IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE T.P.VIVEKANANDA

WRIT PETITION NO. 2682 OF 2024 (GM-TEN)

BETWEEN:

CIVIL CORE PROJECTS (INDIA) PVT LTD
REPRESENTED BY
MR. DEVARAJ CHANDRAPPA
MANAGING DIRECTOR
HAVING OFFICE AT
NUMBER.22/244, 10TH CROSS
MUTHARAYASWAMY LAYOUT
SUNKADAKATTE
BENGALURU-560 091
CIN NO.U45203KA2013PTC069912
COMPANY REGISTERED UNDER THE
COMPANIES ACT, 1956

...PETITIONER

(BY SMT: KEERTHI KRISHNA REDDY, ADVOCATE FOR
SRI: MADESH V M, ADVOCATE)

AND:

Digitally signed by
PREMCHANDRA M R
Location: HIGH
COURT OF
KARNATAKA

1. BANGALORE METRO RAIL
CORPORATION LIMITED
BMRCL, ADMIN BLOCK
PEENYA DEPOT
BANGALORE-560 058
REP. BY MANAGING DIRECTOR

2. BANGALORE WATER SUPPLY AND
SEWERAGE BOARD, BWSSB
6TH FLOOR, KAVERI BHAVAN

K.G.ROAD, BANGALORE-560 009
REP. BY ITS CHAIRMAN

…RESPONDENTS

(BY SRI: HARISH N N, ADVOCATE FOR R1;
SRI: PRASHANTH T. PANDIT ADVOCATE FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS ON THE FILE OF THE R-1 IN RESPECT OF THE NOTIFICATION FOR TENDER BEARING BID NUMBER BMRCL/O AND M/SSM/L2/02/2023-24 ON 03.10.2023 VIDE ANNEXURE-E ISSUED BY THE R-1 AND TO QUASH THE REJECTION OF APPLICATION FOR THE TENDER VIDE E-MAIL DTD 22.01.2024 ISSUED BY THE R-1 VIDE ANNX-M AND ETC.

THIS WRIT PETITION, HAVING BEEN RESERVED FOR ORDERS ON 29.10.2026, COMING ON FOR PRONOUNCEMENT, THIS DAY, **T.P.VIVEKANANDA J.,** MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE T.P.VIVEKANANDA

CAV ORDER

The petitioner is before this Court challenging the rejection of the bid submitted by it through E-mail dated 22.01.2024 at Annexure-M and for issuance of writ of mandamus directing the respondent No.1 to consider the bid of the petitioner and the process for issuance of work order.

2. The facts and events which led the petitioner to approach this Court in the instant writ petition are that the respondent No.1 has issued a tender notification inviting bids for carrying out the work of replacement of

damaged/chocked rainwater drain pipes inside viaduct in line-2 section. The process of tender was through online i.e., E-tender. The last date for submission of the tender was 26.10.2023 and the date of opening of the bids was also on the same day. The tender submitted by the petitioner has been rejected on the ground of non-submission of the valid license.

3. The contention of the petitioner is that the rejection of the bid of the petitioner on the ground of non-submission of valid license is erroneous, illegal, arbitrary and without application of mind. In as much as, in terms of the bid document, the petitioner was required to submit the valid license for execution of the work and the relevant clause of the tender document is as follows:

> *"2.4 d : The Tenderer should possess valid license for executing water supply/sanitary engineering works."*

4. It is the contention of the petitioner that the petitioner had the valid license issued by the Karnataka State Public Works Department on 22.10.2018, which was

valid up to 21.10.2023. It was again renewed on 09.11.2023, which is valid up to 08.11.2028. In addition to the license issued by the Public Works Department, the petitioner had the license issued by National Small Industries Corporation Limited which was valid from 21.01.2022 to 20.01.2024. It is the submission of the learned counsel for the petitioner that in terms of the Circular dated 02.03.2022, no separate license is required to execute the civil works and the license issued by Karnataka State Public Works Department is sufficient. There is no requirement of registration of the contractors with the different Departments, Corporations and Boards. Therefore, the license issued by Public Works Department was sufficient for the petitioner to apply for the awarding of contract pursuant to the Notification in question.

