IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 3RD DAY OF FEBRUARY, 2025

BEFORE

THE HON'BLE MR. JUSTICE R.NATARAJ

WRIT PETITION NO.200160 OF 2025 (GM-TEN)

BETWEEN:

SRI. H. VIRUPAKSHAPPA
S/O BASANAGOUDA,
AGED ABOUT 74 YEARS,
OCC: TRANSPORT CONTRACTOR,
R/O MASKI, TQ.LINGASUGUR
DIST. RAICHUR-584101.

...PETITIONER

(BY SMT. RATNA N. SHIVAYOGIMATH, ADVOCATE)

AND:

Digitally signed by RENUKA
Location: High Court Of Karnataka

1. THE STATE OF KARNATAKA,
   REP BY ITS SECRETARY,
   DEPARTMENT OF FOOD,
   CIVIL SUPPLIES AND CONSUMER AFFAIRS,
   VIKAS SOUDHA, BENGALURU-1.

2. THE COMMISSIONER,
   FOOD, CIVIL SUPPLIES AND CONSUMER AFFAIRS,
   CUNNINGHAM ROAD, BENGALURU-01

3. THE DEPUTY COMMISSIONER (FOOD)
   AND CHAIRMAN, TENDER COMMITTEE RAICHUR,
   DIST.RAICHUR-584101.

4. THE DEPUTY DIRECTOR OF
   FOOD AND CONSUMER AFFAIRS,

CIVIL SUPPLIES,
RAICHUR, DIST.RAICHUR-584101.

…RESPONDENTS

(BY SRI. MALLIKARJUN SAHUKAR, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO: (A) ISSUE ANY WRIT OR ORDER, WRIT IN THE NATURE OF CERTIORARI, QUASHING THE IMPUGNED ORDER DATED 05-11-2024 IN NO. FCS/ACCOUNTS/H.T/C.R-23/2024-25 ISSUED BY RESPONDENT NO.3 IN RESPECT OF APPLICATIONS OF THE PETITIONER FOR LINGASUGURU TALUK, VIDE ANNEXURE-D; (B) ISSUE ANY WRIT OR ORDER, WRIT IN THE NATURE OF CERTIORARI, QUASHING THE IMPUGNED ORDER DATED 13-11-2024 IN NO. SAM.CFS/IT-04/WS-TENDER/24/2024-26 (PART FILE), ISSUED BY RESPONDENT NO.2 VIDE ANNEXURE-E; (C) ISSUE ANY WRIT OR ORDER, WRIT IN THE NATURE OF MANDAMUS, DIRECTING RESPONDENT NO.3 TO CONSIDER THE IT RETURN FOR THE FINANCIAL YEAR 2021-22 AND CONSEQUENTLY ACCEPT THE APPLICATION/BID SUBMISSION SUMMARY DETAILS, VIDE ANNEXURE-B AND THE TECHNICAL BID OF THE PETITIONER, ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE R.NATARAJ

ORAL ORDER

The petitioner has challenged an order bearing No.FCS/Accounts/H.T./C.R-23/2024-25 dated 05.11.2024 issued by the respondent No.3 rejecting the technical bid of the petitioner. The petitioner has also challenged the order bearing No.CFS/IT-04/WS-TENDER/24/2024-26

(Part File) dated 13.11.2024 Annexure-E by which the respondent No.2 rejected a statutory appeal. The petitioner has sought for a writ in the nature of mandamus to direct the respondent No.3 to consider the IT returns filed for the financial year 2021-2022 and consequently accept the bid submitted by him.

2. The petitioner contends that he had submitted a bid against a notification dated 20.08.2024 invited by the respondent No.1 for transportation of food grains from FCI/CWC/SWC/KFCSC Godowns and other storage Godowns, unloading and arranging instack formation as per the direction of Godown incharge at all wholesale godowns of Karnataka State by Road, through e-Tender Platform of Government of Karnataka for the period 2024-2026. As per the terms of the tender, the petitioner was required to furnish IT returns for any three consecutive years during the years 2019-2020, 2020-2021, 2021-2022, 2022-2023 and 2023-2024. The petitioner had submitted the IT returns for the years 2020-2021 to 2024-

2025. Nonetheless, the bid was rejected on the ground that the petitioner did not produce IT returns for three consecutive years. The petitioner challenged the said order before respondent No.2 in a statutory appeal, which was also rejected. Being aggrieved by the same, the petitioner has filed this writ petition.

3. Learned counsel for the petitioner contends that the petitioner was required to submit IT returns for any three consecutive years during the period 2019-2020, 2020-2021, 2021-2022, 2022-2023 and 2023-2024. She contends that the petitioner had submitted the IT returns for the years 2017-2018, 2018-2019, 2019-2020, 2021-2022 and 2022-2023. She therefore contends that the petitioner had substantially complied the requirement of the tender and the bid was substantially responsive and therefore the same could not have been rejected.

4. *Per contra*, the learned High Court Government Pleader submits that the petitioner was required to submit IT returns for three consecutive years between 2019-2020

onwards till 2023-2024. However, the petitioner did not furnish the IT returns for the year 2020-2021 and hence the bid was not responsive and therefore, the technical bid of the petitioner was rejected.

5. I have considered the submissions of the learned counsel for the petitioner and the learned High Court Government Pleader for the respondents.

6. If the bid document submitted by the petitioner contained the IT returns for the year 2017-2018, 2018-19, 2019-2020, 2021-2022 and 2022-2023 as against the requirement of the bid to submit IT returns for any three years of the years 2019-20, 2020-21, 2021-2022, 2022-2023, 2023-2024, it is evident that the petitioner did not furnish the IT returns for the year 2020-2021. Therefore, the petitioner did not furnish the IT returns for any three consecutive years. Therefore, the bid submitted by the petitioner was not responsive and the technical bid of the petitioner was rightly rejected. The appellate authority has also considered the same and has held that the petitioner

did not furnish the said document. Under the circumstances, this Court does not see any reason why the impugned order passed by respondent Nos.2 and 3 has to be disturbed.

Hence, the petition is ***dismissed***.

Sd/-
(R.NATARAJ)
JUDGE

SWK
List No.: 1 Sl No.: 23
Ct:si