



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 14492 OF 2026 (GM-TEN)

BETWEEN:

1. SABARI ELECTRIC COMPANY
A COMPANY REGISTERED
UNDER THE COMPANIES ACT, 1965/2013
HAVING ITS REGISTERED OFFICE AT
NO. 42, CHINMAYA MISSION HOSPITAL RAOD,
INDIRANAGAR 2ND STAGE,
BENGALURU - 560 038
REPRESENTED BY ITS
AUTHORIZED SIGNATORY
MR. S CHENTAMARAI

... PETITIONER

(BY MS. PRIYANKA RAO, ADVOCATE FOR
SRI. SAMARTH SHREEDHAR., ADVOCATE)

AND:

Digitally signed
by SHWETHA
RAGHAVENDRA
Location: HIGH
COURT OF
KARNATAKA

1. THE GENERAL MANAGER
FACILITIES MANAGEMENT DIVISION
HINDUSTAN AERONAUTICAL LIMITED
OLD AIRPORT ROAD
VIMANAPURA POST,
BANGALORE - 560 017
2. THE CHIEF EXECUTIVE OFFICER (MD)
HINDUSTAN AERONAUTICAL LIMITED
OLD AIRPORT ROAD VIMANAPURA POST,
BANGALORE - 560 017
3. THE CHIEF EXECUTIVE OFFICER (MD)
HINDUSTAN AERONAUTICAL LIMITED
OLD AIRPORT ROAD VIMANAPURA POST,
BANGALORE - 560 017



4. M/S. EVERCREST PROJECTS PRIVATE LTD.,
301-305, PALAK PRIME
OPP. DOUBLE TREE BY HILTON HOTEL
AMBLI ROAD, AHMEDABAD - 380 058.
EMAIL: TENDER@EVERCRESTPROJECTS.COM

... RESPONDENTS

(BY SRI. SYED KASHIF ALI, ADVOCATE FOR
SRI PRADEEP S SAWKAR, ADVOCATE FOR R1, R2 AND R3;
R4 - SERVED)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE EMAIL COMMUNICATION DATED 18.04.2026 ISSUED BY THE RESPONDENT TO THE PETITIONER (ANNEXURE-A) CONVEYING THE DECISION OF THE RESPONDENT TO REJECT THE BID OF THE PETITIONER ON ACCOUNT OF THE PETITIONER'S OFFER DID NOT MEET THE PRE-QUALIFICATION CRITERIA RELATING TO THE SOLVENCY CERTIFICATE AND ETC.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioner is before this Court seeking for the following reliefs:

- a. Quash the email communication dated 18.04.2026 issued by the Respondent to the Petitioner (Annexure-A) conveying the decision of the Respondent to reject the bid of the Petitioner on account of the Petitioner's offer did not meet the pre-qualification criteria relating to the solvency certificate.*
- b. Direct the Respondent to consider the bid of the Petitioner as qualified and open and consider the financial/ communication bid of the Petitioner in respect of Tender Notice dated 14.01.2026 bearing reference no. Cont.No.FM/NE-P/Advt/23/25-26 (Annexure-B).*



C. Grant such other relief that this Hon'ble Court may deem fit in the facts and circumstances of the matter.

2. Respondent No.1 had issued a tender notification dated 14.01.2026 calling for tenders with respect to the revamping of the pipe bending shop and drop tank hanger LT Panels, lighting, including new wiring at the Aircraft Division, HAL (BC). The petitioner participated in the tender and submitted his bid application on 11.02.2026, which was accepted as having been received by the respondents. The technical bid valuation was postponed from 11.02.2026 to 18.02.2026, on which date the petitioner resubmitted the required documents.
3. The petitioner contends that out of the total bidders, four bidders were pre-qualified as accepted by the respondents. The commercial bid being scheduled for opening on 18.04.2026 the petitioner received a communication on 17.04.2026 that the petitioner is not qualified. It is in that background that the petitioner is before this Court seeking the aforesaid relief.
4. The submission of Ms.Priyanka Rao., learned counsel for the petitioner, is that;
 - 4.1. On verification, it was found that the rejection of the technical bid of the petitioner at the



qualification stage was on account of the solvency report not being for the particular year. Her submission is that, if there was any shortfall or any defect, it was always available for the respondents to have called upon the petitioner to submit a proper document.

