



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 1ST DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO.200198 OF 2024 (GM-TEN)

BETWEEN:

M/S. KOUSHALYA SECURITY AND NON-CLINICAL
SERVICES,
PLOT NO.160/1151, GANGA NAGAR,
BRAHMPUR, KALABURAGI-585102
REPRESENTED BY PROPRIETOR,
DHANALAXMI D. PATIL,
W/O SRI. DOURATARAYA S. PATIL,
AGE: 51 YEARS, OCC: BUSINESS.

...PETITIONER

(BY SRI. MAHANTESH PATIL, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS
THE DIRECTOR, ATALAJI JANASNEHI DIRECTORATE,
REVENUE DEPARTMENT,
K. R. CIRCLE, BENGALURU-560001.
2. THE DEPUTY COMMISSIONER,
KALABURAGI DIST. KALABURAGI-585101.
3. THE ADDL. DEPUTY COMMISSIONER,
KALABURAGI DIST. KALABURAGI-585101.
4. RAJNET INFOTECH,
M/S BASAVA TOURS AND TRAVELS,
RESIDENT OF NO.10-27, PLOT NO.12,





THAYAMMA NILAYA, SUBHASH JADAV LAYOUT,
UDNOOR ROAD, KALABURAGI-585103
BY ITS PROPRIETOR,
MEENAKSHI S. KORWAR.

...RESPONDENTS

(BY SRI. SHIVAKUMAR R. TENGLI, AGA FOR R1 TO R3;
V/O DATED 01.06.2026 NOTICE TO R4 D/W)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO I) ISSUE A WRIT OF CERTIORARI OR ANY OTHER WRIT OR DIRECTION, QUASHING THE IMPUGNED ENDORSEMENT DATED 26.12.2023 BEARING NO.KUM/AJSK/03/2023-24/7202 PASSED BY RESPONDENT NO.3 VIDE ANNEXURE-Q. II) ISSUE A WRIT OF CERTIORARI OR ANY OTHER WRIT OR DIRECTION, QUASHING THE IMPUGNED NOTICE DATED 29.11.2023 TO PROCEED WITH THE WORK BEARING NO.RD/AJSK/03/2023/24 PASSED BY RESPONDENT NO.2 VIDE ANNEXURE-R AND CONSEQUENTLY QUASHING THE IMPUGNED ORDER AND AGREEMENT DATED 22.12.2023 PASSED BY RESPONDENT NO.4 VIDE ANNEXURE-S. III) ISSUE A WRIT IN THE NATURE OF MANDAMUS OR DIRECTION TO RESPONDENT NO.2 TO CONSIDER THE BID OF THE PETITIONER-AGENCY IN FINANCIAL BID IN PURSUANCE OF TENDER NOTIFICATION BEARING NO. RD/AJSK/03/2023-24 DATED 07.08.2023 VIDE ANNEXURE-F, IV) GRANT SUCH OTHER AND FURTHER RELIEFS AS ARE JUST EVEN INCLUDING THE COSTS OF THIS WRIT PETITION.



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

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

In this petition, the petitioner is seeking the following
reliefs:

I) Issue a writ of certiorari or any other writ or direction, quashing the impugned endorsement dated 26.12.2023 bearing No.KUM/AJSK/03/2023-24/7202 passed by respondent no.3 vide Annexure-Q.

II) Issue a writ of certiorari or any other writ or direction, quashing the impugned notice dated 29.11.2023 to proceed with the work bearing No.RD/AJSK/03/2023/24 passed by respondent no.2 vide Annexure-R and consequently quashing the impugned order and agreement dated 22.12.2023 passed by respondent no.4 vide Annexure-S.

III) Issue a writ in the nature of mandamus or direction to respondent no.2 to consider the bid of the petitioner-agency in financial bid in pursuance of tender notification bearing no. Rd/AJSK/03/2023-24 dated 07.08.2023 vide Annexure-F.



IV) Grant such other and further reliefs as are just even including the costs of this writ petition."

2. Heard learned counsel for the petitioner and learned Additional Government Advocate for respondent Nos.1 to 3 and perused the material on record. For the order proposed, notice to respondent No.4 is dispensed with.

3. A perusal of the material on record will indicate that pursuant to the tender certification dated 07.08.2023 issued by the respondent No.2, the petitioner as well as respondent No.4 participated in the tender process. The respondent Nos.1 to 3 rejected the bid of the petitioner on the ground that the petitioner had been blacklisted and was not entitled to be granted the tender and accordingly, allotted the tender work in favour of respondent No.4 by issuing the impugned endorsement at Annexure-Q dated 26.12.2023 and executed a work order and agreement in favour of respondent No.4. Aggrieved by the impugned endorsement at Annexure-Q and work order and



agreement at Annexure-R and S, petitioner is before this Court by way of the present petition.

4. Learned counsel for the petitioner would invite my attention to the order passed by this Court in WP No.202170/2021 dated 05.01.2022 in order to contend that the very blacklisting of the petitioner had been quashed and set aside by this Court in the said petition and as such, the reason assigned by the respondent No.2 in rejecting the bid of the petitioner and allotting the tender work in favour of the respondent No.4 deserves to be quashed.

