



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 19331 OF 2026 (GM-TEN)

BETWEEN:

1. H. K. S. SERVICES
A REGISTERED PARTNERSHIP FIRM,
NO. 137, 4TH CROSS, 1ST MAIN,
1ST BLOCK, VIII PHASE,
J.P.NAGAR, NEAR VINAYAKA THEATER,
BENGALURU-560 062
REPRESENTED BY ITS PARTNER
K. HANUMANTHA RAJU
S/O.LATE KANNA MEDAPPA,
AGED ABOUT 42 YEARS

... PETITIONER

(BY SRI. RAVI H K., ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY THE
DIRECTOR OF HORTICULTURE
DEPARTMENT OF HORTICULTURE
LALBAGH BOTANICAL GARDENS
BENGALURU-560 004
2. THE DEPUTY DIRECTOR OF HORTICULTURE
DEPARTMENT OF HORTICULTURE
LALBAGH BOTANICAL GARDENS
BENGALURU-560 004

... RESPONDENTS

(BY SMT. SARITHA KULKARNI, AGA)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE
CONSTITUTION OF INDIA, PRAYING TO ALLOW THIS WRIT PETITION
BY GRANTING THE FOLLOWING RELIEFS:

Digitally signed
by SHWETHA
RAGHAVENDRA
Location: HIGH
COURT OF
KARNATAKA



I. QUASH THE CONDITION PRESCRIBED AT SL. NO.6 OF THE TECHNICAL PROPOSAL SUBMISSION FORM UNDER SECTION 3A OF THE REQUEST FOR PROPOSAL BEARING TENDER NO. KSHD/2026-27/SE0578 DATED 02.06.2026 OF THE RESPONDENTS VIDE ANNEXURE-A BY R2 ISSUING A WRIT OF CERTIORARI AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY 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:

- i. Quash the condition prescribed at sl. No.6 of the technical proposal submission form under section 3a of the request for proposal bearing tender no. KSHD/2026-27/SE0578 dated 02.06.2026 of the respondents vide **Annexure-A** by r2 issuing a writ of certiorari;*
- ii. Direct the Respondents to issue a corrigendum modifying the condition prescribed at Sl. No.6 of the Technical Proposal Submission Form under Section 3A of the Request for Proposal bearing Tender No. KSHD/2026-27/SE0578 dated 02.06.2026 in terms of the representations submitted by the Petitioner and other prospective bidders by issuing a Writ of Mandamus;*
- iii. Direct the respondents to consider petitioner's representation dated 16.06.2026 vide Annexure-E by issuing a Writ of Mandamus;*
- iv. Grant such other further relief including costs in the interest of justice and equity.*



2. Respondent No.2 had issued a tender notification inviting tenders for collection of Entry fee and Vehicle Parking fee at the Lalbagh Gardens. The petitioner is before this Court contending that Clause (6) of Section 3A of Technical Proposal Submission Form is arbitrary and violative Article 14 of the Constitution of India.
3. Clause (6) of Section 3A of Technical Proposal Submission Form is reproduced hereunder for easy reference:

"6. Satisfactory Performance Experience Certificates in the field of Entry fee and Parking fee collection of any 3 Years in past 6 Years (i.e from the year 2020-21 to 2025-26 in Government/Government Undertaking Sectors."

4. The submission of Sri Ravi H.K., learned counsel appearing for the petitioner, is that the impugned clause is liable to be interfered with on two grounds:
 - 4.1. Firstly, it is contended that the tender condition requires the bidder to furnish experience certificates in respect of collection of both Entry Fee and Parking Fee. According to the learned counsel, certificates issued by other Government Departments in favour of the petitioner generally pertain only to collection of Parking Fee and not to both Entry Fee and Parking Fee.



- 4.2. It is submitted that the system prevailing at Lalbagh, where a composite fee is collected towards entry and parking, stands on a distinct footing and is not comparable with other parking contracts awarded by Government Departments. Hence, the petitioner would not be in a position to produce certificates evidencing experience in collection of both Entry Fee and Parking Fee. It is therefore contended that the said condition is arbitrary and violative of Article 14 of the Constitution of India.
- 4.3. Secondly, learned counsel submits that the stipulation requiring production of Performance Experience Certificates for a period of three years during the preceding six years is onerous and unreasonable. It is contended that no such requirement was incorporated in earlier tenders and that the said stipulation has been introduced only with a view to favour a select few tenderers. On that basis, it is urged that the condition is violative of Article 14 of the Constitution of India.
- 4.4. It is further submitted that most of the contracts awarded by Government Departments are for a period of two years and, therefore, a single Performance Certificate for a period of three years cannot ordinarily be produced by a tenderer.



5. Heard Sri Ravi H.K., learned counsel appearing for the petitioner and Smt. Saritha Kulkarni, learned Additional Government Advocate appearing for the respondents.
6. Learned AGA has filed a memo enclosing the Minutes of the Meeting dated 24.06.2026. She submits that the grievances expressed by various prospective bidders during the pre-bid meeting have been considered and it has been resolved to amend Clause (6) of Section 3A of the Technical Proposal Submission Form by substituting the expression "Entry Fee and Parking Fee" with "Entry Fee or Parking Fee".
7. In the considered opinion of this Court, the proposed amendment substantially addresses the grievance of the petitioner, inasmuch as the petitioner would now be entitled to submit certificates evidencing experience either in collection of Entry Fee or Parking Fee, which would be taken into consideration for the purpose of technical evaluation.
8. Insofar as the second contention regarding the requirement of three years' performance experience is concerned, this Court is of the view that the same does not merit acceptance. Merely because the present tender is for a period of two years would not preclude the respondents from prescribing a higher threshold of experience for assessing the capability and competence of prospective bidders. The respondents, in their wisdom,



have taken a policy decision requiring a minimum of three years' experience. Such prescription, being a matter falling within the realm of policy and tender conditions, cannot ordinarily be interfered with in exercise of writ jurisdiction unless it is shown to be manifestly arbitrary, irrational or actuated by mala fides. No such material has been placed on record in the present case.

9. A plain reading of the impugned clause does not indicate that a single certificate evidencing three years' experience is required to be produced. The condition can reasonably be construed to mean that a tenderer may produce one or more certificates which, cumulatively, establish the requisite experience of three years. Thus, the contention that the petitioner is required to produce a single certificate covering a period of three years is misconceived and does not warrant interference.
10. In view of the above, and placing on record the submission made by the learned AGA that Clause (6) of Section 3A of the Technical Proposal Submission Form shall be suitably amended so as to address the grievance of the petitioner, and having found no merit in the other contentions urged, the writ petition stands ***disposed of***.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE