



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. 19595 OF 2026 (GM-TEN)

BETWEEN:

1. M/S. ASHRAYA ASSOCIATES
PROPRIETORSHIP CONCERN
OFFICE NO.38, USA RESIDENCY
J C S T M BLOCK
ADICHUNDHANAGIRI MAIN ROAD,
KUVEMPUNAGAR
MYSORE-570 023
REPRESENTED BY ITS PROPRIETOR
SHRI C Y SHIVEGOWDA
S/O LATE VYKUNTEGOWDA
AGED ABOUT 66 YEARS

... PETITIONER

(BY SRI. MADHUKAR M D., ADVOCATE)

AND:

Digitally signed
by SHWETHA
RAGHAVENDRA
Location: HIGH
COURT OF
KARNATAKA

1. THE STATE OF KARNATAKA
DEPARTMENT OF TRIBAL WELFARE,
2ND FLOOR, VIKAS SOUDHA
BANGALORE-560 001
REPRESENTED BY ITS
ADDITIONAL CHIEF SECRETARY
2. DIRECTOR
SCHEDULED TRIBAL WELFARE DEPARTMENT,
NO.34, 1ST FLOOR,
LOTUS TOWERS RACE COURSE ROAD
BENGALURU-560 001

... RESPONDENTS

(BY SRI. MOHAMMED JAFAR SHAH, AGA)



THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH TENDER ENQUIRY BEARING NO. DTWO/2026-27/IND0114 DTD 17.06.2026 (ANNEXURE-A) ISSUED BY THE R2 AND CONSEQUENTLY CALL FOR FRESH TENDER 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. The petitioner is before this Court seeking for the following reliefs:

- a. *Issue a writ of certiorari or any other writ or Quash tender Enquiry bearing No.DTWO/2026-27/IND0114 dated 17.06.2026 (**Annexure-A**) issued by the Respondent No.2 and consequently call for fresh tender;*
- b. *issue a writ of certiorari or any other writ or direction declaring that the tender conditions at Sl.No.6(a), 8, 12 & 15(f) of the Qualification Criteria of the tender enquiry No. DTWO/2026-27/IND0114 dated 17.06.2026 (**Annexure-A**) as illegal and void;*
- c. *issue a writ of certiorari or any other writ or quash the Government Order bearing No.SaKaE 121 STP 2023, Bengaluru, dated 04.01.2024 (**Annexure-B**) issued by the Respondent No.1;*
- d. *issue a writ of mandamus or any other writ directing the Respondent No.2 consider the representation dated 24.06.2026 (**Annexure-E**); and*
- e. *Issue such other writ or order or direction as this Hon'ble Court may deem fit and necessary in the circumstances of the case.*



2. The respondent No.2 had issued a bid document for procurement of nutrition food for tribal families residing in eight districts in the State of Karnataka for the financial year 2026-2027. The petitioner being an intended participant is before the Court challenging some of the conditions therein, more particularly Clause 6a, 8, 12 and 15F. Clause 6A reads as;

Sl.No.	Details	Document to be submitted
6	<i>Towards financial capability: a) The bidder must have annual average turnover not less than Rs.145 Crore out of the Previous three financial years i.e. (2022-23, 2023-24 & 2024-25)</i>	<i>a) a shall Bidder shall submits the consolidated financial turnover for the last three financial years, duly certified by a Chartered Accountant, along with the Profit & Loss Statements. All certificates issued by a Accountant in support of turnover, net worth, working capital, or any other financial requirement shall mandatorily bear a valid UDIN generated by the ICAI. Certificates without UDIN, wherever applicable, shall not be considered for evaluation. The Tender Inviting Authority reserves the right to verify the UDIN and reject the Bid in case of any discrepancy or non-authenticity.</i>

3. The submission of learned counsel for the petitioner is that only three years are being taken into consideration for the purpose of having an average



turnover. The said period is on the lower end, the period should have been larger.

4. Learned AGA in this regard submits that there is an amendment which has been carried out to include the turnover for the year 2025-26 until September-2026 and even that turnover will be taken into consideration while carrying out the evaluation.
5. The second challenge has been made to Clause 8. The said Clause 8 is reproduced hereunder for easy reference;

<i>Sl.No.</i>	<i>Details</i>	<i>Document to be submitted</i>
8	<i>The Bidder shall have past experience in supplying similar food grains and other items of 80% Quantities as indicated in the Section-V: Schedule of Requirement in one order or combined orders to any Central Government/State Government / Public sector undertaking / Public Corporation / Government boards in the last three financial years 2022-23, 2023-24 & 2024-25.</i> <i>"Government Order No. FD 908 Exp-</i>	<i>Shall submit the copy of the work orders along with the certificate of satisfactory completion of the supplies issued by the clients.</i>



	1212019 Bengaluru Dated: 21-07-2020" <i>The bidder shall have successfully supplied food grains and other specified food items amounting to not less than 80% of the required quantity, i.e., minimum 16,732 MT during specified period, either through a single contract or multiple contracts.</i> <i>The bidder shall have supplied a combination of the following items, with the minimum mandatory coverage as indicated below:</i> <i>A. Cereals (minimum any 2 items mandatory):</i> <i>1.Ragi</i> <i>2.Rice</i> <i>3.Wheat</i> <i>4.Red Rice (Kuchal Akki)</i> <i>B. Pulses and Other Food Items (minimum any 5 items mandatory):</i> <i>1.Tur Dal</i> <i>2.Chick Peas</i> <i>3. White Chickpeas</i> <i>4.Groundnut</i>	
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	5. <i>Black Eyed Beans</i> 6. <i>Horse Gram</i> 7. <i>Green Gram Dal</i> 8. <i>Urad Dal</i> 9. <i>Green Peas</i> 10. <i>Sugar</i> 11. <i>Jaggery</i> C. <i>Other Food Items</i> (minimum any 2 items mandatory): 1. <i>Sunflower Oil.</i> 2. <i>Coconut Oil.</i> 3. <i>Nandini Ghee/Other Brands Ghee.</i> 4. <i>Eggs.</i> <i>The total cumulative (A+B+C) quantity of such supplies shall be not less than 16732 MT.</i>	
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6. Learned counsel for the petitioner submits that not only supply of 80% of the value has to be made, but a minimum quantity of 16,732 metric tonnes is required to be supplied and document in support of supply of 16,732 metric tonnes is required to be uploaded. His submission is that the certificates normally issued are only in monetary terms as



regard to total extent of supply made and not in terms of metric tons.

7. This matter was dealt with by this Court in a similar matter in the case of ***M/s Ashraya Associates vs. The State of Karnataka & Another in WP No.10559 of 2026*** and the submission of learned AGA was recorded that the tenderers would be permitted to upload the work order and such other documents that may be available with the tenderers to evidence the quantum of supply made apart from the certificate which had been issued.
8. The said concession made by learned AGA on instructions of Sri.shivakumar.C., Deputy Director, Director of Tribal Welfare Officer who are present before this Court would cater to the grievance of the petitioner insofar as clause 8 is concerned.
9. Clause 12 has also been challenged by the petitioner before this Court. The said Clause 12 is reproduced hereunder for easy reference;

<i>Sl.No.</i>	<i>Details</i>	<i>Document to be submitted</i>
12	<i>The bidder should own packing machine (two headed or more) In the specific Godown</i>	<i>Photos of the machines should be submitted in the specified Godown</i>



10. The submission of learned counsel for the petitioner is that the requirement to own a packing machine two headed or more is onerous on the tenderer and such a condition would require the petitioner to invest in purchasing such a packing machine.
11. Learned AGA submitted that the tender being for a sum of Rs.145 crores and the supply being made to nearly eight districts, the same would have to be packed in a proper manner and as such without a packing machine, no successful bidder would be able to be in a position to transport the multiple Grains which are required to be transported to such authorities.
12. There is merit in the submission made by learned AGA inasmuch as rightly submitted by him, the tender being for a sum of Rs.145 crores, a packing machine which is stated to be valued according to learned AGA to be Rs.5,00,000/- and according to the petitioner to be Rs.45,00,000/- cannot be said to be on higher side. The said Rs.45,00,000/- even if assumed to be true on the part of the petitioner pales into insignificance taking into consideration the total value of the tender being Rs.1,45,000/-.
13. The last contention of the learned counsel for the petitioner is that Clause 15F of the tender document



is arbitrary and violative of Article 14 of the Constitution of India. The said Clause 15F is reproduced hereunder for easy reference;

Sl.No.	Details	Document to be submitted
15	<i>Restrictions on Public Procurement from Bidders of certain countries which shares land borders with India.</i>	<i>F. IN CASES WHERE SUB CONTRACTING IS PROVIDED:</i> <i>A certificate is required to be submitted uploaded by the Tenderer in respect of sub-contracting separately in the following format;</i> <i>"I have read the clause regarding restrictions on procurement from a bidder of a country which shares a land border with India and on sub-contracting to contractors from such countries: I certify that this bidder is not from such a country or, if from such a country, has been registered with the Competent Authority and will not sub-contract any work to a contractor from such countries unless such contractor is registered with the Competent Authority. I hereby certify that this bidder fulfills all requirements in this regard and is eligible to be considered. [Where applicable, evidence of valid registration by the Competent Authority shall be attached.]"</i>



14. A perusal of the above Clause only indicates a declaration to be issued by a tenderer that he is not procuring anything from a person who Hails from a country which shares a land border with India and/or subcontracting with such persons etc. The same is in the interest of the integrity of the country and to try and keep the entire process within the country. The same cannot be said to be onerous as contented by the petitioner.
15. No ground being made out, the petition stands ***dismissed*** by recording the submission of learned AGA as indicated ***supra***.
16. At this stage, learned counsel for the petitioner submits the last day for uploading the documents being today and the last time being 05.00 p.m., Hence, respondents are directed to extend the last date and time for submitting the tender upto 5.00 p.m. on 03.07.2026.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE

SR
List No.: 3 Sl No.: 3