HC-KAR
CNR: KAHC010210702026

NC: 2026:KHC:61714
WP No. 9374 of 2026
C/W WP No. 7156 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT PETITION NO. 9374 OF 2026 (GM-TEN)
C/W
WRIT PETITION NO. 7156 OF 2026 (GM-TEN)

IN WP No. 9374/2026

BETWEEN:

M/S KAPIL ENTERPRISES
SURRADDI HALLI, JAGALUR TALUK,
DAVANAGERE DISTRICT-577 528
REPRESENTED BY ITS PROPRIETOR
VEENA G.S FIRM REGISTERED
UNDER VAT/ GST ACT PROPRIETORSHIP CONCERN.

PETITIONER

(BY SRI. NISHCHAL DEV. B.R.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   REPRESENTED BY ITS PRINCIPAL SECRETARY,
   SOCIAL WELFARE DEPARTMENT,
   VIKASA SOUDHA, BENGALURU-560 001.

2. THE DEPUTY COMMISSIONER,
   OBAVVA CIRCLE, MANIYUR,
   CHITRADURGA- 577 501

3. THE DEPUTY DIRECTOR,
   SOCIAL WELFARE DEPARTMENT,
   GOVERNMENT RESIDENTIAL SCHOOL BUILDING,
   OPPOSITE TO GOVERNMENT
   SCIENCE COLLEGE,
   CHITRADURGA-577 501.

4. KARNATAKA STATE CO-OPERATIVE
CONSUMER FEDERATION LTD.
HAVING OFFICE AT:#4,
PAMPAMAHAKAVI ROAD,
CHAMARAJPET, BENGALURU - 560018.
REPRESENTED BY AUTHORIZED REPRESENTATIVE
MRS. KM ASHA.

RESPONDENTS

(BY SRI. SKANDA RAO., AGA FOR R1 TO R3;
SRI. SANDEEP LAHIRI., ADVOCATE FOR
SMT. DEEPIKA JOSHI., ADVOCATE FOR R4)

THIS W.P. IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO 1 TO ISSUE A WRIT, ORDER OR DIRECTION IN THE NATURE OF CERTIORARI QUASHING THE IMPUGNED E-PROCUREMENT TENDER NOTIFICATION DATED 09.10.2025, BEARING NO. UNI/SAKAE/CHEDU/AHARATENDER/CR-01/2025-26, ISSUED BY THE 3RD RESPONDENT VIDE ANNEXURE-A, IN SO FAR AS PETITIONER IS CONCERNED, IN THE INTEREST OF JUSTICE AND EQUITY AND ETC,.

IN WP NO. 7156/2026

BETWEEN:

M/S L.V TRADERS,
REP BY ITS PROPRIETOR
SMT. KRISHNAVENI, W/O. PARASHURAM,
AGED ABOUT 45 YEARS,
JOSEPHNAGAR, BEHIND CHURCH,
SAGARA, SAGRA TALUK,
SHIMOGA DISTRICT - 577401

...PETITIONER

(BY SRI. VIJAYA RAGHAVA SARATHY H M.,ADVOCATE)

AND:

1. THE DEPARTMENT OF SOCIAL WELFARE,
REP BY ITS PRINCIPAL SECRETARY,

VIKAS SOUDHA BENGALURU - 560 001.

2. THE COMMISSIONER,
DEPARTMENT OF SOCIAL WELFARE,
M.S. BUILDING BENGALURU - 560 001

3. THE DEPUTY COMMISSIONER AND
CHAIRMAN OF TENDER ACCEPTANCE COMMITTEE,
CHITHRADURGA DISTRICT
CHITHRADURGA-577501.

4. THE DEPUTY DIRECTOR,
DEPARTMENT OF SOCIAL WELFARE,
NEAR GOVT. RESIDENTIAL SCHOOL BUILDING,
GOVT. SCIENCE COLLEGE OPPOSITE
CHITHRADURGA-577501.

5. KARNATAKA STATE CO-OPERATIVE
CONSUMER FEDERATION LTD.
HAVING OFFICE AT PAMPAMAHAKAVI ROAD,
CHAMARAJPET, BENGALURU - 560018.
REPRESENTED BY AUTHORIZED REPRESENTATIVE
MRS. KM ASHA.