5. The submission of the learned counsel for the petitioner is that when the petitioner had sought for clarification as to the reason for rejection of its tender, it was informed to provide copy of the valid license in response to which, the petitioner has submitted a

representation on 02.11.2023 informing that the petitioner has a registered license from KPWD, NSIC, KPCL and BWSSB. In the light of the Government Circular dated 02.03.2022, there is no necessity of obtaining separate license from the BWSSB and other departments to carry out the civil works. The petitioner also placed reliance on the communication issued by the BWSSB to the effect that the BWSSB is not issuing separate license for sanitary and pipeline works. In the light of the contradictory stand of the BWSSB and there being no clarity in the tender document regarding the submission of the license for execution of the work, the rejection of tender of the petitioner on the ground of non-production of valid license is wholly illegal, arbitrary and liable to be set at naught.

6. Per contra, the learned counsel for the respondent No.1 referring to the statement of objections filed to the writ petition has contended that the writ petition has become infructuous in the light of the issuance of the work order in favour of the third party entity on 03.06.2024 and consequential agreement entered into on

15.06.2024. It is his further submission that substantial work has already been carried out by the said entity. The work order issued in favour of the third party entity is not challenged in the present writ petition. What is challenged is the rejection of the bid of the petitioner and the order of rejection of bid is an appealable order, therefore, the Writ Petition itself is not maintainable.

7. It is the further contention of the learned Counsel for the Respondent No.1 that upon receipt of the representation submitted by the petitioner with the contention that there is no requirement of obtaining separate license from BWSSB in the light of the Circular dated 02.03.2022, the respondent No.1 addressed a communication to the BWSSB on 15.11.2023, in response to which, the BWSSB has clarified through its communication dated 24.11.2023 that in terms of Section 59 of BWSSB Act, 1964, all plumbing works to be done by BWSSB license plumber and BWSSB is issuing fresh plumbing license and also granting renewal of plumbing

license already issued as per the Circular dated 30.03.2022 issued by the BWSSB.

8. The learned counsel has further pointed out that even assuming for the sake of argument that no separate license issued by the BWSSB is required for carrying out the work involved in the tender in question, as on the last date for submission of the tender that is 26.10.2023, the petitioner had no valid license issued by Public Works Department. It is his contention that the license, which was issued to the petitioner on 22.10.2018 was valid up to 21.10.2023 and the next renewal was on 09.11.2023, which is valid up to 08.11.2028 and thus contended that between 21.10.2023 and 09.11.2023 there has been no valid license issued by Karnataka Public Works Department. Therefore, even on that score, the submission of the learned counsel for the petitioner that the license issued by Public Works Department should have been considered by the respondent No.1 for considering the bid of the petitioner has no legs to stand.

9. It is the further contention of the learned counsel for the respondent No.1 that the certificate issued by NSIC cannot be construed as a license to carry out the civil work, more particularly, the nature of the work, for which, the tender was invited. It is the further contention of the learned counsel for the respondent No.1 that if there is any ambiguity or doubt insofar as the requirement of production of the valid license, the petitioner should have sought clarification on or before 16.10.2023 in terms of the tender document. However, the communications have been addressed by the petitioner only after the rejection of the bid. Though, the tender evaluation was completed and the petitioner was informed about the rejection of the bid on the ground of non-production of the valid license, the writ petition has been filed only on 24.01.2024. As there was no interim order granted in the writ petition, the respondent No.1 has proceeded to finalize the tender documents and issued the work order in favour of the third party entity. Therefore, no interference is called for in this tender process.

10. The learned counsel for the petitioner reiterating the contentions urged in the writ petition and as recorded above has placed reliance on the judgment of the Hon'ble Apex Court in the case of ***Kimberley Club Pvt., Ltd., Vs. Krishi Utpadan Mandi Parishad and Others***[1] and pointed out that the terms of the tender document should be clear and unambiguous and noticing that the tender document was ambiguous, the Hon'ble Apex Court has remanded the matter for fresh consideration by the Technical Revolution Committee and therefore, in the present case also, similar direction is required to be issued.

11. The learned counsel for the petitioner further relied upon the judgment of the Hon'ble Apex Court in the case of ***Maha Mineral Mining & Benefication Pvt., Ltd., Vs. Madhya Pradesh Power Generating Co., Ltd., & Another***[2] and points out that if the tender conditions are not clear and ambiguous, the tender inviting authority cannot make the bidder responsible for not seeking the

[1] 2025 SCC Online SC 2323
[2] 2025 SCC Online SC 1942

clarification and submit such documents. In the present case also, there is no clarity in the bid document regarding submission of the valid license and therefore, the petitioner was unable to produce the required license. However, on the basis of the license produced by the petitioner, the respondent No.1 ought to have considered the bid of the petitioner.

