



HC-KAR

NC: 2025:KHC:44337
WP No. 27474 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF NOVEMBER, 2025

BEFORE

R

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 27474 OF 2025 (GM-TEN)

BETWEEN

1. SRI B S KIRAN KUMAR
S/O B R SRINIVAS
AGED ABOUT 46 YEARS,
PROPRIETOR OF
M/S SRI LAKSHMI RANGANATHASWAMY ENTERPRISES
NO.2666, 7TH MAIN, 17TH D CROSS
OPP POST OFFICE BANASHANKARI II STAGE
BANASHANAKRI BENGALURU—560070
2. SRI DILIP KUMAR C M
S/O C C MUTHYALAMURTHY
AGED ABOUT 34 YEARS,
PROPRIETOR OF M/S CPC AND SONS
NO.195/14, 7TH MAIN, 2ND CROSS,
VS GARDEN, CHAMARAJAPETE
BENGALURU-560026
3. SRI PRADEEP R
S/O RANGASWAMY
AGED ABOUT 37 YEARS
PROPRIETOR OF M/S PRADEEP R ENTERPRISES,
NO.30, 13TH B CROSS,
OPP SBI BANK, MALAGALA
VISHWANEEDAM POST
BENGALURU-560091
4. SRI N B MANJUNATHA
S/O BOMMAIAH
AGED ABOUT 49 YEARS
PROPRIETOR OF
M/S SRI KRISHNA ENTERPRISES
NO.55, 3RD MAIN,

Digitally signed
by SHWETHA
RAGHAVENDRA
Location: HIGH
COURT OF
KARNATAKA



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RANATHAPURA KAMAKSHIPALYA
BENGALURU-560079

5. SRI SANTHOSH KUMAR D
S/O DORESWAMY
AGED ABOUT 34 YEARS
PROPRIETOR OF
M/S SANTOSH KUMAR D ENTERPRISES
NO.65/2, 11TH CROSS, 2ND MAIN,
KAVERIPURA KAMAKSHIPALYA
BENGALURU-560079
6. SRI ANJANEYA
S/O LINGAPPA
AGED ABOUT 55 YARS,
PROPRIETOR OF M/S ANNAMAM DEVI PRASANNA
NO.100, 1ST MAIN,
5TH CROSS,
B CHANDRAPPA NAGAR ADUGODI POST
BENGALURU-560030
7. SRI VENKATESH R
S/O RAMAIAH
AGED ABOUT 57 YEARS,
PROPRIETOR OF M/S BALAJI ENTERPRISES,
NO.265, GROUND FLOOR,
1ST B MAIN ROAD,
8TH BLOCK, KORAMANGALA
BENGALURU-560095
8. SRI M SHIVA KUMAR
S/O N MARAPPA
AGED ABOUT 44 YEARS,
PROPRIETOR OF M/S OLN ENTERPRISES
149, 4TH CROSS,
LALBAGH ROAD,
K S GARDEN
BENGALURU-560027
9. SRI N MANJUNATHA
S/O NARAYAN
AGED ABOUT 44 YEARS
PROPRIETOR OF
M/S MANJUNATHA ENTERPRISES,



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NO.172, 3RD CROSS
3RD MAIN, B CHANDRAPPA NAGAR
ADUGODI
BENGALURU-560030

- 10.SRI VASUDEV M GUNTAPALLI
S/O MUTHYALAPPA
AGED ABOUT 51 YEARS,
NO.758, FLAT NO.4, 2ND FLOOR,
AHMEEYA GELEYARA BALAGA LAYOUT,
CHIKKASANDRA, HESARAGHATTA ROAD
CHIKKABANAWARA
BENGALURU-560090
- 11.SRI SANTOSH KUMAR M
S/O MUNIRAJU
AGED ABOUT 39 YEARS,
PROPRIETOR OF M/S SMT ENTERPRISES,
NO.17, KEMBATHALLI BANNERGHATTA ROAD
GOTTIGERE, BENGALURU-560083
- 12.SRI VIJAYAKUMAR A
S/O ANANTHAIAH
AGED ABOUT 43 YEARS,
PROPRIETOR OF
M/S SHISHIR ASSOCIATES,
NO.290/41, 1ST FLOOR,
10TH MAIN, 38TH CROSS,
JAYANAGAR, 5TH BLOCK
BENGALURU-560041
- 13.SRI SURESH KUMAR N
S/O NARASIMHA
AGED ABOUT 50 YEARS,
PROPRIETOR OF
M/S SURYA PRAKASH ENTERPRISES,
NO.188/23, 13TH MAIN, 2ND CROSS,
V S GARDEN JJR NAGAR
BENGALURU-560026
- 14.SRI BALAKRISHNA C
S/O CHANNAIAH
AGED ABOUT 38 YEARS,
PROPRIETOR OF



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M/S SRI CKR ENTERPRISES
NO.475,
1ST CROSS, 1ST MAIN
V S GARDEN JJR NAGAR
BENGALURU-560026

15.SMT PALLAVI S N
W/O JAGANNATH C T
AGED ABOUT 45 YEARS,
PROPRIETOR OF
M/S MATHASHREE ENVIRO CLEANING AGENCY
NO.121, 7TH MAIN ROAD,
3RD CROSS
V S GARDEN,
IPD SALAPPA LAYOUT,
BENGALURU-560026

16.SMT M GOWRAMMA
W/O MANJUANATH
AGED ABOUT 42 YEARS,
PROPRIETOR OF
M/S SREE MATHA SHREE ENTERPRISES,
125, 2ND MAIN,
2ND CROSS, V S GARGEN JJR NAGAR,
BENGALURU-560026

17.SRI HEMANTH KUMAR R
S/O R RAMA MURTHY
AGED ABOUT 46 YEARS,
PROPRIETOR OF
M/S HEMANTH ENTERPRISES,
203, SRIMAN SRI LAKSHMUI NARAYANA NILAYA,
1ST CROSS, 6TH MAIN ROAD,
GREEN HOUSE,
REMCO LAYOUT
HAMPINAGAR
BENGALURU-560104

18.SRI RAVIPRASAD
S/O S G MUTHYALAPPA
AGED ABOUT 51 YEARS,
PROPRIETOR OF
M/S SURYACHANDRA ENTERPRISES,
280, 17TH CROSS,



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OLD GUDDADAHALLI
DEVARAJ URS NAGAR,
BENGALURU-560026

...PETITIONERS

(BY SRI. UDAYA HOLLA., SR. ADVOCATE FOR
SMT.MAYA HOLLA., ADVOCATE)

AND

1. STATE OF KARNATAKA
URBAN DEVELOPMENT AUTHORITY,
VIDHANA SOUDHA
BENGALURU-560001
2. BENGALURU SOLID WASTE MANAGEMENT LIMITED
I FLOOR, BBMP BUILDING,
THIMMAIAH ROAD
MILLERS TANK BUND AREA,
VASANTHNAGAR
BENGALURU-560052
REPRESENTED BY ITS MANAGING DIRECTOR
3. BRUHAT BENGALURU MAHANAGARA PALIKE (BBMP)
N R SQUARE,
BENGALURU-560002
REPRESENTED BY ITS COMMISSIONER
4. THE DEPUTY GENERAL MANAGER-1
BENGALURU SOLID WASTE MANAGEMENT LIMITED
I FLOOR, BBMP BUILDING, THIMMAIAH ROAD,
MILLERS TANK BUND AREA
VASANTHNAGAR
BENGALURU-560052

.... RESPONDENTS

(BY SMT. ANUKANKSHA KALKERI., HCGP FOR R1;
SRI. K. SHASHI KIRAN SHETTY., SR. ADVOCATE FOR
SMT. NAMITHA MAHESH., ADVOCATE FOR
SRI. S.N. PRASHANTH CHANDRA., ADVOCATE FOR R2 TO R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227
OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF
CERTIORARI OR ANY OTHER WRIT, ORDER OR DIRECTION,
QUASHING THE REQUEST FOR PROPOSAL/INVITATION FOR



TENDERS BEARING NO.DGM-1/BSWML/TEND/08/2025-26 DATED 30.07.2025 IN RESPECT OF ALL 33 PACKAGES (ANNEXURE F), ISSUED BY THE DEPUTY GENERAL MANAGEMENT-1, BENGALURU SOLID WASTE MANAGEMENT LIMITED, THE FOURTH RESPONDENT HEREIN AND ETC.

THIS WRIT PETITION COMING ON FOR ORDERS AND HAVING BEEN RESERVED FOR ORDERS ON 27.10.2025, THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CAV ORDER

1. The Petitioners are before this Court seeking for the following reliefs:

- i. *Issue a writ of certiorari or any other writ, Order or direction, quashing the request for Proposal/Invitation for Tenders bearing No. DGM-1/BSWML/Tend/08/2025-26 dated 30.07.2025 in respect of all 33 packages (Annexure-G) issued by the Deputy General Management-1, Bengaluru Solid Waste Management Limited, the fourth respondent herein;*
- ii. *Grant such other and further reliefs as are just, including the cost of this Petition, in the interest of justice and equity.*

2. The petitioners claim to be Municipal Solid Waste Management contractors providing services to the BBMP in various capacities over the years, including primary collection of segregated wet waste, sanitary waste and street sweeping waste, as well as



secondary transportation of segregated wet and street sweeping waste in various wards of Bangalore city. The petitioners are now aggrieved by the request for proposals/invitation for tender dated 30.07.2025 in respect of 33 packages issued by respondents No.4 to 11.

3. Sri.Udaya Holla., learned Senior counsel appearing for the petitioners, would submit that;

3.1. The first tender had been issued on 28.09.2022, having 89 packages for 243 wards. An addendum to the said tender had been issued on 18.10.2022, but the number of packages continued to be the same. A second tender was issued on 21.01.2023 again for 89 packages, which came to be challenged in WP No.2935 of 2023, which in turn came to be disposed of on 22.04.2025, upholding the tender dated 07.11.2024 issued during the subsistence of the writ petitions.



3.2. A Review Petition had been filed in respect to a said order in RP No.239 of 2025, during the pendency of which a tender was called for the collection and transfer of solid waste only, but it is not for processing. On that basis, he contends that a fresh tender was issued. This tender is only for 33 packages, and as such, there are changes which have been made in the methodology of issuance of tenders.

3.3. An affidavit had been filed by a respondent No.2 on 13.11.2024 in WP No.2935 of 2023, wherein it had been categorically indicated that the notification dated 07.11.2024 for 89 packages had been scientifically designed. The question of making any change thereto would not arise, since that would amount to the affidavit being a false one.

3.4. His submission is that it is only taking note of the said affidavit dated 13.11.2024 that this



Court recorded the submission of the learned Advocate General that all the petitioners and contractors would be permitted to participate in the new tender, and as such, declined to interfere with the withdrawal of the second tender and issuance of a new third tender notification.

3.5. Instead of proceeding with the said matter, the respondent No.2 withdrew the third notification dated 07.11.2024 and has issued a fresh tender notification on 30.07.2025, which is contrary to the observations made by this Court in W.P. No.2935 of 2023 and R.P. No.239 of 2025. The conduct is illegal and contrary to the affidavit of the respondent No.2 dated 13.11.2024.

3.6. By way of the fourth tender now, the respondents have restricted the packages to 33 in number, each of the packages consisting of 7-8 wards, thereby increasing the cost of the



tender from Rs.400 lakhs/Rs.500 lakhs to Rs.1400 lakhs/Rs.2500 lakhs.

3.7. His submission is that by increasing the amount put to tender, the eligibility criteria for a tenderer to participate in the tender have also been increased. Thereby, the interest of the tenderers has suffered, inasmuch as they may not be in a position to satisfy the eligibility requirement of the new tender. Not only is the requirement of work earlier carried out increased, but the requirement of the number of equipment and personnel has also increased, which contractors like the petitioners would not be able to comply with, thereby resulting in them being eliminated from the field of contention.

3.8. The petitioners, having necessary experience in carrying out Municipal Solid Waste Management Work and having done so for the BBMP for last



nearly a decade, their annual turnover in regard to those works is between Rs.3 to 12 crores per ward, now by increasing the value by clubbing number of wards the financial eligibility of each of the petitioners to satisfy the financial eligibility would not be possible.

3.9. Though the tender notification enables bidders to bid as a group of entities (consortium of a maximum of 5 members), even if the financial ability of all five is taken into consideration, some of the packages would be out of the reach of that consortium also.

3.10. He relies upon the manual issued by the Ministry of Urban Development, Government of India and submits that the Ministry of Urban Development has thought it fit to decentralise Municipal Solid Waste Management to Community Level Waste Management Systems. The preference for a decentralised system vis-



à-vis a centralised system. The action on the part of the respondents in clubbing several wards and increasing the cost of the package has resulted in making the petitioners ineligible both technically and financially. The same has been done to favor large contractors at the cost of micro, small and medium enterprises.

3.11. He relies upon decision of the Hon'ble Apex Court in ***National Highways Authority of India vs. Gwalior-Jhansi Expressway Limited¹***, more particularly para 20 thereof, which is reproduced hereunder for easy reference;

20. *While considering the relief claimed by the respondent (claimant), the same should have been tested on the touchstone of the principle governing the tender process, especially when the validity of the tender document has not been put in issue or challenged before any competent forum. Going by the terms and conditions in the tender documents, as already alluded to in para 10 above, there is no tittle of doubt that the Right of the claimant (respondent) to match the bid of L-1 or to exercise ROFR would come into play only if the respondent was to participate in*

¹ 2018 (8) SCC 243



the tender process pursuant to the notice inviting tenders from the interested parties. The objective of tender process is not only to adhere to a transparent mechanism but to encourage competition and give equal opportunity to all tenderers with the end result of getting a fair offer or value for money. The plain wording of the eligibility clause in the tender documents and the incidental stipulations make it explicit that the respondent was required to participate in the tender process by submitting its sealed bid (technical and financial). The fact that a deeming clause has been provided in the tender document that if the respondent was to participate in the bidding process, it shall be deemed to fulfil all the requirements of the tender Clauses 3 to 6 of RFP, being the existing concessionaire of the project, does not exempt the respondent from participating in the tender process; rather the tenor of the terms of the documents made it obligatory for the respondent to participate in the tender process to be considered as a responsive bidder, along with others. Having failed to participate in the tender process and, more so, despite the express terms in the tender documents, validity whereof has not been challenged, the respondent cannot be heard to contend that it had acquired any right whatsoever. Only the entities who participate in the tender process pursuant to a tender notice can be allowed to make grievances about the non-fulfilment or breach of any of the terms and conditions of the tender documents concerned. The respondent who chose to stay away from the tender process, cannot be heard to whittle down, in any manner, the rights of the eligible bidders who had participated in the tender process on the basis of the written and express terms and conditions. At the culmination of the tender process, if the respondent had not participated, in law, the offer submitted by the eligible bidders is required to be considered on the basis of the stated terms and conditions. Thus, if the claim of the respondent was to



be strictly adjudged on the basis of the terms and conditions specified in the subject tender document, the respondent has no case whatsoever.