...RESPONDENTS

(BY SRI. SKANDA RAO., AGA FOR R1 TO R4;
SRI. SANDEEP LAHIRI., ADVOCATE FOR
SMT DEEPIKA JOSHI., ADVOCATE FOR R5)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT IN THE NATURE OF MANDAMUS DIRECTING THE RESPONDENT NO. 3 AND 4 AND R1 TO CONSIDER THE REPRESENTATION MADE BY THE PETITIONER FIRM DT. 19-01-2026 AND 21-2026 AND DTD 03-02-2026 (ANNEXURE-A,A1 AND B, B1 AND M) AND FURTHER DIRECT THE RESPONDENT NO. 3 AND 4 AND R1 TO ISSUE WORK ORDER IN PURSUANCE OF DECLARING THE PETITIONER FIRM SUCCESSFUL BIDDER FOR THE NOTIFICATION DATED 09/10/2025 AND A ALLOW THE PETITIONER FIRM TO SUPPLY FOOD MATERIALS TO THE DR. AMBEDKAR POST AND PRE METRIC HOSTELS COMING UNDER 6 TALUKS OF CHITHRADURGA DISTRICT BELONGS TO 1ST

RESPONDENT DEPARTMENT AND ETC,.

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

CORAM: HON'BLE MR. JUSTICE C.M. POONACHA

ORAL ORDER

The present writ petitions are filed seeking for the following reliefs:

In WP.No.9374/2026

> *"1. to issue a writ, order or direction in the nature of certiorari quashing the impugned E-procurement tender notification dated 09.10.2025, bearing No. Uni/Sakae/Chedu/Aharatender/CR-01/2025-26, issued by the 3rd respondent vide Annexure-A, in so far as petitioner is concerned, in the interest of justice and equity.*
> *2. To issue a writ, order or direction in the nature of mandamus directing the respondents not to proceed with the invalid tender notification dated 09.10.2025 vide Annexure-A and to invite fresh tenders for the academic year 2026-27, in the interest of justice and equity.*
>
> *3. Grant such other relief/s as this Hon'ble Court deems fit in the facts and circumstances of the case."*

In WP.No.7156/2026

> *A. Issue an appropriate writ order or direction in the nature of mandamus directing the respondent no. 3 and 4 and r1 to consider the representation made by the petitioner firm dt. 19-01-2026 and 21-2026 and dated 03-02-2026 (Annexure-A,A1 and B, B1 and M) and further direct the respondent No. 3 and 4 and R1 to issue work order in pursuance of declaring the petitioner firm*

Digitally Signed by CHEPPUDIRA MONNAPPA POONACHA

successful bidder for the notification dated 09/10/2025 and a allow the petitioner firm to supply food materials to the Dr. Ambedkar Post and Pre Metric Hostels coming under 6 Taluks of Chithradurga District belongs to 1st respondent department in the interest of justice and equity.

B. Grant such other relief's as this Hon'ble Court deems fit in the facts and circumstances of the case."

2. It is forthcoming that the petitioner has assailed the tender notification dated 09.10.2025 (Annexure-A to the writ petition in WP.No.9374/2026 and Annexure-C to the writ petition in WP.No.7156/2026).

3. The primary ground on which the said tender is impugned is that the work order has been issued after 90 days of the date of the tender.

4. In this regard, it is pertinent to note that the tender was issued on 09.10.2025. Clause 7 of the said tender reads as under:

"7. ಟೆಂಡರ್ ಅವಾರ್ಡ್ ಮಾಡುವುದು:–

a *ಟೆಂಡರ್‌ಗಳ ಆರ್ಥಿಕ ಲಕೋಟೆಗಳನ್ನು ತೆರೆದ ನಂತರ ಒಪ್ಪುವ ಅಥವಾ ತಿರಸ್ಕರಿಸುವ ಅಧಿಕಾರ ಟೆಂಡರ್ ಕರೆದಿರುವ ಪ್ರಾಧಿಕಾರ ಹೊಂದಿರುತ್ತದೆ.*

b *ಟೆಂಡರುದಾರರು ಸರಬರಾಜು ಆದೇಶ ನೀಡಿದ ದಿನಾಂಕದಿಂದ ಮುಂದಿನ ಇಲಾಖೆಯ ಮುಂದಿನ ಆದೇಶದವರೆಗೆ ಪೂರೈಸಬೇಕು.*

