುಮೆಂಟ್ ನಿಬಂಧನೆ (7) ಹಾಗೂ (26)ರಲ್ಲಿ ತಿಳಿಸಿದಂತೆ ಬಿಡ್‌ದಾರರು ಸಲ್ಲಿಸಿರುವ ದರಗಳಲ್ಲಿ ಅರ್ಹ ಬಿಡರ್‌ದಾರರನ್ನು L1 ಎಂದು ಪರಿಗಣಿಸುವಾಗ ಮಾರುಕಟ್ಟೆ ದರದೊಂದಿಗೆ ತುಲನಾತ್ಮಕವಾಗಿ ಪರಿಶೀಲಿಸಿ ಕ್ರ.ಸಂ. 1 ರಿಂದ 13ರ ವರೆಗಿನ ಎಲ್ಲ ಸಾಮಗ್ರಿಗಳ ದರದ ಮೊತ್ತದಲ್ಲಿ ಸಮಂಜಸವಾದ ಕನಿಷ್ಠ ದರದ ಮೊತ್ತವನ್ನು ನಮೂದಿಸಿದ ಬಿಡರ್‌ದಾರರನ್ನು L1 ಎಂದು ಪರಿಗಣಿಸಲಾಗುವುದು, ಹಾಗೂ ಸಮಿತಿಯಲ್ಲಿ ಚರ್ಚಿಸಿದಂತೆ ಬಿಡರ್‌ನಲ್ಲಿ ನಮೂದಿಸಿದ ಸಾಮಗ್ರಿಗಳ ಪ್ರಮಾಣವು ಅಂದಾಜು ಪ್ರಮಾಣ ಆಗಿರುವುದರಿಂದ ಅನಂತರ ಸರಬರಾಜಾದ ಪ್ರಮಾಣದ ಆಧಾರದ ಮೇಲೆ ಇಲಾಖೆಯ ಸುತ್ತೋಲೆಯಂತೆ ಪಾವತಿ ಮಾಡಲಾಗುವುದು. ಮುಂದುವರಿದು ಸಹಾಯಕ ನಿರ್ದೇಶಕರು, ಕೃಷಿ ಮಾರಾಟ ಇಲಾಖೆ, ಬೀದರ ರವರು ಬಿಡ್‌ದಾರರಲ್ಲಿ ಕಡಿಮೆ ಮೊತ್ತ ಇರುವ ಬಿಡ್‌ದಾರರನ್ನು L1 ಎಂದು ಪರಿಗಣಿಸುವ ಬಗ್ಗೆ



ಸಮಿತಿಯಲ್ಲಿ ಸವಿಸ್ತಾರವಾಗಿ ಚರ್ಚಿಸಿ ಕ್ರಮವಹಿಸಲು ಸರ್ವಾನುಮತದಿಂದ ಒಪ್ಪಿಗೆ ಸೂಚಿಸಲಾಯಿತು. ಅದರಂತೆ L1 ಜಡ್‌ದಾರರಾಗಿ ಕಾರ್ಯಾದೇಶ ನೀಡಲು ತೀರ್ಮಾನಿಸಲಾಯಿತು. ಆದರೆ ಕೆ.ಪಿ.ಪಿ.ಪಿ ಪೋರ್ಟಲ್‌ನಲ್ಲಿ ಟೆಂಡರ್ ಜಡ್‌ನಲ್ಲಿ ಅರ್ಹರಾಗಿರುವ ಜಡ್‌ದಾರರ ಅರ್ಹತೆ ಮೌಲ್ಯಮಾಪನದಲ್ಲಿ ಈ ಕೆಳಗಿನಂತೆ ಇರುತ್ತದೆ.