3.12. By relying on ***Gwalior, Jhansi, Expressways case***, he submits that the object of tender process is not only to adhere to transparency but also encourage competition.

3.13. His submission is that if the size of the tender is increased, there is only large business houses who could participate which would not encourage competition but in fact would stifle competition.

3.14. He relies upon decision of this Court in ***Electronic Enterprises vs. Karnataka Power Corporation Ltd.***², more particularly para Nos.9, 13 and 17 thereof, which are reproduced hereunder for easy reference;

9. *It is quite clear that reference to the experience in atleast two different thermal stations, in the NIT (Notice Inviting Tender) - (Annexure - A) was by way of guidance only and not as a qualification. The nature*

² ILR 1994, Kar 125



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of the work itself indicates that, it was to design, manufacture, etc., and instal a Public Address System. Reference to the Thermal Stations was necessary to indicate the peculiar condition under which the PAS shall have to function. If a tenderer had an experience of designing and installing such PAS in any other place, under conditions similar to that of a Thermal Power Station, there is no reason to disqualify such a tenderer. In fact, the scope of the eligibility restriction should not be stringent to reduce the area of competition. Courts discourage a restriction which reduce the competition and deprives opportunity to qualified persons from competing in the tender proceedings. It is in the areas where special expertise is required or the nature of the work is such that only a particular experience has to be insisted upon as a qualification, restriction as to eligibility is technically adhered to. Further, if from the NIT, tender forms, and other stipulations, it is revealed that a class of persons are denied eligibility to submit tenders, but, while considering the tenders, the said restriction is ignored the resultant decision to award the contract would be vitiated by unfairness and unreasonableness, because, there will be a denial of opportunity to several others who could have equally competed for the contract, along with the person who was awarded the contract ultimately. Here, those who did not submit the tenders are prevented from submitting the tenders by the language of the NIT, tender form or other announced stipulations.

13. *There is a difference between the case where a person is excluded from an opportunity to carry on a trade, and a case where, a person is permitted to enter the competition in the field of trade. In the former case, opportunity is denied, resulting in the violation of Article 14 of the Constitution; similarly, exercise of the fundamental Right to trade under Article 19(1) is prevented; competition is inherent in the trade and in fact efficiency and service to the general public will be increased only by a proper competition in the trade. That is why, an opportunity created to expand the scope for competition among the traders is not restrained in the exercise of Writ*



jurisdiction. However, if a person is not meted out an equal treatment and is denied of a fair consideration and opportunity given to one outweighs the skeleton opportunity to give to another, it may be a case of unfairness inviting Judicial scrutiny under Article 14 of the Constitution. For example, if the State invites competition and while considering the respective cases of the rivals, case of one of them is not looked into at all, or a different test or consideration is applied in favour of one, denying the benefit of such a consideration to another, the ultimate decision of the State selecting the favoured one would be invalid, because, such a selection is the result of an unfair process in arriving at the decision. Normally, it is not in the public interest to allow such a 'decision taking process' to be adopted by the State.

17. *Exclusion of any person, from the competition is an exception; general rule is to permit every one to offer the tender, subject to the requirement of basic eligibility and qualification.*

3.15. By relying on ***Electronic Enterprises case***, he submits that eligibility criteria should be such that competition is to be encouraged. The eligibility restriction should not be stringent to reduce area of competition. The Courts should discourage such restriction which would reduce competition and deprive opportunity to qualified persons from competing in tender proceedings. His submission is that, so long as the tender



values are lesser there will be more competition and in view of more competition, both the State and the general public would benefit.

3.16.He relies upon the decision of this Court in

Esteco Coal Services Limited vs. The Karnataka Power Corporation Limited and Others³, more particularly para No.27 thereof, which is reproduced hereunder for easy reference;

27. *The object of prescribing any qualification while inviting tender, as stated above, is to ensure that the tenderer is capable of prompt and efficient management of the work, without committing any default or delay in the execution of the work, and to minimise the area of unhealthy competition, and not to prevent healthy competition by the qualified persons who are capable of executing the work. Therefore, merely because the movement of coal has to be made firstly through rail, secondly through sea and thereafter again through rail route, does not mean that one should have the experience in the movement of coal only through rail-sea-rail route. Therefore, the stipulation in sub-clause (b) of Clause 4 of the Tender Notification/document, Annexure-M, which insists the additional qualification that in addition to possessing the requisite experience in movement of coal through rail-sea route, the tenderer must also have the experience in movement of coal through rail-sea-rail route, is liable to be struck down as being highly arbitrary, unreasonable and violative of the Right*

³ 1996 SCC Online Kar 413



guaranteed to the petitioner under Article 14 of the Constitution.

3.17. By relying on the ***Esteco Coal Services case***,

he submits that in that case, where a tender was for bulk supply of coal to a Thermal Power Station, the eligibility condition requiring the tenderer to have five years' experience in moving coal to a large thermal station by sea-rail-sea route was held to be unconstitutional. Relying on the said judgment, he submits that the clubbing of wards to increase the value of the contract is also unconstitutional.

3.18. Thus, he submits that the writ petition is required to be allowed. The fourth tender dated 30.07.2025 issued in respect of all 33 packages at Annexure-G is required to be quashed. Consequently, he submits that a tender for 89 packages, as was done earlier, has to be issued.



4. Sri.Shashi kiran Shetty., learned Senior counsel appearing for Respondents No.2 and 4 submits that;

4.1. The first tender having been issued on 28.09.2022 and opened on 02.11.2022, it was found that there were no competitive bids received for the said tender. The second tender was issued on 21.01.2023, when WP No.2935 of 2023 and WP No.26089 of 2023 had been filed challenging the blacklisting of certain contractors.

4.2. The said second tender came to be withdrawn on 08.07.2024. On 07.11.2024, a separate integrated tender was issued for the collection and transport of solid waste, as well as the processing of the solid waste in WP No.2935 of 2023 on 03.12.2024, upholding the withdrawal of the second tender and issuance of the separate integrated tender. However, by the time the Order was passed in the said matter,



the separate integrated tender had lapsed on 23.01.2025.

4.3. It is for this reason that another tender came to be issued on 28.05.2025 for the collection and transport of solid waste. After issuing the said tender, some of the petitioners filed a Review Petition in RP No.239 of 2025 on 16.06.2025 seeking review of the judgment in WP No.2935 of 2023, wherein the fourth tender dated 28.05.2025 was also challenged.

4.4. His submission, therefore, is that the tender dated 28.05.2025 was issued on account of lapsing of the tender dated 07.11.2024, and no fault can be found with the respondents in relation to the issuance of such a tender. This has also been upheld by this Court vide its Order dated 19.06.2025 in RP No.239 of 2025, wherein this Court observed that the fresh tender issued on 28.05.2025 was for the very



same purpose that the earlier tender was notified, thereby permitting the respondents to go ahead with the second tender.