Digitally Signed by CHEPPUDIRA MONNAPPA POONACHA

> C *ಟೆಂಡರ್ ಕರೆದ 90 ದಿನಗಳಲ್ಲಿ ಅಥವಾ ಒಂದು ವೇಳೆ ಟೆಂಡರ್‌ದಾರರು ಲಿಖಿತ ಒಪ್ಪಿಗೆ ನೀಡಿದುದರ ಮೇರೆಗೆ ವಿಸ್ತರಿಸಿದ ಅವಧಿಯಲ್ಲಿ ಕಾರ್ಯಾದೇಶ ನೀಡದಿದ್ದಲ್ಲಿ ತಂತಾನೆ ಟೆಂಡರ್ ರದ್ದಾಗುತ್ತದೆ."*

5. It is clear and forthcoming from a plain reading of clause 7(c) of the tender that the work order is to be issued within 90 days of the date of the tender and that in the event no steps are taken within 90 days, the tender would automatically stand cancelled.

6. It is undisputed that the work order was issued on 19.01.2026; 90 days as contemplated in clause 7(c) of the tender expires on 07.01.2026. Admittedly, the work order on 19.1.2026, which is beyond 90 days from the date of the tender notification.

7. Reliance is sought to be placed by the respondents on the circular dated 29.11.2021, whereunder the State Government has in furtherance of Rule 28 of the Karnataka Transparency In Public Procurements Rules, 2000[1], set out timelines for activities under the tender to be done.

8. In this context, it is pertinent to notice Rule 22 of the Rules which reads as under:

[1] Hereinafter referred as to 'Rules'

Digitally Signed by CHEPPUDIRA
MONNAPPA POONACHA

> *"22. Time taken for evaluation and extension of the tender validity:-*
>
> *(1) The evaluation of tenders and award of contract shall be completed, as for as possible, within the period for which the tenders are held valid.*
>
> *(2) The Tender Accepting Authority shall seek extension of the validity of tenders from the tenderer for the completion of evaluation, if it is not completed within the validity period of tender.*
>
> *(3) In case the evaluation of tenders and award of contract is not completed within extended period, all the tenders shall be deemed to have become invalid and fresh tenders may be called for."*

9. It is further contended on behalf of respondent No.4 that subsequent to issuance of the work order, he has already carried on some work before the passing of the interim order dated 07.04.2026 passed in WP No.9374/2026 by this Court and before the same was brought to its knowledge.

10. In this context, having regard to the clear stipulation in the tender in question that after the expiry of 90 days, if steps for awarding the work pursuant to the said tender are not taken, the tender will automatically stand cancelled, the issuance of the work order is clearly contrary to the tender conditions. Accordingly, the relief sought for by the petitioner in the present writ petitions merit consideration.

Digitally Signed by CHEPPUDIRA
MONNAPPA POONACHA

11. Accordingly, the tender notification No.UNi/SaKaE/Chendu/Aharatender/CR-01/2025-26 dated 09.10.2025 is hereby quashed.

12. At this stage, learned counsel for respondent No.4 submits that liberty may be reserved to respondent No.4 to claim the amounts for the works already carried out.

13. This order will not preclude respondent No.4 from submitting its claims for the works already done and if such a claim is made, the concerned authorities shall consider the same in accordance with law, notwithstanding this order whereunder the tender dated 09.10.2025 has been quashed.

14. This order will not preclude the concerned parties from issuing a fresh tender notification and take further steps / measures in accordance with law.

Digitally Signed by CHEPPUDIRA MONNAPPA POONACHA

(C.M. POONACHA)
JUDGE

PNV
List No.: 1 Sl No.: 24