12. After having heard the learned counsel for the petitioner and the learned counsel for the respondents and on perusal of the writ petition papers and the pleadings, this court is of the considered opinion that there is no ambiguity in the tender document issued by the respondent No.1. The condition stipulated is to the effect that the tenderer should possess valid license for execution of water supply and sanitary engineering work. Therefore, it is necessary that a person who submits the tender should have the valid license to execute the work, for which, the tender notification is issued. In the present case, the nature of work is for replacement of damaged/chocked rainwater drain pipes inside viaduct in

line-2 section of the metro railway line. It is purely a work relating to replacement of rainwater drain pipes. The expertise which is required is based on the license issued by the BWSSB.

13. In the present case, the petitioner did not have any license issued by BWSSB. The submission of the learned counsel that in view of the Circular issued by the State Government dated 02.03.2022 there was no requirement of issuance of separate licenses by the different Departments and Corporations and Board, the petitioner did not obtain separate license from the BWSSB and therefore, the Public Works Department license obtained by the petitioner was sufficient for consideration of his bid is considered only for rejection. The reason because, as observed above, the license issued by the Public Works Department in favour of the petitioner was valid only up to 21.10.2023 and it was further renewed only on 09.11.2023. Therefore, between 21.10.2023 and 09.11.2023, the petitioner had no valid license. The relevant date for consideration is the last date for

submission of the tender i.e., on 26.10.2023. Admittedly, as on 26.10.2023 the petitioner had no valid license issued by the Public Works Department to consider the said license as license to carry out the work in question.

14. Apart from the above, one other aspect which requires to be considered is that after rejection of the tender of the petitioner, the respondent No.1 has proceeded to conclude the tender process and issued the letter of acceptance in favour of M/s Samruddhigreen Infratech Private Limited on 03.06.2024 followed by the execution of the contract agreement dated 15.06.2024. The issuance of work order and the contract with the third party is not challenged by the petitioner. The work in question has been completed substantially and therefore, at this juncture, the prayer made in the writ petition cannot be considered. Even, if the prayer made in the writ petition is granted, it is impossible of implementation in the light of the fact that the work order has already been issued to the third party. The third party is not before this Court and the contract awarded is not under challenge.

15. Insofar as the reliance placed on the judgment of the Hon'ble Apex Court is concerned, the Hon'ble Apex Court has interfered with the tender process and directed redoing of the tender process afresh after finding that there was no clarity in the tender document and the process contained in the tender document was ambiguous. The circumstance under which the Hon'ble Apex Court has interfered with the tender process was that the successful tenderer in the said case had not started the execution of the work and by the interim order, the successful tenderer was prevented from executing the work. It is in the said circumstances, the Hon'ble Apex Court has interfered with the tender process.

16. Insofar as the contention of the petitioner based upon the judgment of the Hon'ble Apex Court in ***Maha Mineral Mining'***s case that the tender document must be clear and unambiguous and the first respondent cannot thrust the responsibility on the petitioner to seek clarification and submit the relevant document is concerned, as observed above, in the present case there is

no such ambiguity, which is seen by this Court. The tender document was unambiguous; moreover, as observed above, as on the last date for submission of tender, the petitioner had no valid license either issued by the BWSSB or by the Public Works Department. Therefore, under any circumstances, this Court cannot accept the contention of the petitioner that there is infraction in the tender process and the rejection of the tender of the petitioner is erroneous.

17. As regards the contention of the petitioner that it had a valid license issued by NSIC Ltd., is concerned, on perusal of the certificate produced by the petitioner it is seen that the said certificate had been issued registering/enlisting the petitioner as a MSE unit eligible for participation in the Central Government Store Purchase Programme and obtain benefits under Public Procurement Policy for Micro & Small Enterprises (MSEs) Order 2012. Therefore, license issued by NSIC cannot be construed as a license to carry out the water supply and sanitary work.

18. In the light of the aforesaid discussion and consideration this court finds no merit in the contentions of the writ petitioner for interference with the tender process at this stage.

19. It is needless to observe that in the future tender notifications, the respondent No.1 will make all endeavor to see that there is no confusion or ambiguity in the matter of submission of document and information by the tenderer.

20. In the result, the writ petition is ***dismissed*** as devoid of merits.

Sd/-
(T.P.VIVEKANANDA)
JUDGE

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