HC-KAR

NC: 2026:KHC:61284
WP No. 16650 of 2024

CNR: KAHC010331492024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

BEFORE

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

WRIT PETITION NO. 16650 OF 2024 (GM-TEN)

BETWEEN:

R.G.S. ENTERPRISES
NO.14, 4TH CROSS, 6TH MAIN
JAVARAIAH GARDEN
NEAR SSM SCHOOL
THYAGARAJANAGAR
BENGALURU-560 028
REPRESENTED BY ITS PROPRIETOR
SRI. R. SUDHAKAR
S/O SRI. R. RAJAGOPAL NAIDU
AGED ABOUT 46 YEARS

...PETITIONER

(BY SMT: ASHA S M ADVOCATE FOR
SRI: PRASANNA KUMAR B T, ADVOCATE)

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

AND:

1. BENGALURU METROPOLITAN TRANSPORT
CORPORATION
CENTRAL OFFICE, K.H.ROAD
SHANTHINAGAR
BENGALURU-560 027
REPRESENTED BY ITS
MANAGING DIRECTOR

2. CHIEF TRAFFIC MANAGER (COM)
BMTC, TRAFFIC COMMERCIAL DEPARTMENT
CENTRAL OFFICE, K.H.ROAD

SHANTHINAGAR
BENGALURU-560 027

…RESPONDENTS

(BY SRI: SRINIVAS B S, ADVOCATE FOR
SRI: SANJEEV B L, ADVOCATE FOR R1 & R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECTION OR A WRIT IN THE NATURE OF MANDAMUS DIRECTING THE RESPONDENT TO CONSIDER THEIR REPRESENTATION VIDE ANNEXURE-D IN ORDER TO REVIVE THE EARLIER TENDER CONFIRMED IN FAVOR OF THE PETITIONER.

THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

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

ORAL ORDER

The petitioner is before this Court seeking issue of writ of mandamus directing the respondents to consider the representation dated 27.04.2024 at Annexure-D for refund of EMD.

2. The petitioner was a participant in the tender Notification issued by the respondent - BMTC for selection of the agencies for maintenance of the parking lot at Shantinagar TTMC Bus Station for a period of 3 years. The petitioner emerged as successful tenderer having offered to pay a sum of

Rs.5,00,015/- per month. In terms of the tender Notification, the petitioner was required to deposit a sum of Rs.55,00,165/-, which is equivalent to the monthly license fee for 11 months. At the time of submission of the tender, the petitioner had deposited Rs.14,73,324/- and was required to deposit the balance sum of Rs.40,26,841/- within 20 days, in terms of the clauses contained in the tender document.

3. It is the submission of learned counsel for the petitioner that due to COVID outbreak and because of the business loss during the said period, the petitioner could not make payment of the balance security deposit of Rs.40,26,841/- and thereafter, the petitioner had approached the respondent authorities seeking extension of time. However, the same having not been considered by the respondents, resulted in the petitioner submitting the representations dated 06.02.2023 and 17.10.2023 and issuance of legal notice on 27.04.2024. Since the aforesaid representations and the legal notice did not evoke any response at the hands of the respondents, the petitioner is before this Court through the present writ petition.

4. Learned counsel appearing for the respondents submits that the parties are governed by the provisions of tender document and in terms of the conditions of tender, the petitioner was required to deposit the entire security deposit within 20 days from the date of acceptance of the bid as stipulated in the allotment Communication dated 03.03.2021. Since there is a breach of conditions of the tender document, the prayer of the petitioner cannot be granted.

5. On hearing the learned counsel for the petitioner and the respondents and on perusal of the documents appended to the writ petition, it is seen that despite the petitioner making representations from 2023 onwards, there is no response from the respondents. It is the submission of the learned counsel for the petitioner that no order of forfeiture of the EMD of Rs.14,73,324/- is passed so far and there has been no communication in that regard. If that be so, this Court deems it appropriate to issue direction to the respondents to consider the representations submitted by the petitioner at Annexures-B and C and legal notice at Annexure-D within a time bound manner.

6. In the result, the following:

ORDER

(i) The writ petition is ***disposed of.***

(ii) The respondents are hereby directed to consider the representations at Annexures-B and C , so also, the legal notice at Annexure-D within a period of 8 weeks from the date of receipt of the certificate copy of the order.

(iii) Since it is submitted by the learned counsel for the petitioner that due to second wave of COVID outbreak, the petitioner could not make deposit of the balance EMD amount, the said circumstances may be kept in mind by the respondents while considering the representation of the petitioner for refund of the EMD amount.

Sd/-
(T.P.VIVEKANANDA)
JUDGE

BGN, List No.: 1 Sl No.: 41