

IN THE HIGH COURT OF KARNATAKA, BANGALORE

DATED THIS THE 22ND DAY OF MAY 2008

PRESENT

THE HON'BLE MR. JUSTICE RAM MOHAN REDDY

AND

THE HON'BLE MR. JUSTICE JAWAD RAHIM

WRIT APPEAL No. 736 OF 2008 (GM TEN)

BETWEEN :

- 1 M/S MACRO INFOTECH PVT LTD
MP/1432/2, PIPELINE ROAD,
VIJAYANAGAR, BANGALORE-40.
REP. BY ITS DIRECTOR
SRI. C. P. L. PARIPOORNA
- 2 M/S COMAT TECHNOLOGIES PVT LTD
NO. 1, RHENIUS STREET,
BHIKAR PINNACLE, OFF: RICHMOND ROAD,
BANGALORE 25.
REP. BY ITS DIRECTOR,
SRI. K. E. SUDHANVA
- 3 M/S AD VIEWS DIGITAL CARDS
NO. 1-73, VIVEKANANDA COLONY,
BEHIND HOTEL PARIWAR,
GULBARGA.
REP. BY ITS PROPRIETOR
SRI A. L. PRASAD.
- 4 M/S SHREE COMPUTER CENTRE
MEENAKSHI CHOWK,

[Handwritten signature]

MIRADE GALLI,
BIJAPUR-01.
REP.BY ITS PROPRIETOR
SRI.AJIT KULKARNI,

... APPELLANTS

(By Sri : D V PAVAMANA & KUMAR & KUMAR. ADV)

AND :

- 1 STATE OF KARNATAKA
DEPARTMENT OF REVENUE
M.S.BUILDING,
BANGALORE-01.
- 2 THE COMMISSIONER OF SURVEY
SETTLEMENT AND LAND RECORDS(CSS & LR)
K.R.CIRCLE,
BANGALORE-01.
REP.BY ITS COMMISSIONER.
- 3 M/S OM SOFTWARE
22/ 1,PATIL GALLI,
M.VADGAON,
BELGAUM-05.
REP.BY ITS PROPRIETOR,
SRI.ANIL KUMAR KORI SHETTY.

... RESPONDENTS

(By Sri : B MANOHAR, AGA FOR R1 & 2)
(BY SRI : M S NARAYAN, ADV FR R3)

THIS WRIT APPEAL FILED U/S 4 OF THE
KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE
THE ORDER PASSED IN THE WRIT PETITION 4317/2008
DATED 14.3.2008.

JK

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING ALONGWITH I.A., THIS DAY JUSTICE RAM MOHAN REDDY, DELIVERED THE FOLLOWING:

J U D G M E N T

In response to a tender floated by the State of Karnataka, the 3rd respondent is said to have made his offer at 3-15 p.m., on 12th March, 2008, the last date fixed for such offer, while the appellants claim to have submitted their tender well in advance. The 3rd respondent aggrieved by the rejection of the tender, invoked jurisdiction of this court by filing W.P.4317/2008 which when heard by a learned Single Judge of this court, while recording a submission of the State that it had no objection to consider the bid of the petitioner therein along with other bidders in accordance with law, allowed the petition by order dated 14th March, 2008.

2. The appellants who were not parties before the learned Single Judge claiming to be aggrieved by the said order have preferred this intra court appeal.



3. Having heard the learned counsel for the appellants and examined the order of the learned Single Judge, we do not find any good reason to interfere with the said order, since firstly the appellants have an alternative and efficacious remedy for seeking review of the order before the learned Single Judge, if aggrieved, and secondly it is open to the appellants to advance a contention that the Tender Accepting Authority must consider the bid of the 3rd respondent, in accordance with law, as conceded by the State in the order impugned.

In the result, this appeal is accordingly rejected.

Sd/-
Judge

Sd/-
Judge