



CNR: KAHC010024422026

NC: 2026:KHC:54930
WP No. 835 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 835 OF 2026 (GM-TEN)

BETWEEN:

SRI. K. M. ASHWATHNARAYANA
S/O. K.H.MUNIYAPPA
AGED ABOUT 51 YEARS,
CLASS 1 PWD CONTRACTOR
KARNALA VILLAGE, TUBUGERE POST,
DODDABALLAPURA TALUK,
BANGALORE RURAL DISTRICT - 561 203.

...PETITIONER

(BY SRI. D.R. RAVISHANKAR, SR. COUNSEL FOR
SMT. SIRI RAJASHEKAR, ADVOCATE)

AND:



1. THE STATE OF KARNATAKA
SECRETARY TO GOVERNMENT
URBAN DEVELOPMENT DEPARTMENT,
VIDHANA SOUDHA, DR. B.R. AMBEDKAR VEEDHI,
BANGALORE - 560 001.
2. PROJECT DIRECTOR
DISTRICT URBAN DEVELOPMENT CELL,
CHIKKABALLAPUR,
CHIKKABALLAPUR - 562 101.
3. EXECUTIVE ENGINEER,



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DISTRICT URBAN DEVELOPMENT CELL,
CHIKKABALLAPUR,
CHIKKABALLAPUR - 562 101.

4. M/S. FUTURO INFRA LLP
CONSTITUTED UNDER THE PROVISIONS
OF THE LIMITED LIABILITY
PARTNERSHIP ACT, 2008,
NO. 264, SAI SADAN
1ST FLOOR, BETWEEN 17TH AND 18TH CROSS,
SAMPIGE ROAD, MALLESHWARAM
BENGALURU - 560 003.
REP. BY ITS DESIGNATED PARTNER
SRI. RAGHUPATHY PANDETI.
5. M/S. SRI SAI CONSTRUCTIONS
A REGISTERED PARTNERSHIP FIRM
CONSTITUTED UNDER THE PROVISIONS
OF INDIAN PARTNERSHIP ACT, 1932.
OFFICE AT NO.9,
NEAR BENGALURU INTERNATIONAL SCHOOL
GEDDALAHALLI, BENGALURU - 560 077,
REP. BY ITS PARTNER
SRI. G. UMESH KUMAR.

...RESPONDENTS

(BY SMT. PRATHIMA HONNAPURA, AAG A/W
SRI. NEELAKANTAPPA K. PUJAR, HCGP AND
SMT. SARITHA KULKARNI, AGA FOR R1 TO R3;
SRI. M. VEERABHADRAIAH, ADVOCATE FOR R4 AND R5)

THIS WP IS FILED UNDER ARTICLE 226 OF
THE CONSTITUTION OF INDIA PRAYING TO A)
ISSUE A WRIT OF CERTIORARI OR ANY OTHER
APPROPRIATE WRIT/ORDER QUASHING THE ORDER OF 2ND



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RESPONDENT VIDE NO.JINAKO/CHISI(1)/THAASHAA/CR/AMN-4/CHIKKABALLAPURA/18/2022-23, DATED 28.11.2025 VIDE ANNEXURE-C PURSUANT TO PROCEEDINGS DATED 04.10.2025 AND 30.10.2025 VIDE ANNEXURE-D AND D1 REJECTING THE BID IN SO FAR IT RELATES TO PETITIONER AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ



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ORAL ORDER

1. The petitioner is before this Court seeking for the following reliefs.
 - a) *Issue a writ of Certiorari or any other appropriate writ/order quashing the order of 2nd respondent Vide No.JINAKO/CHISI(1)/THAASHAA/CR/AMN-4/CHIKKABALLAPURA/18/2022-23, dated.28.11.2025 vide Annexure-C pursuant to proceedings dated 04.10.2025 and 30.10.2025 vide Annexure-D & D1 rejecting the bid in so far it relates to Petitioner.*
 - b) *Issue a writ of Certiorari or any other appropriate writ/order quashing the Appeals order Vide No.UDD/137/IST/2025, w.r.t. KPP Portal Tender No.DMA/2024-25/RD/WORK_INDENT 29731/CALL-2 (Bid No.B5956673) and UDD/136/IST/2025, w.r.t. KPP/PORATL TENDER No.DMA/2024-25/RD/WORK_INDENT 29744/CALL-2 (Bid No.B5956672), dated.30.12.2025 vide Annexure-E & E1 dismissing the Appeal of the Petitioner by 1st Respondent; and*
 - c) *Pass such other order/s, direction/s or relief/s as this Hon'ble Court deems fit to grant in the facts and circumstances of the case, in the interest of justice and equity."*
2. The petitioner has called in question the tender notification issued for construction of roads, drains and culverts within the limits of Chikkaballapura City Municipal Council, in respect of Package Nos.1 and 2.
3. The matter had earlier come up before a Co-ordinate Bench of this Court. By order dated 19.01.2026, the



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Co-ordinate Bench observed that, if the work order had not already been issued, the same shall not be issued and further directed that the financial bid of the petitioner be evaluated, so as to enable this Court to effectively adjudicate the challenge made in the present petition.