ಕ್ರ. ಸಂ	ಟೆಂಡರ್‌ದಾರರ ಹೆಸರು	ಜಡ್‌ದಾರರ ಶ್ರೇಣಿ	ಟೆಂಡರ್‌ನ ನಿಬಂಧನೆಗಳು ಪರಿಶೀಲಿಸಿದಾಗ
1	G A shamsundar (Chanakya Enterprises)	L1	ಮಾರುಕಟ್ಟೆ ಸರಾಸರಿ ಶೇ(-)15% ದರಕ್ಕಿಂತ ಕಡಿಮೆದರ ನಮೂದಿಸಿರುವುದರಿಂದ ತೀರ್ಮಾನಿಸಲಾಗಿದೆ.
2	Asha Km (Karnataka State Co-Op Consumers Federation Ltd Formerly Known As Karnataka Co-Opt Consumers Federation Ltd)	L2	ಮಾರುಕಟ್ಟೆ ಸರಾಸರಿ ಶೇ(-)15% ದರಕ್ಕಿಂತ ಕಡಿಮೆದರ ನಮೂದಿಸಿರುವುದರಿಂದ ತೀರ್ಮಾನಿಸಲಾಗಿದೆ.
3	Chandrashekar Hebbale (Basweshwar Enterprises Bidar)	L3	ಟೆಂಡರ್ ನಿಬಂಧನೆ ಪ್ರಕಾರ ಇವರು L1 ಆಗಿರುತ್ತಾರೆ. ಆದರೆ ಕೆ.ಪಿ.ಪಿ. ಪೋರ್ಟಲ್‌ನಲ್ಲಿ L3 ಆಗಿರುತ್ತಾರೆ.

ಈ ಮೇಲಿನಂತೆ ಒಟ್ಟು 03 ಟೆಂಡರ್‌ದಾರರ ಅರ್ಹತೆ ಜಡ್ ತೆರೆದ ನಂತರ ತುಲನಾತ್ಮಕ ಪಟ್ಟಿಯಲ್ಲಿ ಟೆಂಡರ್ ನಿಬಂಧನೆ (7)ರ ಪ್ರಕಾರ ಒಟ್ಟು (3) ಜಡ್‌ದಾರರಲ್ಲಿ ಕ್ರಮವಾಗಿ ಕ್ರಮಂ: (3)ನೇ ಜಡ್‌ದಾರರಾದ Basweshwar Enterprises 9-7-104 Gandhi Gunj), Bidar, ರವರ ಟೆಂಡರ್‌ನ ನಿಬಂಧನೆ ಪ್ರಕಾರ L1 (13.70%) ಆಗಿರುತ್ತಾರೆ. ಆದರೆ K.P.P E -Portal Financial evaluation ನಲ್ಲಿ G A shamsundar (Chanakya Enterprises) ರವರು L1 (-21.15%) ಆಗಿರುತ್ತಾರೆ ಆದರೆ ಟೆಂಡರ್ ನಿಬಂಧನೆ ಪ್ರಕಾರ ಶೇ.(+)15% ಹಾಗೂ ಶೇ(-)15% ರ ಮಿತಿಯ ಒಳಗಾಗಿ ಇರಬೇಕಾಗಿರುವುದರಿಂದ ಸದರಿಯವರು 21.15% ಆಗಿರುವುದರಿಂದ ತೀರ್ಮಾನಿಸಲಾಗಿರುತ್ತದೆ.



ಸಂ:ಉನಿ/ಸಕಇಜಲೆ/ಲೆಕ್ಚ/ಅಹಾರ/ಟೆಂಡರ್/ಸಿಆರ್-41/2024-25 ದಿನಾಂಕ 08-09-2025.

