



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO.18251 OF 2026 (GM-TEN)

BETWEEN:

M/S. VYAPAARZ
A SOLE PROPRIETORSHIP
CONCERN HAVING ITS OFFICE AT
NO.61, THIRD FLOOR, LAXMI PLAZA,
24TH MAIN ROAD, 7TH CROSS,
MARENAHALLI J. P. NAGARA,
2ND PHASE BENGALURU - 560078.
REPRESENTED BY ITS
AUTHORIZED SIGNATORY
MR VIVEKM AHUJA

...PETITIONER

(BY SRI. NIKHIL D. KAMATH, ADVOCATE)

AND:

Digitally signed
by SHWETHA
RAGHAVENDRA
Location: HIGH
COURT OF
KARNATAKA

1. STATE OF KARNATAKA
DEPARTMENT OF MEDICAL EDUCATION
CUM APPELLATE AUTHORITY
MS BUILDING
BENGALURU - 560001
REPRESENTED BY ITS
ADDITIONAL CHIEF SECRETARY
2. SANJAY GANDHI INSTITUTE OF TRUMA AND
ORTHOPAEDICS
A REGISTERED AUTONOMOUS INSTITUTE



FOR GOVERNMENT OF KARNATAKA
BYRASANDRA JAYANAGARA EAST
BENGALURU - 560011
REPRESENTED BY ITS
DEAN AND DIRECTOR

3. BIORAD MEDISYS PRIVATE LIMITED
A COMPANY INCORPORATED UNDER
THE COMPANIES ACT
HAVING ITS REGISTERED OFFICE AT
NO.660 ESHWARI INDUSTRIAL
ESTATE HULIMAVU,
BANNERGHATTA ROAD,
BANGALORE -560076
REPRESENTED BY ITS
MANAGING DIRECTOR
SHRI. JITENDRA
MADHAVA HEGDE

...RESPONDENTS

(BY SMT. SARITHA KULKARNI, AGA FOR R1/STATE;
SRI. PREETHAM JUDE CORREA, ADVOCATE FOR C/R2
(CP NO. 13276/2026);
SRI. AVINASH GOWDA, G.S., ADVOCATE FOR C/R3
(CP NO. 13853/2026))

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE
ORDER DATED 26TH MAY 2026 PASSED BY LEARNED
AUTHORITY I.E. RESPONDENT NO. 1 UNDER SECTION 16 OF
THE KARNATAKA TRANSPARENCY IN PUBLIC PROCUREMENTS
ACT, 1999 IN APPEAL NO. 58/2026 (ANNEXURE-A) AND ETC.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ



ORAL ORDER

1. Petitioner is before this court seeking for the following reliefs:

- A. Issue a writ of Certiorari or any other appropriate writ, order or direction quashing the order dated 26th May 2026 passed by Learned Authority i.e. Respondent No. 1 under Section 16 of the Karnataka Transparency in Public Procurements Act, 1999 in Appeal No. 58/2026 ("Annexure-A");*
- B. Issue a writ of Mandamus directing the Respondent No. 2 to cancel the award, if any and impugned procurement process and initiate a fresh tender/re-tender in accordance with law, ensuring fairness, transparency and equal opportunity to all eligible bidders;*
- C. Pass such other order or orders as this Hon'ble Court deems fit in the interests of justice and equity.*

2. Respondent No.2 being an autonomous Institute of the Government of Karnataka, had issued a tender notification on 22.12.2025 for supply of Robotic Navigation System for Joint Replacement Surgeries through E-Procurement Portal of the Government of Karnataka. The petitioner and respondent No.3 had participated in the said tender. Both of them being held to be qualified technically, the petitioner is before



this Court contending that respondent No.3 could not be held to have been qualified inasmuch as the requirement under the tender notification under the head capabilities & upgradation clause-a is as under:

"a) System shall be able to perform both procedures Total knee arthroplasty and total hip arthroplasty and software shall have option of upgrading with additional procedure in future. It should have provision of using the saw in the robotic arm in the future."

3. By relying on clause-a, his submission is that the equipment should have a provision for using the saw in the robotic arm in the future. According to learned counsel for the petitioner, the said condition is a very important condition and without the said equipment having a saw, no entity could be technically qualified. He refers to Annexure-E which gives a comparison between the product of the petitioner sold under the brand name "MISSO" and the product of respondent No.3 sold under the brand name "CUVIS". By referring to the row execution, his submission is that the petitioner's product has a "saw/Burr", whereas the



product of the respondent has only "Burr" and does not have a "saw". His submission is that when the product did not have a saw and this is one of the requirements in a tender, respondent No.3 could not have been qualified and his bid could not have been accepted and work order could not have been issued to respondent No.3.

4. Sri.V.G.Banuprakash learned Additional Advocate General would submit that the tender evaluation committee has evaluated the tender and have verified the specifications of the products and have come to a conclusion that respondent No.3 is qualified for the said tender documentation. His submission is that the tender evaluation authority would be the best authority to evaluate as to which product is required to be procured, they being intrinsically connected with the tender process. Though he submits that the petitioner would also not be qualified since the petitioner's product has not been in operation for more



than 24 months, that is not an issue which will be required to be addressed in the present matter since both petitioner and respondent No.3 have been held to be technically qualified.

5. Submission of Sri.Preetham Jude Correa learned counsel appearing for respondent No.2 is that in pursuance of the opening of the financial bid, a work order has been issued to respondent No.3. The product supplied, installed and commissioned as also the payments have been released to respondent No.3. Thus, he submits that the above petition is infructuous and is not required to be considered.
6. Heard learned AGA for respondent No.1, learned counsel Sri.Preetham Jude Correa for respondent No.2 and learned counsel Sri.Avinash Gowda.G.S, for respondent No.3.
7. Though the submission of learned counsel for respondent No.2 is that the petition has been rendered



infructuous, what this Court would also have to see is whether there is any violation of the right of the petitioner due to any arbitrary or mala fide action on the part of the respondent tender issuing/tender evaluation authority. Clause-a, which has been reproduced herein above, would only indicate that, "it should have a provision of using the saw in the robotic arm in the future". It is not an immediate requirement under the said clause, but a possibility in the future. A possibility in the future cannot be a test to be applied in the present by this court in a writ jurisdiction. It is the tender evaluation authority who is aware of the requirement of respondent No.2 and who having assessed such requirement, has held respondent No.3 to be pre-qualified. It is that wisdom of the tender evaluation authority which is questioned in the present matter, which cannot be interfered by this Court in a writ petition under Articles 226 and 227. There is nothing which can be said to be



arbitrary, *mala fide* or disproportionate in the actions taken by the respondents in order to excise the extraordinary jurisdiction under the writ jurisdiction.

8. No grounds being made out, the petition stands ***dismissed.***

**Sd/-
(SURAJ GOVINDARAJ)
JUDGE**

DS
CT:TSM
List No.: 1 Sl No.: 5