4. In view of the said direction, this Court called upon the respondents to place on record the position regarding availability of the records and documents uploaded by the petitioner in the e-procurement process and, in particular, whether the petitioner's financial bid could still be retrieved and evaluated.
5. On 23.07.2026, learned Additional Advocate General, on instructions, submitted that the financial bid of the petitioner could not be evaluated since the same had been rejected much prior to the order dated 19.01.2026. It was further submitted that the documents forming part of the rejected financial bid were no longer available with the respondents and, therefore, no evaluation could be undertaken at this stage.
6. When the matter was taken up on 27.08.2026, learned Additional Advocate General, on further instructions, made a categorical submission



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regarding the manner in which the e-procurement system operates. It was submitted that, after the financial bids were opened on 02.01.2026, the documents received from the bidders would be made available to the tender issuing authority and the authority entrusted with evaluation. However, once the bid of a particular bidder is rejected, the documents relating to such bid would no longer remain available for access through the system.

7. It was therefore submitted that, by the time the order dated 19.01.2026 was passed, the financial bid of the petitioner had already been rejected on 02.01.2026 and was no longer available in the system for evaluation. Consequently, the direction issued by the Co-ordinate Bench to evaluate the petitioner's financial bid could not be complied with.
8. In view of the aforesaid submission, learned counsel for the petitioner sought time to ascertain the factual position and make submissions in that regard.
9. The petitioner has thereafter filed an affidavit disputing the stand taken by the respondents. It is contended that the documents forming part of the petitioner's financial bid continue to be available and



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that the same can be retrieved for the purpose of evaluation.

10. It is further stated that a request has been made to the E-Procurement Cell Centre for E-Governance for opening the petitioner's financial bid. According to the petitioner, if appropriate authorisation is granted, the documents relating to the petitioner's financial bid can be made available to the respondents and the same can thereafter be evaluated in terms of the order dated 19.01.2026.
11. The issue that arises for consideration is whether the financial bid of the petitioner can, at this stage, be retrieved from the e-procurement system and evaluated in terms of the order dated 19.01.2026.
12. The stand of the respondents, as reiterated by the learned Additional Advocate General on instructions, is categorical. It is submitted that the financial bids were opened on 02.01.2026 and that the petitioner's bid had already been rejected prior to the order dated 19.01.2026. It is further submitted that, after rejection of the bid, the documents relating to the said bid are no longer available in the system for being accessed or evaluated.



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13. The petitioner disputes the said factual position and relies upon the request said to have been made before the E-Procurement Cell Centre for E-Governance. However, no material has been placed before this Court to demonstrate that the petitioner's financial bid is presently available with the respondents in a form which can be opened and evaluated in accordance with the tender conditions.
14. The earlier order dated 19.01.2026 directed evaluation of the petitioner's financial bid. The said direction necessarily presupposed that the financial bid and the documents forming part thereof were available for evaluation. The respondents now state, on instructions, that the bid had already been rejected on 02.01.2026 and that the relevant documents are no longer available in the system.
15. The respondents have also explained that the e-procurement system does not retain such rejected bids in a manner which permits the tender issuing authority to subsequently reopen and evaluate them. The petitioner has not been able to demonstrate, by placing appropriate material before this Court, that the said factual position is incorrect or that the



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documents are otherwise presently accessible to the respondents.

16. In the absence of the financial bid and the documents forming part thereof, this Court cannot direct the respondents to undertake an evaluation which, according to the material placed before the Court, is not technically possible.
17. It is also not possible for this Court, in exercise of its jurisdiction in the present proceedings, to reconstruct or substitute the financial bid of the petitioner on the basis of documents produced separately by the petitioner. Any such exercise would have to be undertaken in accordance with the tender conditions and the prescribed e-procurement procedure.
18. In view of the categorical stand taken by the respondents and in the absence of any material establishing that the petitioner's financial bid is presently available for evaluation, no effective direction can be issued at this stage for evaluation of the said bid.
19. Once the direction issued by the Co-ordinate Bench cannot be implemented for the reasons stated above, and the petitioner has not been able to demonstrate



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any other ground on which the tender process can be interfered with, no further relief can be granted in the present petition.

20. Accordingly, the petition stands **dismissed**.
21. It is made clear that this Court has not expressed any opinion on the merits of the petitioner's financial bid or on the merits of the tender process. The dismissal is only on account of the factual position placed before this Court regarding the non-availability of the petitioner's financial bid for evaluation.
22. Pending interlocutory applications, if any, stand disposed of.



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(SURAJ GOVINDARAJ)
JUDGE

TMP
List No.: 3 Sl No.: 1