

**Karantaka State Ration Food Grain Wholesale And Retail Transportation
Contractors Association (R) & Ors. Vs State Of Karnataka Rep: By Its
Principal Secretary Food And Civil Supplied Department Vikasa Soudha
Bengaluru - 560001 & Ors**

Court: Karnataka High Court At Bengaluru

Date of Decision: Feb. 5, 2025

Hon'ble Judges: N.V. Anjaria, CJ; M.I. Arun, J

Bench: Division Bench

Advocate: M.K. Pruthveesh, K.S. Harish

Judgement

N.V. Anjaria, CJ

1. The writ petition is pending before learned Single Judge wherein the prayer made by the petitioners is to set aside the E-Tender Notification dated

21.01.2025. In the proceedings of the writ petition, learned Single Judge passed order dated 24.01.2025 which was at the request of learned Senior

Advocate appearing for the petitioners seeking to implead individual tenderers who are the members of the petitioner-Association.

2. Thereafter, on 30.01.2025 learned Single Judge passed the following order,

A week's time is granted to the respondents to file statement of objections.

3. Essentially, it is against the aforesaid order dated 30.01.2025 that the appellate jurisdiction of this Court is invoked.

4. It is immediately noticeable that the aforesaid order neither reflects anything on merits nor decides any lis. It only grants time to the respondents to

file objections. There is no trapping whatsoever of finality in the order. The writ petition is pending at large to be considered on merits for its prayers

made as mentioned above.

5. The only submission which learned advocate Mr. M.K. Pruthveesh for learned advocate Smt. A.L. Saritha for the petitioners, urged before the

Court was that in the tender process the date for opening of the financial bid is today and that the third party rights, if created, would render the

petition virtually a fait accompli.

6. Even the said submission could not be countenanced, inasmuch as when the Court put a query to learned advocate for the petitioners as to whether

the petitioners approached learned Single Judge for early and immediate hearing of the matter including in respect of grant of interim order, in wake of

what was submitted before this Court, namely that the last date of opening of the financial bid is today, learned advocate for the petitioners had no

answer and he was entirely at his receiving end not able to state before the Court that the petitioners had made any such attempt to request learned

Single Judge.

6.1 The petitioners could have requested learned Single Judge and sought for appropriate order on merits and in accordance with law even during the

pendency and pending the filing of statement of objections by the other side.

6.2 No case is made out to entertain in any manner the present writ appeal.

7. However, this Court grants the petitioners at liberty to approach learned Single Judge and put forward their case including on the grounds what is

submitted before this Court namely that the financial bid is to be open today and that it is likely that the third party rights will be created.

7.1 Writ Petition No.1878 of 2025 shall therefore be listed peremptorily before learned Single Judge tomorrow that is on 06.02.2025. The appellants-

petitioners shall be entitled to make appropriate request before learned Single Judge for taking up the matter urgently, and may raise all the contentions

and prayers to be considered in accordance with law.

8. With the above limited observations, the appeal is not entertained.