IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH

DATED THIS THE 5TH DAY OF OCTOBER, 2023

PRESENT

THE HON'BLE MR JUSTICE S.R. KRISHNA KUMAR

AND

THE HON'BLE MR JUSTICE G BASAVARAJA

WRIT APPEAL NO. 100007 OF 2023 (GM-TEN)
C/W
WRIT APPEAL NO. 100006 OF 2023 (GM-TEN)
WRIT APPEAL NO. 100008 OF 2023 (GM-TEN)
WRIT APPEAL NO. 100009 OF 2023 (GM-TEN)
WRIT APPEAL NO. 100010 OF 2023 (GM-TEN)
WRIT APPEAL NO. 100011 OF 2023 (GM-TEN)
WRIT APPEAL NO. 100012 OF 2023 (GM-TEN)
WRIT APPEAL NO. 100013 OF 2023 (GM-TEN)

IN WA NO.100007 OF 2023:

BETWEEN:

1. THE STATE OF KARNATAKA
REP. BY ITS SECRETARY,
PUBLIC WORKS DEPARTMENT,
VIKASA SOUDHA, BENGALURU-560001.

2. THE STATE OF KARNATAKA
REP. BY ITS SECRETARY,
DEPARTMENT OF URBAN DEVELOPMENT CELL,
VIKASA SOUDHA, BENGALURU-560001.

3. THE STATE OF KARNATAKA
REP. BY ITS DIRECTOR,
DIRECTORATE OF MUNICIPAL
ADMINISTRATION, V.V.TOWER,
DR.B.R.AMBEDKAR ROAD,
BENGALURU-560004.

4. THE DISTRICT URBAN DEVELOPMENT CELL
D.C. OFFICE, HAVERI,
HAVERI DISTRICT-581110.

5. THE EXECUTIVE ENGINEER

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HIGH COURT OF
KARNATAKA
DHARWAD
BENCH
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PUBLIC WORKS DEPARTMENT DIVISION,
HAVERI, HAVERI DISTRICT-581110.

6. THE EXECUTIVE ENGINEER
DISTRICT URBAN DEVELOPMENT CELL,
HAVERI, HAVERI DISTRICT-581110.

7. THE PROJECT DIRECTOR
OFFICE OF THE DEPUTY COMMISSIONER,
HAVERI, HAVERI DISTRICT-581110.

…APPELLANTS

(BY SRI. GANGADHAR J.M., ADDL. ADVOCATE GENERAL A/W
SRI. PRAVEEN K.UPPAR, ADDL. GOVT. ADVOCATE)

AND:

THE HANGAL TALUKA CIVIL CONTRACTORS
ASSOCIATION (R), KUMARESHWAR NAGAR,
NEAR COURT CIRCLE, HANGAL,
R/BY ITS PRESIDENT KUMAR
S/O. SHIVAPUTRAPPA HATTIKAL,
AGE: 57 YEARS, OCC: CLASS I CONTRACTOR,
R/O: GURU KUMARESHWAR NAGARA,
HANGAL, DIST: HAVERI-581104.

…RESPONDENT

(BY SRI. R.H.ANGADI, ADVOCATE)

IN WA NO.100006 OF 2023:

BETWEEN:

1. THE STATE OF KARNATAKA
REP. BY ITS SECRETARY,
DEPARTMENT OF PUBLIC WORKS,
VIKASA SOUDHA, BENGALURU-560001.

2. THE STATE OF KARNATAKA
REP. BY ITS SECRETARY,
DEPARTMENT OF MINOR IRRIGATION,
VIKASA SOUDHA, BENGALURU-560001.

3. THE STATE OF KARNATAKA
REP. BY ITS DIRECTOR,

DIRECTORATE OF MUNICIPAL
ADMINISTRATION, V.V.TOWER,
DR. B.R.AMBEDKAR ROAD,
BENGALURU-560004.

