

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 27th DAY OF JUNE 2012

BEFORE

THE HON'BLE MR.JUSTICE AJIT J. GUNJAL

W.P.NO.21105 OF 2012(GM-TEN)

BETWEEN:

K N HARISH
S/O NINGAPPA,
AGED ABOUT 40 YEARS,
PROPRIETOR,
ADITHYA COMMUNICATION,
EMPLOYEES CLUB, 4TH BLOCK,
SOMWARPET ROAD,
KUSHALNAGAR-571234
KODAGU DISTRICT

... PETITIONER

(By Sri: O SHIVARAM BHAT, ADV.,)

AND :

1 SENIOR DIVISIONAL MANAGER
LIC OF INDIA,
E & O.S. DEPARTMENT
DIVISIONAL OFFICE
B.M. ROAD,
BANNIMANTAP EXTENSION
MYSORE-570015

2 P MALLESH
S/O PUTTE GOWDA
AGED ABOUT 30 YEARS
R/O EMS-10,
JHB COLONY
HUNSUR-571105

... RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE R1 NOT TO ALLOT THE TENDER IN FAVOUR OF THE R2 IN PURSUANCE OF THE TENDER CALLED FOR BY THE R1 ON 23.4.12 VIDE ANNEX-A.

THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING THIS DAY, THE COURT MADE THE FOLLOWING:

O R D E R

The first respondent floated a tender to maintain VIP Guest-house at Divisional Office premises, Mysore. Pursuant to the said tender, the petitioner submitted his bid alongwith second respondent and another. The first respondent has accepted the bid of the 2nd respondent. The acceptance of tender of the 2nd respondent is called in question in this writ petition.

2. Mr. O. Shivaram Bhat, learned counsel appearing for the petitioner submits that the second respondent does not qualify, inasmuch as, he does have registration of the agency with the

State authorities, the work force is less than 10 and he also does not have PF and ESI registration. He submits that first respondent could not have accepted the tender of the 2nd respondent.

3. I have perused the papers. Apparently, no material is forthcoming before me to say that second respondent does not possess any of the qualification which was suggested, in the form of technical bid. In the absence of any material, it is rather difficult for this Court to say that the second respondent does not qualify and his tender was wrongly accepted by the first respondent. Apparently, certain amount of elbow room is to be given to the tendering authority to finalise the bid. In my view, in the absence of any material to show that the first respondent has acted malafidly and

also unreasonably, question of interference does not arise.

Petition is rejected.

**Sd/-
JUDGE**

*mn/-