ಆದೇಶ

ಪ್ರಸ್ತಾವನೆಯಲ್ಲಿ ವಿವರಿಸಿರುವ ಅಂಶಗಳನ್ನು ಅನುಸರಿಸಿ, 2025-26ನೇ ಹಾಗೂ 2026-27ನೇ ಸಾಲಿಗೆ ಬೀದರ ಜಿಲ್ಲೆಯ ಸಮಾಜ ಕಲ್ಯಾಣ ಇಲಾಖೆಯ 05 ತಾಲ್ಲೂಕಿನ ಡಾ. ಬಿ. ಆರ್. ಅಂಬೇಡ್ಕರ್ ಮೆಟ್ರಿಕ್ ಪೂರ್ವ / ಮೆಟ್ರಿಕ್ ನಂತರ & ಆಶ್ರಮ ಶಾಲೆಗಳಿಗೆ ಅಹಾರ ಧಾನ್ಯ ಹಾಗೂ ಇತರೆ ಸಾಮಗ್ರಿಗಳ ಸರಬರಾಜು ಮಾಡಲು, ಟೆಂಡರ್ ನಿಬಂಧನೆ ಪ್ರಕಾರ Basweshwar Enterprises 9-7-104 Gandhi Gunj, Bidar ರವರು ಟೆಂಡರ್ಗೆ ಅರ್ಹರಾಗಿದ್ದರು ಕೂಡ Karnataka Public Procurement E-Portal Financial evaluation ನಲ್ಲಿ ಇವರು L3 ಆಗಿ ಉಳಿದುಕೊಂಡಿರುತ್ತಾರೆ. Karnataka Public Procurement E-Portal ನಿಯಮಾನುಸಾರ Basweshwar Enterprises 9-7-104 Gandhi Gunj, Bidar ರವರನ್ನು L1 ಆಗಿ ಪರಿಗಣಿಸಿ ಟೆಂಡರ್ ಪ್ರಕ್ರಿಯೆ ಪೂರ್ಣಗೊಳಿಸಲು ಸಾಧ್ಯವಿಲ್ಲದ ಕಾರಣ ದಿನಾಂಕ: 04-09-2025 ರಂದು ಆದೇಶಿಸಿರುವ ಕಾರ್ಯಾಧೇಶವನ್ನು ರದ್ದುಪಡಿಸಿ ಆದೇಶಿಸಿದೆ.”

10. Perusal of the aforesaid order indicates that the two of the bidders namely G. A. Shamsunder (Chanakya Enterprises) and Asha K. M. though were shown as L1 and L2, their tender has been rejected in view of they having quoted the item rates below minus 15% of the market price. The petitioner though shown as L3, he has quoted item rates at 13.70%. As such, his tender has been declared as L1. There is no dispute by the respondent - authorities regarding this order having been passed.



11. The further contents of the aforesaid order indicates that the inability to complete the tender process is only in view of the fact that in Karnataka Public Procurement E-Portal, the status of the petitioner's tender is continued to be shown as L3. As such, the work order dated 04.09.2025 has been cancelled. This rea

12. This reasoning does not meet factual, legal or any other reason or logic. When there is no dispute of respondent - authorities inviting the tender and petitioner having satisfied all the criteria including quoting of the price being declared as successful bidder, merely because E-portal is not reflecting the result, the respondent - authorities cannot shy away from awarding the work contract. If the respondent - authorities have not upgraded their software, that cannot be the ground to deny the otherwise valid and perfectly legal tender process. Further no provision of law is brought to the notice of this Court by the respondent - authorities to revoke the work order for the aforesaid reason.



13. It is necessary also to note that even though, the respondents have sought to distance themselves from the work order dated 04.09.2025 produced by the petitioner at Annexure-B, the order dated 08.09.2025 as extracted herein above, specifically refers to cancellation of work order dated 04.09.2025. Respondents – authorities cannot approbate and reprobate.

14. In that view of the matter, the petition stands ***allowed.***

15. The impugned orders dated 06.09.2025 and 08.09.2025 as per Annexures-C and D1 respectively issued by respondent No.2 are quashed. Respondents No.2 and 3 - authorities are directed to proceed further to issue the work order from the stage where it had stopped notwithstanding the technical snag so sought to be presented as a reason for not proceeding further.



16. Such work order shall be issued within an outer limit of 10 days from the date of receipt of certified of copy of this order.

In view of the disposal of the main petition, the pending I.As. if any do not survive for consideration, hence, they are also disposed of.

Sd/-
(M.G.S.KAMAL)
JUDGE