4. THE DISTRICT URBAN DEVELOPMENT CELL
D.C. OFFICE, UTTAR KANNADA,
R/BY EXECUTIVE ENGINEER,
DISTRICT KARWAR-581 301.

5. THE EXECUTIVE ENGINEER
PUBLIC WORKS DEPARTMENT DIVISION,
UTTAR KANNADA, DISTRICT KARWAR-581301.

6. THE EXECUTIVE ENGINEER
MINOR IRRIGATION DEPARTMENT,
UTTAR KANNADA, DISTRICT KARWAR-581301.

7. THE PROJECT DIRECTOR,
OFFICE OF THE DEPUTY COMMISSIONER,
UTTAR KANNADA, DISTRICT KARWAR-581301.

8. THE EXECUTIVE ENGINEER
DISTRICT URBAN DEVELOPMENT CELL,
UTTAR KANNADA, DISTRICT KARWAR-581301.

……APPELLANTS

(BY SRI. GANGADHAR J.M., ADDL. ADVOCATE GENERAL A/W
SRI. PRAVEEN K.UPPAR, ADDL. GOVT. ADVOCATE)

AND:

THE KARWAR TALUKA REGISTERED CONTRACTORS
ASSOCIATION (R), KARWAR, KULKARNI BUILDING,
OPP. PIKALE HOSPITAL, PIKALE ROAD,
R/BY PRESIDENT, MADHAV BABU NAYAK,
AGE: 57 YEARS, OCC: CLASS I CONTRACTOR,
R/O: CANARA BANKCOLONY,
PADMANABANGARA,NANDANAGADDA,
DIST: UTTARA KANNADA.

…RESPONDENT

(BY SRI. S.B.DODDAGOUDAR, ADVOCATE FOR
SRI. A.C.CHAKALABBI, ADVOCATE)

IN WA NO.100008 OF 2023:

BETWEEN:

1. THE STATE OF KARNATAKA
REP. BY ITS SECRETARY,
DEPARTMENT OF PUBLIC WORKS,
VIKASA SOUDHA, BENGALURU-560001.

2. THE STATE OF KARNATAKA
REP. BY ITS SECRETARY,
DEPARTMENT OF MINOR IRRIGATION,
VIKASA SOUDHA, BENGALURU-560001.

3. THE STATE OF KARNATAKA
REP. BY ITS DIRECTOR,
DIRECTORATE OF MUNICIPAL
ADMINISTRATION, V.V.TOWER,
DR. B.R.AMBEDKAR ROAD,
BENGALURU-560004.

4. THE DISTRICT URBAN DEVELOPMENT CELL
D.C. OFFICE, HAVERI,
R/BY EXECUTIVE ENGINEER,
DISTRICT HAVERI-581 110.

5. THE EXECUTIVE ENGINEER
PUBLIC WORKS DEPARTMENT DIVISION,
HAVERI, DISTRICT HAVERI-581110.

6. THE EXECUTIVE ENGINEER
MINOR IRRIGATION DEPARTMENT,
UTTAR KANNADA DISTRICT,
KARWAR-581301.

7. THE PROJECT DIRECTOR,
OFFICE OF THE DEPUTY COMMISSIONER,
HAVERI, DISTRICT HAVERI-581 110.

8. THE EXECUTIVE ENGINEER
DISTRICT URBAN DEVELOPMENT CELL,
HAVERI, DISTRICT HAVERI-581 110.

……APPELLANTS

(BY SRI. GANGADHAR J.M., ADDL. ADVOCATE GENERAL A/W
SRI. PRAVEEN K.UPPAR, ADDL. GOVT. ADVOCATE)

AND:

1. THE MUNICIPAL CONTRACTOR'S ASSOCIATION(R)
   RANEBENNUR, TQ: RANEBENNUR,
   DIST: HAVERI, R/BY PRESIDENT
   VEERANNA S/O. FAKKIRAPPA MARIBASANNAVAR,
   AGE: 59 YEARS, OCC: CLASS I CONTRACTOR,
   R/O: 1ST CROSS, RAJA RAJESHWARI NAGAR,
   RANEBENNUR, TQ: RANEBENNUR,
   DIST: HAVERI-581110.

