



IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 14TH DAY OF OCTOBER, 2025

BEFORE

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

WRIT PETITION NO.202739 OF 2025 (GM-TEN)

BETWEEN:

M/S ADARSH ENTERPRISES,
NO.209 B, 18C, DHEENA BANDHU COLONY,
KARWAR ROAD HUBLI, DIST. DHARWAD- 580029,
REP. BY ITS PROPRIETOR,
SRI ANTHONY M. ALTHANDRA.

...PETITIONER

(BY SRI. SANTOSH KUMAR B. BIRADAR, ADVOCATE)

AND:

Digitally signed
by KHAJAAMEEN
MALAGHAN
Location: HIGH
COURT OF
KARNATAKA

1. THE STATE OF KARNATAKA,
DIRECTORATE OF MUNICIPAL ADMINISTRATION,
9TH AND 10TH FLOOR, VISHVESHWARIAH TOWER,
DR. B. R. AMBEDKAR VEEDHI,
BENGALURU- 560001.
2. THE DEPUTY COMMISSIONER,
VIJAYAPURA, DIST. VIJAYAPURA- 586101.
3. THE COMMISSIONER,
CITY MUNICIPAL CORPORATION, VIJAYAPURA,
DIST. VIJAYAPURA-586101.
4. THE EXECUTIVE ENGINEER,
VIJAYAPURA CITY CORPORATION,
DIST. VIJAYAPURA-586101.



5. THE HEALTH OFFICER,
VIJAYAPURA CITY CORPORATION,
DIST.VIJAYAPURA-586101.

...RESPONDENTS

(BY SRI. MALHAR RAO, AAG AND
SRI. SHESHADRI JAISHANKAR, AGA FOR R1 AND R2;
SRI. SACHIN M. MAHAJAN, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO A) ISSUE A WRIT OF CERITORARI OR ANY OTHER APPROPRIATE WRIT (S) / ORDER (S) / DIRECTION (S), THEREBY, QUASHING THE ORDER NO.MNPV/KK/PV/2025-26/2618 DATED 22.08.2025 PASSED BY RESPONDENT NO. 3 (ANNEXURE-K). B) ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT (S) / ORDER (S) / DIRECTION (S), THEREBY, QUASHING THE TENDER BID REJECTION E-MAIL ORDER DATED 08.09.2025 IN RESPECT OF TENDER REFERENCE NO.DMA/2024-25/SE5499, REF.NO.DMA/2024-25/SE4600 AND REF.NO.DMA / 2025-26 / SE5328 (ANNEXURE-L) PASSED BY RESPONDENT NO.4 C) ISSUE A WRIT OF MANDAMUS OF ANY OTHER APPROPRIATE WRIT (S) / ORDER (S) / DIRECTION (S), THEREBY DIRECTING THE RESPONDENTS NO.3 TO 5 TO CONSIDER AND OPEN THE TENDER BID OF THE PETITIONER IN RESPECT OF TENDER REFERENCE NO.DMA/2024-25/SE5499, REF.NO.DMA/2024-25/SE4600 AND REF.NO.DMA/2025-26/SE5328 AND D) ISSUE ANY OTHER WRIT OR DIRECTION.

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 grievance of the petitioner is that by the impugned order at Annexure-K dated 22.08.2025, the Commissioner of Vijayapura, Mahanagar Palike, Vijayapura has debarred the petitioner herein from participating in any tender process for a period of five years.

02. Learned counsel for the petitioner submits that order at Annexure-K, apart from one being without jurisdiction has also been passed a gross violation of principle of natural justice, in that no notice has been issued to the petitioner before passing such orders. Hence, seeks for allowing the petition.

03. In response, learned counsel appearing for respondent No.3 draws attention of this Court to the Annexure-G at Page No.115 dated 26.05.2025 issued by the Commissioner of Vijayapura Mahanagar Palike, wherein



the petitioner has been called upon to submit his explanation and was also put notice on that if no explanation was furnished, ex-parte order would be passed. Thus, he submits, the grounds urged by the petitioner with regard to violation of principle of natural justice is untenable. As regards the jurisdiction and authority of the Commissioner is concerned, he submits that matter would be looked into with reference to relevant provision of law.

04. The learned Additional Government Advocate submits under debarring the petitioner is required to be passed by a debarment committee. However, whether the debarment committee is constituted or not, has to be ascertained.

05. The said submission is taken on record.

06. Heard. Perused the records.



07. The impugned order dated 22.08.2025 at Annexure-K has been passed by the respondent No.3 – Commissioner. Rule-26(A) of the Karnataka Transparency in Public Procurements Rules-2000, reads as under:-

"26A. Debarment of Tenderers by Procurement Entity (1) The Procurement Entity may proceed with debarring such tenderer or contractor or supplier or any of the successor of the tenderer or contractor or supplier who has engaged directly or through an agent in a corrupt or fraudulent practices in participating or competing or executing the contract including misleading the Procurement Entity at any stage of procurement and executing activity.

(2) The Procurement Entity may, by order, appoint a Committee consisting of such officers not below the rank of Tender Inviting Authority to be the Debarment Committee to consider the proposals for debarring bidder or contractor or supplier and to take a decision thereof.

(3) On the receipt of information, Debarment Committee shall provide a reasonable opportunity, including an oral hearing, to the concerned for making representations before taking a decision.

(4) For consideration of debarment, Tender Inviting Authority or any other officer authorized by Tender Accepting Authority shall furnish the details of such bidders or contractors or suppliers who have engaged in corrupt practice and fraudulent practices to the Debarment Committee constituted under sub rule (2) above.



(5) The Debarment Committee may make recommendations with reasoning in writing, within thirty days from date of receipt of information.

Provided that, the said period may be extended by another fifteen days by Procurement Entity for the reasons to be recorded in writing.

(6) On the recommendations of the Debarment Committee, the Procurement Entity shall by notification debar any of tenderer or contractor or supplier and publish the same on its website and Karnataka Public Procurement Portal and also maintain the list of such tenderer or contractor or the supplier or any of its successors.

(7) The order of debarment shall be deemed to have been automatically revoked on the expiry of the period specified in the debarment order."

08. The aforesaid Rule mandates the procurement entity to appoint a Committee consisting of such officers not below the rank of tender inviting authority to be the debarment committee to consider the proposal for debarring bidders and contractors and suppliers and to take any decision thereof.

09. As already noted the impugned order produced at Annexure-K appears to have been passed by the Commissioner of Vijayapura Maha Nagara Palike and there



is no reference to he being the member of committee or any committee having been constituted in terms of Rule-26(A) extracted herein above. Further nothing is brought on record before this Court to indicate any such debarment committee having been constituted.

10. In that view of the matter, the order at Annexure-K prima-facie appears to be one without jurisdiction as it runs contrary to the aforesaid Rule. The order at Annexure-K is liable to be quashed. Accordingly, the following;

ORDER

- A) The petition is partly allowed.
- B) The order dated 22.08.2025 produced at Annexure-K is quashed.
- C) Notwithstanding quashing of the Annexure-K for the reason referred to above, concerned respondent - authority is at liberty to initiate such proceedings against the petitioner and after



giving him sufficient opportunity of being heard
pass such order as may be permissible in law.
Keeping in mind the provision of Rule 26(A)
extracted herein above.

- D) Such proceeding shall be initiated within 15 days
from the date of receipt of certified copy of this
order and after providing such opportunity
conclude the same within 30 days thereafter.
- E) The tender which is stated to have been
submitted by the petitioner shall be considered
thereafter.

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

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

KJJ
List No.: 1 Sl No.: 8
CT:PK