

IN THE HIGH COURT OF KARNATAKA, BENGALURU

DATED THIS THE 30<sup>TH</sup> DAY OF NOVEMBER, 2021

BEFORE

THE HON'BLE MR. JUSTICE KRISHNA S.DIXIT

**WRIT PETITION NO.21672 OF 2021(GM-TEN)**

**BETWEEN:**

M/S DIVYA PRAKASHANA,  
PROP. CONCERN  
REP BY ITS PROP  
DEEPAK S M,  
AGED ABOUT 46 YEARS,  
S/O D K SHYAMASUNDARA ROA,  
NO.6, NAGAPPA STREET,  
SESHADRIPURAM,  
BANGALORE – 560 020.

...PETITIONER

(BY SRI. MAHENDRA GOWDA C R,ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA,  
BY ADDITIONAL CHIEF SECRETARY,  
DEPART OF COMMERCE AND INDUSTRY  
VIKAS SOUDHA, BANGALORE – 560 001.
2. M/S MYSORE SALES INTERNATIONAL LTD.,  
REP BY ITS MANAGING DIRECTOR,  
MSIL HOUSE, CUNNINGHAM ROAD,  
BANGALORE – 560 052.

... RESPONDENTS

(BY SRI. VINOD KUMAR, AGA FOR R1)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF  
THE CONSTITUTION OF INDIA PRAYING TO QUASH/SET  
ASIDE IMPUGNED NOTIFICATION ISSUED BY R-2 BEARING  
DATED 11.11.2021 AT ANNEX-A AND ETC.,

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

**ORDER**

The essential grievance of the petitioner is as to incorporation and non-incorporation of certain terms & conditions in the tender notification.

2. Learned AGA appearing for respondent No.1 opposes the writ petition contending that the tender belongs to the realm of contract and therefore, it is left to the parties to incorporate the terms, in support of this he banks upon the decision of Apex Court in **SILPPI CONSTRUCTIONS CONTRACTOS Vs. UOI & ANOTHER**, (2020) 16 SCC 489.

3. This Court is in full agreement with the above submission of learned AGA; his submission is supported by the observations of the Apex Court in the decision supra. What conditions should be stipulated in the tender notification is ordinarily left to the wisdom of the tendering authority and the Writ Court cannot run a competition of wisdom, in matters like this.

In the above circumstances, this writ petition being devoid of merits, is rejected, costs having been made easy.

**Sd/-  
JUDGE**

Bsv