2. BASAVARAJ S/O. RAJASHEKAR PATTANSHETTI
   AGE: 52 YEARS, OCC: CLASS II CONTRACTOR,
   R/O: PATTANASHETTI ONI, RANEBENNUR TOWN,
   TQ: RANEBENNUR, DIST: HAVERI-581110.

3. REVANASIDDAPPA S/O. NAGAPPA KAMBALI,
   AGE: 45 YEARS, OCC: CLASS I CONTRACTOR,
   R/O: KAMBALI GALLI, RANEBENNUR,
   TQ: RANEBENNUR, DIST: HAVERI-581110.

…RESPONDENTS

(BY SRI. S.B.DODDAGOUDAR, ADVOCATE FOR
SRI. A.C.CHAKALABBI, ADVOCATE)

IN WA NO.100009 OF 2023:

BETWEEN:

1. THE STATE OF KARNATAKA
   REP. BY ITS SECRETARY,
   DEPARTMENT OF PUBLIC WORKS,
   VIKASA SOUDHA, BENGALURU-560001.

2. THE STATE OF KARNATAKA
   REP. BY ITS SECRETARY,
   DEPARTMENT OF MINOR IRRIGATION,
   VIKASA SOUDHA, BENGALURU-560001.

3. THE STATE OF KARNATAKA
   REP. BY ITS DIRECTOR,
   DIRECTORATE OF MUNICIPAL
   ADMINISTRATION, V.V.TOWER,
   DR. B.R.AMBEDKAR ROAD,
   BENGALURU-560004.

4. THE DISTRICT URBAN DEVELOPMENT CELL
D.C. OFFICE, KOPPAL DISTRICT,
KOPPAL-583229.

5. THE EXECUTIVE ENGINEER
PUBLIC WORKS DEPARTMENT DIVISION,
DIVISION KOPPAL, KOPPAL-583229.

6. THE EXECUTIVE ENGINEER
MINOR IRRIGATION DEPARTMENT,
KOPPAL-583229.

7. THE PROJECT DIRECTOR,
OFFICE OF THE DEPUTY COMMISSIONER,
KOPPAL DISTRICT, KOPPAL-583229.

8. THE EXECUTIVE ENGINEER
DISTRICT URBAN DEVELOPMENT CELL,
KOPPAL DISTRICT, KOPPAL-583229.

……APPELLANTS

(BY SRI. GANGADHAR J.M., ADDL. ADVOCATE GENERAL A/W
SRI. PRAVEEN K.UPPAR, ADDL. GOVT. ADVOCATE)

AND:

1. HANUMANTHAPPA S/O. BALAPPA
AGE: 53 YEARS, OCC: CONTRACTOR,
R/O: WARD NO.26, KOTRESHWAR CAMP,
GANGAVATHI, TQ: GANGAVATHI, DIST: KOPPAL.

2. M. RAMESH S/O. MANOHAR
AGE: 38 YEARS, OCC: CONTRACTOR,
R/O: WARD NO.23, AMBEDKAR NAGAR,
GANGAVATHI, TQ: GANGAVATHI, DIST: KOPPAL.

3. AYUB SAGARI S/O. MEHBOOB ALI
AGE: 42 YEARS, OCC: CONTRACTOR,
R/O: WARD NO.26, KOTARESHWAR CAMP,
GANGAVATHI, TQ: GANGAVATHI, DIST: KOPPAL.

4. SYED SAMDANI PASHA S/O. SYED SHARFUDDIN
AGE: 30 YEARS, OCC: CONTRACTOR,
R/O: WARD NO.29, NEAR DYAMAMMA TEMPLE,
GANGAVATHI, TQ: GANGAVATHI, DIST: KOPPAL.

5. E. SUBRAMANYAM S/O. E. GOPAL RAO
AGE: 38 YEARS, OCC: CONTRACTOR,
R/O: BATTERITANCHINAL CAMP, HARUR,
TQ: GANGAVATHI, DIST: KOPPAL.