4.5. Affidavits having been filed by the concerned, the Review Petition was disposed of on 30.07.2025. His submission is that the tenders which have been issued from time to time have been properly issued by the respondents. The tender earlier issued was for secondary transportation of the transport stations to designated processing centres and processing and disposal of the same. The aspect of issuance of tender notification is under the complete discretion of the tender issuance authority, so long as the tender is issued in a proper manner, no fault could be found with such issuance of tender.

4.6. In this regard, he relies upon the judgment dated 16.12.2024 in WP No.202094 of 2024 &



Connected matter, wherein the principles laid down by the Hon'ble Apex Court in various Cases have been curated in Para 20 thereof, said Para 20 is reproduced hereunder for easy reference;

20. *The Hon'ble Apex Court has laid down the applicable law in the manner, mode and circumstances in which a Court can intervene in a tender matter in several of the judgments rendered by it. They are detailed as under:-*

20.1 Judicial review is not concerned with matters of economic policy and the Court ought not to substitute its judgment for that of the legislature or its agents. If the decision is reasonably based on evidence, then Court ought not to intercede. The function of the Court is therefore limited to see that lawful authority is not abused. The function is not to appropriate to itself the task entrusted with such authority, so long as there is no abuse of the authority and the authority is within the limits, as also the decision and actions taken are in good faith, the Court ought not to interfere with the policy of the State.
[Peerless General Finance and Investment Co. Ltd. vs RBI, (1992) 2 SCC 343]

20.2 The modern trend is for the Courts to exercise judicial restraint in administrative or economic matters where decisions have been taken by persons who have expertise in the field. The power of judicial review vested with Constitutional Courts in contractual matters is not one of an appeal but is only to exercise of power to ascertain if there is no wrongdoing by the executive. The Courts not having any



expertise in such fields ought not to try and substitute its wisdom for that of the State or its agencies. The Government should necessarily have the freedom to contract and any action taken by the State and/or its agencies can be tested by the application of the Wednesbury's principles of reasonableness and as also ascertaining whether the decision and action on part of the States or its authorities are free from arbitrariness, not affected by bias or actuated by malafides. Again, needless to say all these aspects are required to be established by the person alleging that there is arbitrariness, bias or malafides. [Tata Cellular vs Union of India, (1994) 6 SCC 651]

20.3 *The Government is not bound by the previous policy. It can always revise its policy, so long as the policy is in public interest and such change in policy is not an abuse of power. [PTR Exports vs Union of India, (1996) 5 SCC 268]*

20.4 *It is not permissible for the Court to hold that some corrections have to be made in a contract when in fact there is no allegation of malice or ulterior motive and/or when the Court has not found any malafide or favouritism in the grant of contract in favour of the successful tenderer. [Asia Foundation & Constructions Ltd vs Trafalgar House Constructions (I) Ltd. & Ors. (1997) 1 SCC 738]*

20.5 *State can choose its own method of arriving at commercial decisions. It can fix its own terms of invitation to tender, enter into negotiation before finally accepting an offer. It was also free to grant any relaxation for bonafide reasons if the tender conditions permit such relaxation. The only manner such a decision can be challenged is if the State or its instrumentalities do not adhere to the norms, standards and procedures laid down and it is*



only in respect of this aspect that powers of judicial review can be exercised. Merely because there is a defect found in the decision making process, the Court ought not to interfere. Even in such cases, the Court ought to exercise great caution and exercise the power of judicial review only in public interest and not merely on a legal issue, since any delay in issuance of tender and completion of the work would adversely affect public interest. [Air India Ltd. vs Cochin International Airport Ltd. & Ors. (2000) 2 SCC 617]

20.6 *Economic policies are not amenable for judicial review unless such policy is demonstrably shown to be contrary to any statutory provision of the Constitution. [BALCO Employees Union vs Union of India, (2002) 2 SCC 333]*

20.7 *The policy of the Government is not amenable for judicial review. Whenever there are matters affecting policy and/or required technical expertise, the Court ought to leave the matter of the decision making to those who are qualified, unless the policy or action is inconsistent with the Constitution and the laws, for arbitrary or irrational or would amount to abuse of power. [Federation of Railway Officers Association vs Union of India, (2003) 4 SCC 289]*

20.8 *Unless the action of Tendering Authority is found to be malicious and a misuse of statutory powers, the tender conditions in a invitation for tender are unassailable. No person, can claim a fundamental right to carry on business with the Government. All that a petitioner can claim for is that while bidding for or competing in a contract/tender, he should not be treated unfairly or discriminated against. [Association of Registration Plates vs Union of India & Ors., (2005) 1 SCC 679]*



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20.9 *Bad faith and non-application of mind in regard to exercise of power on part of the employer would have to be established by the petitioner since the burden is on the person who seeks to make such an allegation. If the same were not to be so discharged, this Court would be required to presume that even if there is a deviation made in relation to the terms of the contract, the employer has such power of relaxation or making a deviation and so long as such relaxation or deviation is made by the employer/tendering authority in the interest of the project and/or in the interest of the public, the same ought not to be interfered with and the Constitution Courts would have to excise judicial restraint. [B.S.N. Joshi & Sons Ltd. vs Nair Coal Services Ltd & Ors. (2006) 11 SCC 548]*

20.10 *The Government has power to frame and reframe, change and re-change, adjust and re-adjust policy. Such change or re-change cannot be declared illegal or arbitrary or ultravires the Constitution only on the ground that the earlier policy has been given up. The State is required to have play in the joints, so as to make such changes, modifications or improvements from time to time as may be necessary to better achieve the objectives of the Government. [Dhampur Sugars (Kashipur) vs State of Uttranchal (2007) 8 SCC 418]*

20.11 *Fixation of value of the tender is entirely within the purview of the executive. Formulation of condition of a tender document and awarding a contract is also within the purview of the State authorities unless the fixation of value is indicated to be arbitrary or unreasonable and the conditions formulated are found to be malicious and a misuse of statutory powers, the Courts ought not to interfere. [Michigan Rubber (India) Ltd. vs State of Karnataka & Ors., (2012) 8 SCC 216]*



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20.12 *The economic factors which are considered by the State cannot be questioned as arbitrary, capricious or illegal, so long as the same is bonafide, so long as the decision making process is proper and correct, the decision itself cannot be questioned. The State and its instrumentalities would be at liberty to make such decisions after weighing the advantages and disadvantages. [Arun Kumar Agarwal vs Union of India, (2013) 7 SCC 1].*

20.13 *Technical bids are prepared by technical persons which would ensure objectivity. Insofar as those technical aspects are concerned requiring technical expertise, constitutional Courts ought not to interfere subject again however that the decision made is neither arbitrary, malafide or adopted to favour any particular entity so long as there is no infirmity in the same, this Court ought not to interfere. [Montecarlo Ltd. vs NTPC Ltd. (2016) 15 SCC 272]*

20.14 *The owner or the employer of the project, having authored the tender documents, is the best person to understand and appreciate the requirements. Constitutional courts must defer to such understanding of the owner or the employer unless there is a malafide or perversity established by a person challenging such tender. [Afcons Infrastructure Ltd. vs Nagpur Metro Rail Corporation Ltd. & Anr. (2016) 16 SCC 818]*

20.15 *The terms and conditions of invitation to tenders are within the domain of the Tender Making Authority and are not open to judicial scrutiny unless they are arbitrary, discriminatory or malafide. Thus, as such, apart from those circumstances, the invitation to tender is not open to judicial scrutiny, the same being in the realm of contract. [Airport Authority of India vs Centre for Aviation*



