

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF JUNE 2019

BEFORE

THE HON'BLE MR. JUSTICE ALOK ARADHE

WRIT PETITION NO.51473 OF 2018 (GM-TEN)

BETWEEN:

M/S. SEEMA CATERERS
SITUATED AT 3261 K A AZEEZ ROAD
BANGARPET-563114 KOLAR DISTRICT
KARNATAKA REPRESENTED BY ITS
MANAGING PARTNER
MR. ALTHAF ULLA SHARIFF

... PETITIONER

(BY MR. SYED GHOUSE PASHA, ADV.)

AND:

1. THE UNION OF INDIA
MINISTRY OF RAILWAYS
NEW DELHI-110001
REPRESENTED BY ITS SECRETARY
2. THE CHAIRMAN, RAILWAY BOARD
MINISTRY OF RAILWAYS
NEW DELHI-110001
3. INDIAN RAILWAY CATERING TOURISM
AND CORPORATION LTD (IRCTC)
CORPORATE OFFICE
AT 11TH AND 12TH FLOOR
STATEMENT HOUSE
BARAKHAMBHA ROAD
CONNAUGHT PLACE
NEW DELHI-110001
REPRESENTED BY
ITS MANAGING DIRECTOR

4. THE GENERAL MANAGER
SOUTH WESTERN RAILWAYS
ZONAL RAILWAYS
HEADQUARTERS BUILDING
GADAG ROAD HUBLI-580020
5. THE DIVISIONAL RAILWAY MANAGER
SOUTH WESTERN RAILWAYS
BENGALURU DIVISION
BENGALURU-560023
6. THE SENIOR DIVISIONAL COMMERCIAL MANAGER
OFFICE OF THE DIVISIONAL RAILWAY MANAGER
SOUTH WESTERN RAILWAYS
BENGALURU DIVISION
BENGALURU-560023

... RESPONDENTS

(BY MR. ABHINAY Y.T, ADV FOR
MR. N.S.SANJAY GOWDA, ADV)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO CALL FOR RELEVANT RECORDS PENDING ON THE FILE OF RESPONDENT. DIRECT OR A WRIT, IN THE NATURE OF WRIT OF MANDAMUS TO THE RESPONDENT-RAILWAY DIRECTING THEM, TO CONSIDER THE PETITIONER TECHNICAL BID IN ORDER TO OPEN THE FINANCIAL BID.

THIS WRIT PETITION COMING ON FOR *PRELIMINARY HEARING IN 'B' GROUP* THIS DAY, THE COURT MADE THE FOLLOWING:-

ORDER

Mr.Syed Ghouse Pasha, learned counsel for the petitioner.

Mr.Abhinay Y.T. for Mr.N.S.Sanjay Gowda, learned counsel for respondents.

2. The writ petition is admitted for hearing. With consent of the learned counsel for the parties, the same is heard finally.

3. In this petition, the petitioner *inter alia* has challenged the validity of the impugned tender notification dated 31.07.2018.

4. When the matter was taken up today, learned counsel for the respondent submitted that in pursuance of the impugned tender notification, the process of tender has already been completed and the work in question has already been completed and the work in question has already been allotted.

5. In view of the aforesaid subsequent development, I am not inclined to examine the validity of the terms and conditions of the tender notification dated 31.07.2018 at this stage. However, the writ

petition is disposed of with a liberty to the petitioner to take recourse to such remedy as may be available to him under law.

With the aforesaid liberty, petition stands disposed of.

**Sd/-
JUDGE**

SS