…RESPONDENTS

(BY SRI. SADIQ N.GODWALA, ADVOCATE)

IN WA NO.100010 OF 2023:

BETWEEN:

1. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY,
URBAN DEVELOPMENT DEPARTMENT,
M.S. BUILDING, BENGALURU-560001.

2. DIRECTOR OF MUNICIPAL ADMINISTRATION
V.V. TOWER, DR. AMBEDKAR ROAD,
BANGALORE-560004.

3. THE DEPUTY COMMISSIONER
UTTAR KANNADA,
DISTRICT KARWAR-581301.

4. THE EXECUTIVE ENGINEER
DISTRICT URBAN DEVELOPMENT CELL,
OFFICE OF DEPUTY COMMISSIONER,
UTTARA KANNADA DISTRICT,
KARWAR-581301.

5. PROJECT DIRECTOR,
DISTRICT URBAN DEVELOPMENT CELL,
OFFICE OF DEPUTY COMMISSIONER,
UTTARA KANNADA DISTRICT, KARWAR-581301.

……APPELLANTS

(BY SRI. GANGADHAR J.M., ADDL. ADVOCATE GENERAL A/W
SRI. PRAVEEN K.UPPAR, ADDL. GOVT. ADVOCATE)

AND:

THE SIRSI TALUKA CIVIL CONTRACTORS
ASSOCIATION (R), TOTGAR'S KALYAN MANTAP
COURT ROAD, SIRSI,
UTTARA KANANDA DISTRICT 581 401,
REPRESENTED BY ITS PRESIDENT

RAMESH GOPAL NAIK,
AGE: 50 YEARS.

…RESPONDENT

(BY SRI. YIJAY MALALI, ADVOCATE)

IN WA NO.100011 OF 2023:

BETWEEN:

1. THE STATE OF KARNATAKA
   REP. BY ITS SECRETARY,
   PUBLIC WORKS DEPARTMENT,
   VIKASA SOUDHA, BENGALURU-560001.

2. THE STATE OF KARNATAKA
   REP. BY ITS SECRETARY,
   DEPARTMENT OF MINOR IRRIGATION,
   VIKASA SOUDHA, BENGALURU-560001.

3. THE STATE OF KARNATAKA
   REP. BY ITS DIRECTOR,
   DIRECTORATE OF MUNICIPAL
   ADMINISTRATION, V.V.TOWER,
   DR. B.R.AMBEDKAR ROAD, BENGALURU-560004.

4. THE DISTRICT URBAN DEVELOPMENT CELL
   R/BY EXECUTIVE ENGINEER,
   D.C. OFFICE, HAVERI,
   DISTRICT HAVERI-581 110.

5. THE EXECUTIVE ENGINEER
   PUBLIC WORKS DEPARTMENT,
   DIVISION HAVERI, DISTRICT HAVERI-581110.

6. THE EXECUTIVE ENGINEER
   MINOR IRRIGATION DEPARTMENT,
   HAVERI, HAVERI DISTRICT-581110.

7. THE PROJECT DIRECTOR,
   OFFICE OF THE DEPUTY COMMISSIONER,
   HAVERI, DISTRICT HAVERI-581 110.

……APPELLANTS

(BY SRI. GANGADHAR J.M., ADDL. ADVOCATE GENERAL A/W
SRI. PRAVEEN K.UPPAR, ADDL. GOVT. ADVOCATE)

AND:

THE HAVERI TALUKA CIVIL CONTRACTORS
ASSOCIATION (R), PARAMESHWAR COMPLEX,
P.B. ROAD, DIST: HAVERI-581110,
R/BY PRESIDENT MALLIKARJUN
S/O. CHANNABASAPPA HAVERI,
AGE: 47 YRS, OCC: CLASS I CONTRACTOR,
R/O: PARAMESHWAR COMPLEX,
P. B.ROAD, DIST: HAVERI-581110.