***Policy, Safety & Research & Ors (2022)
SCC OnLine SC 1334]***

20.16 *Writ Court should not easily interfere in commercial activities just because public sector undertakings or government agencies are involved. Unless substantial public interest was involved or the transaction was malafide. The High Court exercising powers under Article 226/227 of the Constitution is not competent to decide the technical issues in a tender matter. These are best to be left to the employer who has formulated the tender to choose and apply such conditions as the employer believes required in a particular matter. A contract being a commercial transaction, evaluating of tenders and awarding contracts is also an essential commercial function. So long as such evaluation and awardal is in public interest, Courts ought not to by exercise of judicial review interfere in the matter. [Silppi Constructions Contractors vs Union of India, (2020) 16 SCC 489]*

20.17 *Bald allegation that the tender conditions have been drafted to suit a particular bidder, cannot be accepted unless there is sufficient pleadings and evidence to satisfy such an allegation. It is for the Petitioners to have made good the statement by stating as to for whose benefit or which tenderer's benefit the conditions have been tweaked and how such tweaking of conditions would work favourably to such a tenderer. The State and its instrumentalities issuing several thousands of tenders, the bonafide action of the State cannot be questioned in each of those tenders by making reckless and unsubstantiated allegations. [Uflex Ltd. vs State of T.N., (2022) 1 SCC 165]*

20.18 *Courts ought not to permit a petitioner challenging a tender to make a mountain of a molehill on technicalities. The Court would*



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always have to consider whether the decision making process is proper or not. The methodology of requiring a particular document to be submitted in a particular format, the requirement of minimum turnover value of the tender is all within the domain of the employers/tendering authority so also are the wording of the required documents being the Bank guarantee, performance guarantee or the like. These are aspects which the employer can fix on the basis of its own requirement taking into consideration the nature of work, the possibility of breach being committed and the manner in which the State and/or its instrumentalities need to be protected on account of breach if any by the successful tenderer which would ultimately enure to the benefit of the general public. So long as the requirements are the same for each and every bidder, one of the bidders cannot attribute discrimination and/or malafides without categorically establishing the said allegations. Merely by contending that there is a change and/or that there is a different process adopted would not suffice for this Court to interfere in tender matters unless the Petitioners were to establish that the same was malafide, arbitrary, irrational and contrary to applicable law and the Constitution. [National High Speed Rail Corpn. Ltd. vs Montecarlo Ltd. and Ors (2022) 6 SCC 401]

4.7. By relying on **M/s Shiv Shakthi Dal Industries' case**, he submits that the guidelines which have been laid down by the Hon'ble Apex Court would be equally applicable to the present matter and this Court ought not



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to intervene in respect of tender matters, when the grounds raised are only that there is a consolidation of wards which has been made, thereby increasing the financial eligibility as also the technical eligibility and the same would deprive the petitioners to participate in the proceedings.

4.8. His submission, by referring to the tender documentation, is that the present tender allows for consortium bidding, subject to a maximum of five members. If five contractors were to get together, they would satisfy both the financial and technical eligibility, thereby enabling them to participate in the tender.

4.9. His submission is that the mere clubbing of awards and an increase in the financial or technical requirement will not make the petitioners ineligible; they could always participate in the tender as a consortium. The



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reason why a tender has been issued by clubbing of several wards is to have better administration and better solid waste disposal, since in the past it has been found that with smaller areas being allotted to each tenderer, administration and management had become inefficient. His submission is also that, going forward, a robust system for monitoring as well as a grievance redressal system would be set up.

4.10. Thus, he submits that the change from one ward to multiple wards, an increase in the financial outlay and/or the technical requirement, would not in any manner adversely affect the petitioner contractors; it cannot be held to be in violation of either Article 14 or Article 19-1G of the Constitution of India. The tender does not favour bigger businessmen, and as such, he submits that the



writ petition is required to be dismissed by permitting the respondents to complete the tender process as early as possible.

5. Smt.Anukanksha Kalkari, learned HCGP appearing for respondent No.1 and Sri.S.H.Prashanth, learned counsel appearing for respondent No.3, also adopt the submission of Sri.Shashi kiran Shetty., learned Senior counsel for respondents No.2 and 4.
6. Heard Sri.Udaya Holla, learned Senior Counsel appearing for the Petitioners, Sri.Shashi Kiran Shetty, learned Senior Counsel appearing for Respondents No.2 and 4, Smt.Anukanksha Kalkari, learned HCGP for Respondent No.1, and Sri.S.H.Prashanth, learned counsel for Respondent No.3. Perused papers.
7. In the background of the above submissions, the points that would arise for consideration are;

1. Whether the change of the tender from ward-wise to multiple wards can be said to be arbitrary or unreasonable?



- 2. Can the change in the financial aspect of the tender and the technical requirement can be said to be manifestly arbitrary on account of the said change excluding the petitioners, thereby violating Article-14 of the Constitution of India?**
- 3. Whether, if there is any legal infirmity in the nature of the tender or its process requiring interference at the hands of this Court?**
- 4. What Order?**
8. I answer the above points as under;
9. **Answer to point No.1: Whether the change of the tender from ward-wise to multiple wards can be said to be arbitrary or unreasonable?**
- 9.1. The contention of Sri.Udaya Holla, learned Senior counsel appearing for the Petitioners is that the first tender issued on 28.09.2022 was having 89 packages for 243 wards, so was the addendum as also the second tender issued on 21.1.2023.
- 9.2. It is only now that the packages have been reduced to 33 each having 7 to 8 wards. Thus,



his contention is that the base cost of the tender has been increased from Rs.400/Rs.500 lakhs to Rs.1400/2500 lakhs and on that ground, he submits that the shifting of the tender from ward wise to multiple wards is arbitrary and unreasonable made to favour larger contractors.

9.3. I am unable to accept the said submission inasmuch as it is in the administrative discretion of the tender issuing authority to consider the manner in which the tender is required to be implemented. What is also required to be seen is the administrative efficiency in carrying out Solid Waste Management. Obviously, judicial notice could be taken of the fact that the Solid Waste Disposal System has not been up to the mark and the Waste Management in Bangalore continues to suffer.



9.4. The submission in this regard by Sri.Shashi Kiran Shetty, learned Senior Counsel appearing for Respondents No.2 and 4 is that it is in order to bring about that efficiency that fewer tenders are being issued, so that each of them could be monitored in a proper manner. His submission also being that more efficiency would be brought about, the roles and responsibilities having been identified and assigned it is in the interest of the general public that number of tenders are brought down to a minimum.

9.5. Insofar as the contention that such a decision has been taken arbitrarily without any reasons. His submission being that the aspect of bringing about efficiency, having considered the same, cannot be said to be arbitrary and, in that regard, he relies on the principles enumerated and curated in the decision in ***M/s Shiv Shakthi Dal Industries' case.***



9.6. The contention placed by Sri.Shashi Kiran Shetty, learned Senior Counsel appearing for Respondents No.2 and 4 insofar as efficiency is concerned, and the same being in the interest of the general public, being the prerogative of the tender issuing authority, I am of the considered opinion that the same would be required to be accepted. Moreso, when *ex-facise* the same is reasonable and logical inasmuch as Respondents No.2 and 4 can more effectively monitor the Solid Waste Disposal System.