- 4.2. In this regard, she relies upon Annexure-R to the writ petition to contend that in one other tender where the petitioner had participated, such shortfall documents were called for by the respondent and furnished by the petitioner.
- 4.3. Her submission is that it is not that the documents were not submitted; if at all there was any infirmity in the said documents, the respondent could have always called upon the petitioner to rectify the same and consider the same, which she submits more so for the reason that the petitioner has been performing works for the respondent for more than 40 years.
- 4.4. On that ground, she submits that the above writ petition is required to be allowed.
5. Sri.Syed Kashif Ali., learned counsel appearing for respondents No.1 to 3 would submit that;



- 5.1. There is no clarification which was required to be sought for by the respondents, inasmuch as the tender condition was clear and categorical as per Clause 3 thereof, the solvency is required to be 40% of the approximate estimated amount put to tender and the solvency certificate shall be procured from a nationalised or scheduled Bank and issued within a period of 12 months from the final date of submission of the tender.
- 5.2. By relying on Clause 3, his submission is that the solvency certificate was to be within 12 months of the date of submission of the bid document, which was 18.02.2026, i.e., say, the solvency certificate ought to have been issued post 19.02.2025 and not earlier.
- 5.3. The solvency certificate submitted by the petitioner in the present matter was dated 27.01.2025, which is one and a half months prior to the said date of submission and, as such, falls foul of Clause 3 of the tender documentation. According to him, the petitioner ought to have submitted a solvency certificate which was dated after 19.02.2025.



- 5.4. The submission of a solvency certificate prior to that date does not impose any responsibility on the part of the respondents to call upon the petitioner to rectify the defect and/or supply any missing document or corrected documents.
- 5.5. Insofar as the demand made in another tender at Annexure-R pointed out by the learned counsel for the petitioner, he submits that was sought for on account of a discrepancy in the date of the solvency certificate, since the solvency certificate produced at the pre-qualification did not match the uploaded solvency certificate, and, in that background, clarification was sought on the correct date of the solvency certificate for the purpose of evaluating the petitioner technically.
- 5.6. In the present case, there being no infirmity in the solvency certificate uploaded, there being no doubt about the date on which it was issued, there was no need for the respondents to seek for any clarification from the petitioner.
- 5.7. His submission also is that there being several hundreds of tenders floated by respondent, if in each of the tender the respondent were to call upon the bidders to rectify and/or comply with



the requirements, then the whole purpose of issuing a tender would be lost, inasmuch as it was for the bidder to have complied with the requirements of the tender document and submits the same.

6. Heard Ms.Priyanka Rao., learned counsel appearing for the petitioner and Sri.Syed Kashif Ali., learned counsel appearing for respondents No.1 to 3. Perused papers.

7. The short question that would arise in this matter is;

"Whether there was a duty cast upon the Employer/Tender Issuing Authority to call upon the bidder to rectify any document which was found to be in shortfall once submitted"

8. Clause 3 of the tender documents reads as under;

3) Solvency: The solvency required will be 40% of the approximate estimated amount put to tender. The solvency certificate shall be procured from a nationalized or scheduled bank and issued within a period of 12 months from the final date of submission of the tender.

9. A perusal of the above Clause would indicate that the solvency required will be 40% of the approximate estimated amount put to tender and that the solvency certificate has to be issued within a period of 12 months from the final date of submission. The



petitioner claims that the petitioner has been bidding and carrying out work for the respondents for the last 40 years, and as such, the petitioner cannot be said to be a lay person who does not know the manner and methodology of uploading the documents.

10. The Clause being very clear that the solvency certificate has to be within 12 months, it was but required for the petitioner to have uploaded a solvency certificate complying with Clause 3. Though a solvency certificate has been uploaded along with the bid documents dated 27.01.2025, it is around a month earlier than the last date for submission of the bid. Therefore, the same does not qualify the requirements of Clause 3 of the tender documents.
11. Now coming to the issue raised in the present matter, whether there was a duty on the part of the respondent to call upon the petitioner to comply with any shortfall and/or to rectify any mistake, though his submission to that effect has been made by learned counsel for the petitioner, I am unable to accept the same. As rightly contended by Sri.Syed Kashif Ali., learned counsel for respondents No.1 to 3, if in each tender the tendering authority were to request for clarification, rectification etc., then the



whole purpose of issuing the tender would be lost, inasmuch as it is for the tenderer to comply with the requirements and not for the Tender Issuing Authority to enforce compliance.

12. The compliance being voluntary, the two issues cannot be conflated; they operate in different fields and under different circumstances. It is only when there is any doubt that the Tender Issuing Authority can seek a clarification. If there is a violation or non-compliance with any particular Clause of the tender notice, there would be no duty cast upon the Tender Issuing Authority to seek clarification or permit rectification.
13. In that view of the matter, this Court answers the point raised by holding that in every case it is not the duty of the Tender Issuing Authority to seek for clarification and/or provide an opportunity to the bidder to rectify the documents submitted. The Tender Issuing Authority in its own wisdom, if required to seek for any clarification could seek for such clarification.
14. Applying the above to the present case, the solvency certificate *ex-facie* did not satisfy Clause 3 of the tender document. Hence, this Court does not find



any infirmity in the rejection of the petitioner's bid at the stage of technical evaluation.

15. There is one other issue that would need to be answered here, which is that the submission of learned counsel for the petitioner is that there is already a qualification accepted by the respondent. That submission cannot be accepted since the qualification indicated in the web portal is only as regards the uploading of the documents not the evaluation of the documents. Evaluation is a different aspect from uploading documents; the two cannot be conflated. Hence, that submission also cannot be accepted.
16. No grounds being made out, the petition stands ***dismissed***.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE

SR
List No.: 1 Sl No.: 54