…RESPONDENT

(BY SRI. S.B.DODDAGOUDAR, ADVOCATE FOR
SRI. A.C.CHAKALABBI, ADVOCATE)

IN WA NO.100012 OF 2023:

BETWEEN:

1. THE STATE OF KARNATAKA
REP. BY ITS SECRETARY,
PUBLIC WORKS DEPARTMENT,
VIKASA SOUDHA, BENGALURU-560001.

2. THE STATE OF KARNATAKA
REP. BY ITS SECRETARY,
DEPARTMENT OF MINOR IRRIGATION,
VIKASA SOUDHA, BENGALURU-560001.

3. THE STATE OF KARNATAKA
REP. BY ITS DIRECTOR,
DIRECTORATE OF MUNICIPAL
ADMINISTRATION, V.V.TOWER,
DR. B.R.AMBEDKAR ROAD,
BENGALURU-560004.

4. THE DISTRICT URBAN DEVELOPMENT CELL
D.C. OFFICE, UTTARA KANNADA,
R/BY EXECUTIVE ENGINEER,
PUBLIC WORKS DEPARTMENT,
DISTRICT KARWAR-581 301.

……APPELLANTS

(BY SRI. GANGADHAR J.M., ADDL. ADVOCATE GENERAL A/W
SRI. PRAVEEN K.UPPAR, ADDL. GOVT. ADVOCATE)

AND:

THE CANARA P.W.D CONTRACTOR'S
ASSOCIATION (R), DANDELI,
DIST: UTTARA KANNADA, R/BY PRESIDENT,
N. SHASHIDHARA NEELKANTA,
AGE: 64 YEARS, OCC: CLASS I CONTRACTOR,
R/O: K. NO.141/4/644, KULAGI ROAD,
DANDELI, DIST: UTTAR KANNADA.

…RESPONDENT

(BY SRI. S.B.DODDAGOUDAR, ADVOCATE FOR
SRI. A.C.CHAKALABBI, ADVOCATE)

IN WA NO.100013 OF 2023:

BETWEEN:

1. THE STATE OF KARNATAKA
REP. BY ITS SECRETARY,
PUBLIC WORKS DEPARTMENT,
VIKASA SOUDHA, BENGALURU-560001.

2. THE STATE OF KARNATAKA
REP. BY ITS SECRETARY,
DEPARTMENT OF MINOR IRRIGATION,
VIKASA SOUDHA, BENGALURU-560001.

3. THE STATE OF KARNATAKA
REP. BY ITS DIRECTOR,
DIRECTORATE OF MUNICIPAL
ADMINISTRATION, V.V.TOWER,
DR. B.R.AMBEDKAR ROAD,
BENGALURU-560004.

4. THE DISTRICT URBAN DEVELOPMENT CELL
D.C. OFFICE, KOPPAL DISTRICT,
KOPPAL-583229.

5. THE EXECUTIVE ENGINEER
PUBLIC WORKS DEPARTMENT DIVISION,
DIVISION KOPPAL, KOPPAL DISTRICT.

6. THE EXECUTIVE ENGINEER
MINOR IRRIGATION DEPARTMENT,
KOPPAL, KOPPAL DISTRICT.

7. THE PROJECT DIRECTOR,
OFFICE OF THE DEPUTY COMMISSIONER,
KOPPAL, KOPPAL DISTRICT.

8. THE EXECUTIVE ENGINEER
DISTRICT URBAN DEVELOPMENT CELL,
D.C. OFFICE, KOPPAL,
KOPPAL DISTRICT.

……APPELLANTS

(BY SRI. GANGADHAR J.M., ADDL. ADVOCATE GENERAL A/W
SRI. PRAVEEN K.UPPAR, ADDL. GOVT. ADVOCATE)

AND:

1. MALLIKARJUN S/O. NANDAPUR
AGE: 45 YEARS, OCC: CONTRACTOR,
R/O: CHALWADI ONI, WARD NO.20,
CHALWADI, TAL: GANGAVATI,
DIST: KOPPAL-583231.