9.7. ***Hence, I answer Point No.1 by holding that the change of the tender from ward-wise to multiple wards cannot be said to be arbitrary or unreasonable given the circumstances which have been taken into account by the tender issuing authority.***

10. **Answer to point No.2: Can the change in the financial aspect of the tender and the technical**



requirement can be said to be manifestly arbitrary on account of the said change excluding the petitioners, thereby violating Article-14 of the Constitution of India?

10.1.The submission of Sri.Udaya Holla, learned Senior counsel appearing for the Petitioners, is that the change from ward-wise to multiple wards would bring about a change in the financial aspect as well as the technical requirement and it is for that reason that this change, which excludes the petitioners, would have to be held to be violative of Article 14 of the Constitution of India. Reliance has been placed on the decisions in ***Esteco Coal Services Limited and Electronic Enterprises***, those decisions were rendered in a situation where the eligibility criteria had been changed and made stringent to reduce the area of competition.

10.2.In the present matter as rightly contended by Sri.Shashi Kiran Shetty, learned Senior Counsel



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appearing for Respondents No.2 and 4, though the size of the project/tender has been increased, it is always open for five of the tenderers to come together to satisfy the technical and financial requirements.

10.3.The said submission would have to be accepted, more so when eighteen of the contractors have come together to file the above Petition, they could always come together to submit a joint tender as a consortium. All their works, which have been done, could be taken for consideration together in order to consider the satisfaction of the technical requirement of the earlier work done, as also the financial requirement of the quantum of work done by clubbing the total work done by all the consortium members.

10.4.Merely because a tender was being issued for a smaller quantity would not require the tender to



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continue to be issued for a smaller quantum or quantity with the change in times and for better management of the tenders, the tender issuing authority would be entitled to make such changes as are required, which has been done in the present case to better achieve Solid Waste Disposal.

10.5. There is nothing which has been placed on record to indicate that the change has been made to favour any particular bidder, tenderer or contractor. In that background the submission made by Sri. Shashi Kiran Shetty, learned Senior Counsel appearing for Respondents No. 2 and 4 would have to be accepted.

10.6. So, I do not find any infirmity in the tender issued and I answer point No. 2 by holding that the change in the financial and/or technical requirement will not come in the



way of the petitioners coming together to submit their bid as a consortium, and therefore, the same would not be violative of Article 14 of the Constitution of India.

11. Answer to point No.3: Whether, if there is any legal infirmity in the nature of the tender or its process requiring interference at the hands of this Court?

11.1. In view of my answers to points No.1 and 2 above, I do not find any legal infirmity in the nature of the tender or its process requiring interference of the hands of this Court.

12. General Directions:

General Directions for the Establishment of an Integrated Technology-Driven Solid Waste Management Governance Framework for Bengaluru
Contextual Foundation

13. This Court takes judicial notice of the persistent and widespread failure of the Respondent authorities to effectively implement the statutory framework governing municipal solid waste management. The city of Bengaluru, despite its stature as a global



- metropolis, is plagued by the chronic issue of **“garbage blackspots,”** which are areas of recurrent, unauthorised waste dumping that pose a significant and ongoing threat to public health and the urban environment. This Court is of the considered opinion that the management of solid waste is not merely a statutory duty of the municipal corporations but a profound constitutional obligation, inextricably linked to the fundamental Right to life under Article 21 of the Constitution of India.
14. The current state of affairs constitutes a grave and continuing public nuisance. The situation is exacerbated by pervasive reports of irregular and inefficient waste collection services, which leave citizens with few viable options for proper disposal, thereby fostering a culture of illegal dumping among individuals and establishments alike.
15. There is a critical and urgent need for a proactive, systemic, and technologically advanced solution to a



problem that has been allowed to fester for far too long. **The Right to a clean, hygienic, and dignified environment is not a privilege to be bestowed but a right to be enforced.**

Statutory Imperatives and Dereliction of Duty

16. The statutory foundation for a clean urban environment is well-established and unambiguous. The Solid Waste Management (SWM) Rules, 2016, promulgated under the Environment (Protection) Act, 1986, impose clear and non-negotiable duties upon municipal authorities and waste generators. These duties include, *inter alia*, the mandatory segregation of waste at its source into three distinct streams—wet (biodegradable), dry (non-biodegradable), and domestic hazardous waste—a foundational step that has been pioneered in Bengaluru but requires consistent and rigorous enforcement. The Rules further mandate a system of door-to-door collection and the scientific processing and disposal of all



- collected waste, moving away from the archaic and environmentally ruinous practice of landfilling untreated waste.
17. The Hon'ble Supreme Court of India has, through a catena of judgments, held that the Right to a clean, healthy environment is an integral and inalienable facet of the Right to Life and Personal Liberty guaranteed under Article 21 of the Constitution of India. The current state of waste management in the city, characterised by overflowing bins, ubiquitous blackspots, and the constant threat of vector-borne diseases like Dengue, Chikangunia etc., is a direct and continuing infringement of this fundamental Right. The opacity and inefficiency that currently plague the system of solid waste management are an affront to this Right.
18. It is in this context that governance must not only be done but must be seen to be done. Mere contractual arrangements for the collection and disposal of waste



are insufficient. In an era where technology offers unprecedented tools for transparency and accountability, the continued reliance on archaic, non-transparent methods is no longer tenable. The establishment of a public-facing, data-driven digital dashboard, therefore, becomes an indispensable tool of modern urban governance—transforming the system from one of reactive complaint redressal to one of proactive, verifiable service delivery. The integration of technology with robust administrative will and citizen participation can lead to transformative outcomes. Therefore, to give full effect to the constitutional mandate of Article 21 and to ensure that the citizens of Bengaluru are provided with an efficient, transparent, and accountable system of solid waste management, this Court deems it necessary to issue the following detailed and specific directions.



19. This Court is cognizant that any proposed solution involving widespread surveillance must be rigorously tested against the touchstone of the fundamental Right to Privacy, as authoritatively settled by the nine-judge constitutional bench of the Hon'ble Supreme Court in ***Justice K.S. Puttaswamy (Retd.) & Anr. vs. Union of India & Ors., 2019 (1) SCC 1.***
20. The ***Puttaswamy*** judgment holds that any state action that infringes upon privacy must satisfy a tripartite test: (i) it must be sanctioned by law (Legality); (ii) it must be in pursuit of a legitimate state aim; and (iii) it must be proportionate to the object of the law, ensuring a rational nexus between the means adopted and the objective, and that the measure is the least intrusive necessary to achieve that aim. These directions are issued to meet this high constitutional standard.



21. The directives contained herein are designed to be constitutionally robust and compliant with the principles laid down in ***Puttaswamy's*** case:

21.1. **Legality:** The SWM Rules, 2016, the KMC Act, 1976, and the BBMP SWM Bye-laws collectively empower and obligate the municipal corporation to enforce cleanliness, prevent public nuisance, and penalise offenders. The use of technology, including CCTV surveillance, as an enforcement tool is a modern method of exercising these long-standing statutory powers. The surveillance is not arbitrary but is a means to enforce a pre-existing and valid legal framework. Similar to the installation of traffic cameras and radars for enforcing traffic rules.

