



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF NOVEMBER, 2024

BEFORE

THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

WRIT PETITION NO. 31258 OF 2024 (GM-TEN)

BETWEEN:

OBJECT TECHNOLOGIES,
PARTNERSHIP FIRM,
REPRESENTED BY ITS MANAGING PARTNER,
MR. A. NAGARAJ,
O/A NO. 11/39A, 1ST FLOOR,
BULL TEMPLE ROAD, BASAVANAGUDI,
BANGALORE - 560 004.

...PETITIONER

(BY SRI. PRABHULING K. NAVADGI, SENIOR COUNSEL FOR
SMT. SANJEEVINI P. NAVADGI, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
REPRESENTED BY PRINCIPAL SECRETARY,
FINANCE DEPARTMENT, VIDHANA SOUDHA,
DR. AMBEDKAR VEEDI, BENGALURU - 560 001.
2. THE COMMISSIONER,
DEPARTMENT OF TREASURY,
KHANIJA BHAVANA, D. DEVARAJ URS ROAD,
BENGALURU - 560 001.
3. DEPARTMENT OF ANIMAL HUSBANDRY
AND FISHERIES, VIKAS SOUDHA,
DR. AMBEDKAR VEEDI,
BENGALURU - 560 001,
REPRESENTED BY PRINCIPAL SECRETARY.



4. THE COMMISSIONER,
DEPARTMENT OF ANIMAL HUSBANDRY
AND VETERINARY SERVICE,
PASHU BHAVANA, HEBBALA,
HEBBALA, BENGALURU - 560 024.

...RESPONDENTS

(BY SMT. ANITHA N., AGA)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO-DIRECT, DIRECTING THE RESPONDENT NO.2 TO CONSIDER THE CASE OF THE PETITIONER FOR RELEASE OF THE AMOUNT DUE UNDER THE CONTRACT DATED 14.01.2016 AS ANNEXURE-F BETWEEN PETITIONER AND R-3 AND ETC.

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

CORAM: HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

ORAL ORDER

Heard Sri.Prabhuling K.Navadgi, learned Senior counsel appearing for the petitioner and the learned AGA for respondent-State.

2. Respondent No.3 issued a tender document dated 04.11.2015, inviting bids for the supply of D-category employees to various Veterinary Clinics across the State to perform day-to-day work.

3. The petitioner submitted its bid and was declared the successful bidder. An agreement was entered into for the



supply of D-category employees until permanent recruitment for the said posts was made. In terms of the agreement, the petitioner asserts that it supplied the D-category employees and accordingly submitted bills for the release of payment. However, the petitioner's claim has not been considered, citing the requirement to furnish the letter of intent as per the circular dated 01.08.2018.

4. A perusal of the circular dated 01.08.2018 reveals that the procuring entities are mandatorily required to generate a letter of intent in the e-procurement system and issue the same to the selected bidder(s). Following the issuance of the letter of intent, the e-procurement portal is to automatically refund the EMDs of unsuccessful bidders in the tender. However, the order also states that this requirement does not apply to tenders that had already been invited. Therefore, the refusal to consider the petitioner's claim for the release of payment towards the supply of D-category employees is arbitrary and discriminatory.

5. Accordingly, the Writ Petition is allowed.

6. Respondent No.2 is directed to consider the petitioner's case for the release of the amount due under the contract dated 14.01.2016 (Annexure-F), without reference to



and without insisting on the accompanying letter of intent as per the Government Order dated 01.08.2018 (Annexure-G).

7. This exercise shall be completed within a period of six weeks from the date of receipt of this order.

Sd/-
(HEMANT CHANDANGOUDAR)
JUDGE

GPG