2. DEVAPPA S/O. MUDAKAPPA
AGE: 52 YEARS, OCC: CONTRACTOR,
R/O: WARD NO. 27, HARIJAN WARD,
GANGAVATHI, DIST: KOPPAL-583 227.

…RESPONDENTS

(BY SRI. SADIQ N. GOODWALA, ADVOCATE)

THESE WRIT APPEALS ARE FILED U/S.4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING THIS HON'BLE COURT TO SET ASIDE THE COMMON ORDER DATED 01.12.2022 PASSED BY LEARNED SINGLE JUDGE IN W.P.NOS.104062, 103437, 103755, 104163, 103745, 104013, 104822, 105424 OF 2022 RESPECTIVELY.

THESE WRIT APPEALS COMING ON FOR PRELIMINARY HEARING, THIS DAY, ***KRISHNA KUMAR J.,*** DELIVERED THE FOLLOWING:

COMMON JUDGMENT

All these intra-Court appeals filed by the State arise out of the impugned common order dated 01.12.2022 passed in WP No.104062/2022 and connected petitions, whereby the said writ petitions filed by the respondent/writ petitioner were allowed by the learned Single Judge.

2. The material on record discloses that during July-August-2022, various tender notifications were issued by the appellants/State, which were questioned by the respondent/writ petitioner, who inter-alia contended that the said tender notifications were contrary to the State Government Circular dated 11.05.2022. It was contended that terms and conditions of the tender notification, in particular, the upper limit stipulated as one crore were contrary to the said Circular dated 11.05.2022, which fixed a much lower limit and consequently, the impugned tender which was contrary to the State Government's own Circular dated 11.05.2022 deserves to be quashed. The said writ petitions were contested by the State Government by filing

statement of objections inter-alia contending that while the aforesaid general Circular dated 11.05.2022 was issued in respect of tender notifications in the entire State of Karnataka, insofar as subject scheme and subject notifications were concerned, the State Government had earlier issued Government Order dated 14.01.2022, which would govern the subject tender and scheme and the said Government Order dated 14.1.2022 would prevail and become applicable and not the subsequent general Circular dated 11.05.2022 which would not apply to the subject scheme and tender. Under these circumstances, the appellants/State sought for dismissal of the writ petitions.

3. After hearing both sides, learned Single Judge noticed that in relation to the very same subject scheme in WP No.11604/2022 filed by other contractors before the Principal Bench, the State Government had undertaken that insofar as approvals granted subsequent to Circular dated 11.05.2022 were concerned, State Government would follow Circular dated 11.05.2022. Based on the said undertaking,

WP No.11604/2022 was disposed off by learned Single Judge of the Principal Bench vide order dated 15.07.2022. In the instant case, learned Single Judge placed reliance upon the said order in WP No.11604/2022 and quashed the impugned tender notification on the ground that the same was contrary to the Circular dated 11.05.2022, which even according to State Government was applicable to the subject tender and the scheme.

4. Heard the learned Addl. Advocate General for the appellants/State and learned counsel for the respective respondents and perused the material on record.

5. In addition to reiterating the various grounds urged in the memorandum of writ appeals and referring to the material on record, learned Addl. Advocate General submits that despite the appellants/State having specifically contended that the subject scheme and tender were governed by the Government Order dated 14.1.2022, which had been produced before the learned Single Judge, and that the Circular dated 11.05.2022 was inapplicable, the learned

Single Judge passed the impugned order without appreciating the aforesaid Government Order dated 14.1.2022, which was in fact not even referred to or adverted to, much less considered or appreciated in the earlier order dated 15.07.2022 passed in WP No.11604/2022. It was therefore contended that while the Government Circular dated 11.05.2022 is general in nature and would apply to all schemes and tenders, the subject tender and scheme would be governed exclusively by Government Order dated 14.01.2022 which would apply and the Circular dated 11.05.2022 would not be applicable to the subject scheme and tender, and as such, the learned Single Judge committed an error in allowing the writ petitions by passing the impugned order, which deserves to be set-aside.