21.2. **Legitimate State Aim:** The systemic failure of the existing manual oversight system, where non-compliance with SWM rules has become



the norm rather than the exception, provides the "legitimate state aim" required under the ***Puttaswamy's*** test. The endless cycle of citizen complaints, official acknowledgment of "gaps" in service, and reactive, often theatrical, enforcement drives demonstrates that a technological intervention is not merely desirable but necessary to uphold the law, protect public health, and secure the fundamental Right to a clean environment for all citizens. The objective is not surveillance for its own sake, but the creation of a clean and healthy urban environment, which is a core and legitimate function of the state.

21.3. Proportionality and Necessity: This Order is founded on the principle of proportionality. Failure/s at one point in the waste management chain have cascading effects; for instance, the lack of segregation at source renders



processing plants inefficient, and irregular collection directly causes the creation of blackspots. Therefore, any effective intervention cannot be piecemeal; it must be an integrated system that monitors the entire lifecycle of waste to identify and rectify failures at every stage. The measures prescribed, particularly the use of CCTV, are narrowly tailored to monitor public spaces where illegal dumping occurs and critical infrastructure points within the SWM chain. The directives scrupulously avoid intrusion into private residences and are governed by a strict Standard Operating Procedure that includes data minimisation, access controls, and a fixed retention period, ensuring it is the least intrusive means necessary to achieve the stated objective.



22. It is hereby directed that the Chief Commissioner of the Greater Bangalore Authority, along with the Zonal Commissioners of each of the Corporations coming under the GBA, with the assistance of the Principal Secretary, e-Governance Department, Government of Karnataka, shall forthwith commence the design, development, and implementation of a single, unified, and integrated digital platform for Solid Waste Management for the city of Bengaluru.
23. This unified platform is mandated to avoid the creation of multiple, fragmented applications or portals for different SWM services. The governing principle for this initiative shall be **"One City, One Platform"** for all SWM-related interactions, ensuring a seamless and coherent experience for citizens, operators, and administrators alike.
24. The directives in this Order, encompassing the digital dashboard, mobile application, GPS tracking, weighbridge integration, and CCTV surveillance, are



not to be viewed as separate or standalone projects. They are intrinsically linked components of a single, cohesive governance ecosystem. The CCTV surveillance network shall function as a primary data-gathering and enforcement sensor network, feeding critical, real-time information directly into the analytical and operational modules of the unified digital platform. Citizen grievances about blackspots lodged via the platform's mobile application will inform the strategic deployment and monitoring focus of the surveillance system. Conversely, evidence of violations captured by the CCTV network will be processed, and penalties will be issued and tracked through the enforcement modules of the same digital platform. This integrated architecture is fundamental to the success of the entire initiative, ensuring that data flows seamlessly from the "eyes" on the ground (CCTV, GPS) to the "brain" of the



operation (the administrative dashboard) for analysis, action, and accountability.

25. To ensure effective, expert-driven, and timely implementation of these directions, it is hereby directed that a **"Nodal Oversight and Implementation Committee for SWM Surveillance"** (hereinafter "the Committee") shall be constituted by the Chief Secretary, Government of Karnataka, within a period of **fifteen (15) days** from the date of this Order.
26. The Committee shall be a multi-disciplinary body constituted to ensure a holistic and expert-driven approach. Its composition is deliberately designed to pre-empt jurisdictional conflicts and break down the bureaucratic silos that typically impede complex urban projects. By integrating expertise from various essential domains, the project is elevated from a purely municipal or engineering task to one that is embedded with legal, technical, and social



accountability from its inception. The presence of law enforcement addresses the penal aspects of enforcement, while the state pollution control board provides environmental science expertise.

27. The Committee shall comprise the following members:

27.1. The Chief Commissioner, Greater Bangalore Authority (GBA) - Chairperson.

27.2. Zonal Commissioners of the 5 Corporations forming part of GBA

27.3. The Managing Director/CEO, Bengaluru Solid Waste Management Limited (BSWML) - Member Secretary.

27.4. A senior officer, not below the rank of Deputy Commissioner of Police, nominated by the Commissioner of Police, Bengaluru.

27.5. A senior scientist or environmental officer, nominated by the Chairman of the Karnataka State Pollution Control Board (KSPCB).



27.6.A technical expert in the field of large-scale CCTV surveillance, network architecture, and data management.

27.7.An Additional Advocate General or the Chief Law Office of the GBA to advice on legal issues.

27.8.Such other persons or officers as the Chief Secretary may deem fit.

28. The Committee shall be the single-point authority responsible for the comprehensive planning, procurement, installation, and operational oversight of the entire integrated SWM technology project as mandated by this Order. Its functions shall include, but not be limited to:

28.1.Overseeing the comprehensive mapping and prioritisation of surveillance zones.

28.2.Finalising the technical specifications for all hardware and software as per the standards, ensuring compliance with all relevant



government procurement orders and notifications.

28.3. Framing, notifying, and periodically reviewing the Standard Operating Procedure (SOP) for surveillance operations and data management, ensuring its strict adherence to constitutional principles.

28.4. Acting as the appellate authority for grievances.

28.5. Submitting quarterly compliance reports to this Court, ensuring transparency and accountability in the implementation process.

Architecture of the Integrated Digital SWM Platform

29. The unified digital platform shall be designed with a multi-tiered architecture to cater to the specific needs of all stakeholders, presenting distinct interfaces for the public, for operational staff, and for administrative oversight. This platform shall consist of a comprehensive web-based dashboard and a



corresponding, fully-featured mobile application for citizens.

30. This citizen-facing tier shall be designed for maximum transparency, ease of use, and public engagement. It shall, at a minimum, include the following modules and functionalities:

30.1.Live Vehicle Tracking: A real-time, map-based interface, accessible to all citizens, displaying the current location of waste collection vehicles operating in their respective wards. This feature shall also provide an Estimated Time of Arrival (**ETA**) for collection at the citizen's locality, thereby fostering predictability and accountability.

30.2.Performance Scorecards: An intuitive, easy-to-understand public dashboard displaying key performance metrics for each ward and for each SWM contract awarded. This shall include, but not be limited to, daily collection status



(percentage of households covered), source segregation compliance rates, number of garbage vulnerable points (blackspots) identified and cleared, and average grievance resolution time. This feature makes performance publicly visible, comparable, and holds officials and contractors directly accountable to the citizens they serve.

30.3. Integrated Grievance Redressal System: A single, streamlined module for citizens to report all SWM-related grievances, such as missed collections, overflowing bins, illegal dumping, or non-segregation. Every complaint lodged must be accompanied by a geo-tagged photograph of the issue, which the application shall facilitate. Upon submission, a unique docket number shall be generated and communicated to the complainant via SMS and in-app notification for tracking purposes.



30.4.Complainant-Verified Closure: To prevent the "accountability gap" where grievances are prematurely closed by officials without actual resolution, this system shall incorporate a mandatory closure protocol. A grievance ticket shall only be marked as "Resolved" and officially closed after the original complainant verifies through the application that the issue has been addressed to their satisfaction. Should the complainant dispute the resolution, the ticket shall be automatically reopened and escalated to a higher authority. This is a non-negotiable feature essential for building and maintaining public trust.

30.5.Information Hub: A dedicated section providing clear, multi-lingual, and pictorial information on Bengaluru's specific waste segregation protocols, schedules for different types of waste collection (e.g., sanitary, e-



waste), and a map of nearby recycling centers or dry waste collection centers.

