

(2012) 06 KAR CK 0037

In the Karnataka High Court

Case No : Writ Petition No's. 7972-73 of 2012 (CS-RES)

Sri. Sai Digital Printers and Suppliers

APPELLANT

Vs

State of Karnataka and Karnataka State Co-operative
Mahamandali Ltd.

RESPONDENT

Date of Decision : 04-06-2012

Acts Referred:

Karnataka Transparency in Public Procurements Act, 1999 — Section 17 (1) (a)

Citation : (2012) 06 KAR CK 0037

Hon'ble Judges : B.S. Patil, J

Bench : Single Bench

Advocate : Venkatesh. P. Dalwai, for M/s. Srivaaru Law Firm, for the Appellant;
K.A. Ariga, AGA for RI and Sri. K.L. Srinivasa, for R2, for the Respondent

Final Decision : Dismissed

Judgement

B.S. Patil

1. In these writ petitions, petitioner is challenging the tender notification dated 27.03.2012 issued by the 2nd respondent inviting tenders from printers for publishing a Co-operative weekly magazine by name "Sahakara". Petitioner seems to be in the business of printing with the requisite experience in digital printing, publishing and supplying. The tender notification was published on 27.02.2012 fixing the last date for submitting the tender application as 12.03.2012. The grievance of the petitioner is that the respondents ought to have given 30 days clear time to the intending applicants as mandated under Rule 17(1)(a) of the Karnataka Transparency in Public Procurements Act, 1999 for submission of tenders. As the time limit for submitting the tender notification was not adhered to, the entire tender notification is challenged as illegal and unsustainable.

2. Learned Counsel for the petitioner submits that though this ground was specifically urged in the writ petition and although the 2nd respondent filed their

objections it did not meet this contention. However, the 1st respondent which has filed the statement of objections subsequently has sought to contend that the condition imposed providing minimum time for submitting the tenders was reduced to 15 days by the Managing Director after obtaining the approval of the superior authority. Learned Counsel for the petitioner submits that this statement cannot be accepted as the Society who was the contesting respondent had failed to take up such a contention at the time when the statement of objection was filed. It is his submission that this contention has not been substantiated by producing necessary documents.

3. Learned Additional Government Advocate strongly refutes this contention and submits that the Deputy Secretary to the Government has sworn to the affidavit stating that after obtaining permission from the superior authority, the Managing Director of the 2nd respondent-Mahamandali has taken a decision to reduce the time limit of 30 days to 15 days hence there was absolutely no reason for the petitioner to dispute this position. It is also his submission that admittedly the petitioner is carrying on his business in digital printing, which, is not the one that is required by the 2nd respondent as per the tender notification.

4. Learned Counsel for the 2nd respondent supports the contention urged by the learned Additional Government Advocate.

5. Upon hearing the Learned Counsel for all the parties and on consideration of the entire materials on record, I find that there is absolutely no reason to disbelieve the assertion made by the state Government in the statement of objections filed urging that the Managing Director of the 2nd respondent Mahamandoli has after approval of the superior officer reduced the time limit from 30 days to 15 days. The affidavit is sworn to by the Ex-officio Deputy Secretary to the State Government. Therefore, the submission made by the Learned Counsel for the petitioner that the said statement should not be believed as the Society in its statement has not taken up such a contention cannot be accepted. As, this is the only legal contention urged and as the respondent-State has met this contention, the tender process cannot be stalled at the instance of the petitioner who has not even chosen to file any application pursuant to the tender notification issued. Hence, these writ petitions are dismissed.