6. Per contra, learned counsel for the respondent/writ petitioner submits that there is no merit in the writ appeals and same are liable to be dismissed. It was submitted that as rightly held by the learned Single Judge that the State Government itself had unequivocally and

unambiguously undertaken that the Circular dated 11.05.2022 would be applicable to all tenders including the subject tender and consequently, the State Government was estopped from contending otherwise in the present appeals. It was also contended that it was only the Circular dated 11.05.2022, which would be applicable to the subject scheme and tender and consequently, the learned Single Judge was fully justified in allowing the writ petitions by passing the impugned order, which does not warrant interference in the present appeals. It was therefore submitted that there is no merit in the appeals and same are liable to the dismissed.

7. A perusal of the material on record including the order dated 15.07.2022 passed in WP No.11604/2022 will indicate that neither the Government Order dated 14.01.2022 nor its applicability and effect were considered by the learned Single Judge of the Principal Bench in the order in which there is no reference to the said Government Order dated 14.01.2022, since the same was apparently not

brought to the notice of the learned Single Judge in WP No.11604/2022. Consequently, in the absence of any reference or finding as regards to the aforesaid Government Order dated 14.1.2022 and its applicability, effect etc., on the subject tender and scheme, the learned Single Judge in the instant case clearly fell in error in following the earlier order passed by the Principal Bench and summarily allowing the writ petitions on the sole/simple premise that the appellants/State had themselves accepted that the aforesaid Circular dated 11.05.2022 would be applicable to the subject tender and scheme, despite not recording any finding in this regard.

8. It is relevant to state that it is an undisputed fact that the State Government had actually issued Government Order dated 14.1.2022 specifically relating to subject scheme and tender. In this context, the submission made by the learned AAG that due to oversight, inadvertence and on account of lack of instructions by the officials, the State Government could not produce or make submissions in

relation to the said Government Order dated 14.1.2022 in WP No.11604/2022 is placed on record. Further, the Government Order dated 14.1.2022 was never an issue nor subject matter that arose for consideration in WP No.11604/2022 dated 15.07.2022 and consequently, despite the appellants/State specifically contending in the instant case that it was the Government Order dated 14.1.2022 that was applicable to the subject scheme and tender, and not the Circular dated 11.05.2022 the learned Single Judge erred in passing the impugned order, which would warrant interference by this Court in the present appeals. However, since the learned Single Judge has not recorded any finding in relation to the applicability/non-applicability of Government Order dated 14.1.2022 or the Circular dated 11.05.2022 to the subject scheme and tender without expressing any opinion on the merits/demerits of rival contentions on all aspects of the matters, we deem it just and appropriate to set-aside the impugned common order passed by the learned Single Judge and remit the matter back to the learned Single Judge for reconsideration afresh

on all aspects of the matter including the aforesaid Government Order dated 14.1.2022 and Circular dated 11.05.2022 in accordance with law.

9. In the result, we proceed to pass the following:

ORDER

a) All the above writ appeals are ***allowed***.

b) The impugned common order dated 01.12.2022 passed in WP No.104062/2022 and connected petitions is hereby set-aside.

c) The matters are remitted back to learned Single Judge for reconsideration of aforesaid writ petitions afresh in accordance with law.

d) All rival contentions between the parties on all aspects of the matter including the Government Order dated 14.1.2022 and Circular dated 11.05.2022 are kept open and no opinion is expressed on the same.

e) Liberty is reserved in favour of both parties to file additional pleadings and documents in support of their respective claims.

f) Liberty is reserved in favour of the applicant in IA No.3/2023 in WA No.100010/2023 to file appropriate application in the writ petitions pursuant to this order, which shall be considered and disposed off by the learned Single Judge in accordance with law.

Pending applications, if any, do not survive for consideration and accordingly, they are disposed off.

Sd
JUDGE

Sd
JUDGE

JTR
List No.: 1 Sl No.: 39