HC-KAR

NC: 2026:KHC:59476-DB
WP No. 29075 of 2025

CNR: KAHC010630882025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE K.S.BHARATH KUMAR

WRIT PETITION NO. 29075 OF 2025 (GM-RES-PIL)

BETWEEN:

SRI. SHARANAPPA GOUDA
S/O GOLAPPA GOWDA
AGE ABOUT 64 YEARS
R/A H NO 5-11-113/2
MAIN ROAD NEAR POST OFFICEK MUDNAL LAYOUT
YADGIR CITY YADGIR 585202

...PETITIONER

(BY SRI. SANDEEP LAHIRI, ADVOCATE)

Digitally signed by PAVITHRA N
Location: High Court of Karnataka

AND:

1. THE STATE OF KARNATKAA
   REP BY ITS SECRETARY
   PUBLIC WORKS DEPARTMENT
   MS BUILDING
   BANGALORE 560001

2. THE PUBLIC WORKS KDEPARTMENT
   DIVISION OFFICE YADAGIRI
   YADIGIRI KARNATAKA 585202
   REP BY THE EXECUTIVE ENGINEER

3. SHREE BANADESHWAR CONSTRUCTION COMPANY
PARTNERSHIP FIRM
REP BY PARTNER CHIDANADAPPA KALEBELAGUNDI
SWAMY VIVEKANANDA NAGAR
YADAGIR 585202

…RESPONDENTS

(BY SMT. PRAMODHINI KISHAN, AGA FOR R1 & R2;
SMT. DRITHI S. RAJASHEKAR, ADV. FOR
SRI. RAJASHEKAR S., ADV. FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF CONSTITUTION OF INDIA, PRAYING TO ISSUANCE OF WRIT ORDER OR DIRECTION IN THE NATURE OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT ORDER OR DIRECTION TO QUASH THE WORK ORDER DATED 22.04.2025 BEARING No. EE/PWD/DIVN.YDG/TS-3/2025-26/149 ISSUED BY THE RESPONDENT No. 2 IN FAVOUR OF THE RESPONDENT No. 3 PURSUANT TO TENDER INVITING NOTIFICATION OF THE RESPONDENT No. 2 DATED 07.03.2025 BEARIGNG REFERENCE No. PED/2024-25/BR/WORK_INDENT19928 ON THE KARNATAKA PUBLIC PROCUREMENT PORTAL FOR "CONSTRUCTION OF BRIDGE ON YADGIR SAIDAPUR MDR AT CH 5.80KM AND CONSTRUCTION OF ROAD FROM CH 7.0 TO

8.50 KM IN YADGIR TALUK, YADGIR DISTRICT (UNDER 5054 APPENDIX-E FOR THE YEAR 2024-25)" VIDE ANNEXURE-A.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE K.S.BHARATH KUMAR

ORAL JUDGMENT

(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)

This writ petition is filed seeking the following reliefs:-

> "*a) Issuance of writ order or direction in the nature of certiorari or any other appropriate writ order or direction to quash the Work order dated 22.04.2025 bearing No.EE/PWD/Divn.Ydg/TS-3/2025-26/149 issued by the respondent No.2 in favour of the respondent No.3 pursuant to tender inviting Notification of the Respondent No.2 dated 07.03.2025 bearing reference No.PED/2024-25/BR/WORK_INDENT19928 on the Karnataka Public Procurement Portal for "Construction of Bridge on Yadgir Saidapur MDR at CH 5.80 KM and Construction of Road from CH 7.0 to 8.50 KM in Yadgir Taluk, Yadgir District(Under 5054 Appendix-E for the year 2024-25)" vide Annexure-A.*

b) Issue a writ of mandamus or any other appropriate writ, order or direction directing Respondent No.2 to initiate a fresh tender for the work of "Construction of Bridge on Yadgir Saidapur MDR at CH 5.80 KM and Construction of Road from CH 7.0 to 8.50 KM in Yadgir Taluk, Yadgir District(Under 5054 Appendix-E for the year 2024-25)" in accordance with law and by ensuring participation only of technically qualified and eligible contractors."

2. We have heard the learned counsel for the writ petitioner as well as the learned Government Advocate appearing for the respondents.

3. The learned counsel appearing for the writ petitioner submits that the writ petitioner is a permanent resident of Yadagiri Town, Yadagiri District, Karnataka and that he is interested in the subject matter of this writ petition, that is, with regard to the "Construction of Bridge on Yadgir Saidapur MDR". It is further submitted that the technical qualifications provided in the tender document specifically provides that the tenderer should have, in the past five years, satisfactorily completed as prime contractor for at least one similar work of value not less than Rs.333.19 lakhs. It is further

submitted that the past experience which is required in the tender document would also include past experience in conduct of a similar work. It is therefore contended that the award of the tender to respondent No.3 was illegal and incorrect.

4. The statement of objections has been placed on record by respondents No.1 and 2 wherein it is specifically stated as follows:-

> *"8. It is further submitted that the tender notification and Standard Bid Document (KW-4) issued by Respondent No.2 on 07.03.2025 prescribes the eligibility criteria requiring execution of "similar works" and do not restrict eligibility, exclusively to contractors having prior experience in executing isolated or stand alone bridge works. In technical and contractual interpretation, the term "similar work" encompasses works of comparable scope, nature and complexity, which in the present case includes:*
>
> *i) Culvert Construction(including multi-vent RCC box culverts),*
>
> *ii) Cross drainage structures,*
>
> *iii) Approach road formation,*
>
> *iv) Road construction and allied works.*
>
> *Therefore, the requirement of "similar work" is broad and inclusive, covering not only the bridge/culvert components but also associated infrastructure elements*

such as approach roads, CD works, and roadway development on either side of the structure.

9. The contention of the petitioner that the tender mandates exclusive prior experience in standalone bridge construction is therefore misconceived and contrary to the express terms of the tender document. The petitioner has failed to appreciate that bridge or culvert construction, in practical engineering execution, is inseparably linked with approach roads, drainage arrangements, and associated roadway works, forming a unified project package."

5. It is therefore contended that respondent No.3 had the qualifications as provided in the tender document. It is further submitted that the construction of the bridge is complete and that the bridge has been in use at least for six months.

6. Having considered the contentions advanced and in view of the submissions made in the statement of objections and in view of the fact that the construction of the bridge which was the major component of the work is now complete, we are of the opinion that the prayers as sought for in this writ petition

cannot be granted. The writ petition fails and the same is accordingly ***dismissed***.

Sd/-
(ANU SIVARAMAN)
JUDGE

Sd/-
(K.S.BHARATH KUMAR)
JUDGE

RAK
List No.: 1 Sl No.: 10