5. *Per contra*, learned Additional Government Advocate submits that having regard to the fact that there was no interim order in this petition, respondent No.4 who had already been allotted the tender work, has completed the work and the tender period has already expired and as such there is no merit in the petition, the same is liable to be dismissed.



6. By way of reply, learned counsel for the petitioner submits that in the event the impugned endorsement purporting to reject the bid of the petitioner is to be clarified by clarifying that the blacklisting of the petitioner has already been quashed by this Court in WP No.202170/2021, since the same would come in the way of the petitioner participating in all future tenders and as such, the impugned endorsement on Annexure-Q dated 26.12.2023 may be clarified accordingly.

7. Before advertng to the rival contentions, it would be necessary to refer to the final order dated 05.01.2022 passed by this Court in WP No.202170/2021, which is as under:

ORDER

Though this writ petition is listed for Preliminary Hearing, by the consent of the parties, it is taken up for final disposal.

2. The petitioner has challenged the order dated 17.05.2021 passed by the respondent herein



stating that the petitioner has been blacklisted without providing an opportunity of hearing to him.

3. Heard Sri Mahantesh Patil, learned counsel for the petitioner and Sri Chetan Kalburgi, learned counsel for the respondent.

4. It is the case of the petitioner that the petitioner has participated in several tenders for providing security services to the Government establishment including the respondent/Corporation by following the procedure contemplated in the tender documents. On 23.06.2018, the respondent issued notice (as per Annexures-B and B1) to the petitioner stating that the petitioner has not provided documents pertaining to the payment of EPF and ESI to its employees. The respondent issued E-Procurement Tender Notification for the year 2019-2020 (AnnexureD) and pursuant to the same, the petitioner participated in the tender and petitioner was the successful bidder in the tender notification. The petitioner has paid D.D. for a sum of Rs.2,21,170/- on 09.04.2020 in favour of the respondent as per Annexures-E and E1. In the meanwhile, on 12.12.2020, Brahmpur Police Station, Kalaburagi, issued notice to the petitioner stating that the petitioner has not paid PF/ESI amount to its employees and accordingly, directed the petitioner to provide adequate material with regard to the same



as per Annexure-F. In response to the same, the petitioner filed reply dated 14.12.2020 as per Annexure-F1. In the meanwhile, the respondent has cancelled the acceptance of tender of the petitioner by impugned order dated 17.05.2021, inter alia ordered for blacklisting the petitioner's establishment pursuant to the registration of the criminal case against the petitioner by Brahmpur Police Station, Kalaburagi. Hence, this writ petition is filed.

5. Sri Mahantesh Patil, learned counsel for the petitioner vehemently argued that it is well settled principle of law that in order to blacklist the establishment, it is the duty cast on the respondent authorities to issue notice and thereafter opportunity has to be given to the said establishment to file reply and thereafter, appropriate action has to be taken by the authority.

6. In this connection, I have carefully considered the material on record which would clearly establish the fact that no prior notice has been issued to the petitioner-establishment before passing the impugned order dated 17.05.2021. Recently, the Hon'ble Apex Court in the case of UMC Technologies Private Limited vs. Food Corporation of India and another reported in AIR 2021 SC 166 has observed that prior notice is to be given to the aggrieved party before passing any order relating to



blacklisting. Following the law declared by the Hon'ble Apex Court in the case referred to above, I am of the view that the impugned order dated 17.05.2021 passed by the respondent-authorities is contrary to law declared by the Hon'ble Apex Court in the case referred to above.

7. In that view of the matter, the writ petition is allowed. The order dated 17.05.2021 passed by the respondent is hereby set aside.

8. However, having considered the submission made by the learned counsel representing the respondent/Corporation, it is needless to say that the respondent/Corporation is at liberty to issue notice to the petitioner herein and pass appropriate order in accordance with law after affording an opportunity of hearing to the petitioner and after considering the reply, if any, filed by the petitioner.

Ordered accordingly."

8. As can be seen from the aforesaid order passed by this Court, the order impugned therein dated 17.05.2021, blacklisting the petitioner has been set aside and the said order passed by this Court setting aside the blacklisting of the petitioner has attained finality and become conclusive and binding upon the parties. Under



these circumstances, the only reason assigned in the impugned endorsement at Annexure-Q dated 26.12.2023 for the purpose of rejecting the bid of the petitioner is clearly factually incorrect, inasmuch as the petitioner's blacklisting had already been set aside by this Court as on the date of the impugned endorsement.

9. Be that as it may, it is an undisputed fact and a matter of record that since there was no interim order in the present petition, the tender period has expired as on date and the respondent No.4 has completed the tender work. Under these circumstances, nothing further survives in the present petition, except clarifying that the impugned endorsement at Annexure-Q dated 26.12.2023 as well as the work order and agreement executed by the respondent Nos.1 to 3 in favour of respondent No.4 would not come in the way of the petitioner participating in all future tenders, under any circumstances whatsoever, and by holding that the petitioner has not been blacklisted in any manner whatsoever.



10. Accordingly, petition stands ***disposed of*** clarifying the impugned endorsement at Annexure-Q dated 26.12.2023 by stating that the petitioner has not been blacklisted from participating in any tender or in any capacity, under any circumstances whatsoever.

**Sd/-
(S.R.KRISHNA KUMAR)
JUDGE**

NJ
List No.: 1 SI No.: 27
CT:SI