The Operational Command and Control Dashboard

31. This tier shall be designed for SWM contractors, vehicle operators, and field supervisors to ensure efficient execution and monitoring of on-ground tasks. It shall include:

31.1. GIS-Based Route Management: A Geographic Information System (GIS) based module displaying pre-defined, optimised collection routes for every vehicle. The system must provide turn-by-turn navigation and generate real-time alerts to supervisors and the central control room in the event of any deviation from the assigned route, thereby ensuring comprehensive coverage and preventing missed areas.



31.2.Real-time Task Assignment: Citizen grievances lodged through the app shall be automatically converted into actionable tasks and assigned to the relevant field supervisor and crew in real-time, with a pre-defined Service Level Agreement (SLA) for resolution.

The Administrative and Strategic Oversight Dashboard

32. This strategic-level interface is for BBMP officials and policymakers for city-wide performance monitoring, data analytics, and planning. It shall feature:

32.1.City-Wide Live View: A comprehensive, GIS-based map providing a "single pane of glass" view of the entire SWM operation, displaying the real-time location and status of all SWM assets (vehicles, transfer stations, processing plants).

32.2.Performance Analytics: A powerful analytics module with drill-down capabilities, allowing



officials to monitor Key Performance Indicators (KPIs) from the city level down to the zone, ward, and individual vehicle level.

32.3. Grievance Analytics: A dashboard to analyse grievance data, including tracking resolution times, SLA compliance rates, and generating spatial heatmaps to identify recurring problem areas requiring targeted intervention.

32.4. Waste Processing & Disposal Analytics:

This module represents a paradigm shift towards data-driven environmental management. The dashboard must be integrated in real-time with all weighbridges at transfer stations and waste processing facilities. This will provide an accurate, automated accounting of the entire waste stream, tracking metrics such as tons of wet waste composted, bio-CNG produced, dry waste sent for recycling, and inert waste sent to landfill, thereby



quantifying progress towards "Garbage-Free" and "Zero Landfill" objectives.

Governance by API and Data-Driven Accountability

33. The architecture of this platform is intended to institute a fundamental shift in municipal governance, moving away from manual, often unreliable, paper-based reporting towards a system where performance is measured by immutable digital data streams. This "governance by API" makes accountability direct, verifiable, and automated. To this end, the Respondents are directed to undertake necessary administrative reforms to support the digital platform, including mandating the use of the official digital platform for all operational monitoring and reporting. Crucially, payments, incentives, and penalties for contractors and staff must be linked directly and automatically to the performance data and KPIs captured by the administrative dashboard.



For example, a contractor's payment shall be contingent upon automated verification of 100% route adherence via GPS data and confirmed tonnage delivery via integrated weighbridge data. This removes subjective discretion from the system and ensures that the easiest path to remuneration is the correct and complete performance of duties.

Technological Mandates

34. To underpin this data-driven framework, the following technological mandates shall be followed:

34.1.**GPS/AVL:** All vehicles, whether owned by the BBMP or its contractors, engaged in any part of the SWM process (primary collection, secondary transport, etc.) must be equipped with functional GPS/Automatic Vehicle Location (AVL) devices that feed data to the central dashboard in real-time.

34.2.**Weighbridge Integration:** All weighbridges at all SWM facilities (transfer stations, processing



plants, landfills) must be fully computerised and integrated with the central dashboard via Application Programming Interfaces (APIs) to ensure automated, real-time, and tamper-proof data transmission of waste quantities.

Directives for Surveillance Infrastructure and Enforcement

35. **Comprehensive Mapping and Phased Rollout:** A data-driven, phased rollout is essential for the logistical and financial feasibility of this project. An attempt to implement a city-wide installation simultaneously would be unmanageable and prone to failure. The categorisation detailed below creates a strategic, phased implementation plan that targets the most visible and problematic aspects of the waste crisis first, generating immediate public impact and building momentum. This approach allows for lessons learned in Phase I to be applied to the



subsequent phase, ensuring a more efficient and effective city-wide deployment.

35.1.City-Wide GIS Survey: The Committee shall, within **sixty (60) days** from the date of this Order, commission and complete a comprehensive, ward-wise GIS-based survey to identify and map all locations requiring CCTV surveillance. This survey shall be a scientific exercise, utilising existing BBMP data on garbage blackspots, municipal infrastructure maps, and inputs from local health inspectors, marshals, and residents' welfare associations to ensure its accuracy and completeness.

35.2.Categorisation of Surveillance Zones: The identified locations shall be categorised for a phased implementation plan as follows:

35.3.Phase I (Highest Priority):

35.3.1. Category A: Known and Potential Garbage Blackspots. This includes all



currently identified garbage blackspots and vulnerable locations prone to becoming new ones (e.g., vacant plots, areas under flyovers, peripheries of lakes). The primary objective is deterrence and clear identification of offenders.

35.3.2. **Category B: Waste Transfer and Aggregation Points.** This includes all official secondary collection points, waste transfer stations, and Dry Waste Collection Centres (DWCCs). The objective is to monitor operational efficiency, prevent spillage, and ensure compliance with segregation norms.

35.4. **Phase II (Priority):**

35.4.1. **Category C: Processing and Disposal Facilities.** This includes the perimeters, gates, and weighbridge areas of all



waste processing facilities and landfills.

The objective is to ensure operational transparency and prevent unauthorised access or dumping.

35.4.2. Category D: High-Density Waste

Generation Areas. This includes the public peripheries of major commercial hubs, markets, and large institutional bulk waste generators. The objective is to monitor compliance by bulk generators and prevent indiscriminate dumping from commercial establishments.

36. Technical Specifications and Installation

Standards: The adoption of robust, minimum technical standards is crucial to prevent the failure of the project due to substandard technology, to ensure that the collected footage is of sufficient quality to be



admissible as evidence, and to guarantee operational reliability in harsh outdoor urban environments.

37. **Mandatory Standards:** All CCTV cameras, recording equipment, and associated infrastructure procured and installed pursuant to this Order shall, at a minimum, conform to the specifications as the Committee may specify, which shall include 4K colour night vision waterproof cameras which shall directly upload on a real-time basis the video stream to the cloud capable of real-time viewing at the command centre, and such other specifications based on technological advancements.
38. **Installation Protocols:** Cameras shall be installed in a manner that maximises the field of view for the intended surveillance purpose while scrupulously minimising any intrusion into private properties. Cameras designated for monitoring public streets or blackspots must be positioned and angled to avoid capturing the interiors of private residences,



including doorways, windows, and balconies. This directive is issued to uphold the sanctity of the private, residential space, a principle that has been repeatedly affirmed by the judiciary.

Governance Protocol for System Operations and Data Management (The SOP)

39. **Framing and Notification of the SOP:** The *Puttaswamy's Case* does not impose a blanket prohibition on surveillance but demands that any such measure be regulated by a procedure that is fair, just, and reasonable. The Standard Operating Procedure (**SOP**) mandated herein constitutes that procedure. It is the most critical part of this Order, transforming a potentially intrusive technology into a constitutionally compliant regulatory tool. The specificity of these directives—such as a fixed data retention period, strict access controls, and mandatory public notification—is what makes the infringement on privacy "proportionate" to the



legitimate state aim of ensuring a clean and healthy environment. Each clause of the SOP should be direct answer to the constitutional query: "How is this measure the least intrusive means necessary to achieve the stated objective?".

40. Therefore, the Committee shall, within **ninety (90) days** from the date of this Order, frame and notify a comprehensive SOP for the management of the SWM Surveillance System. This SOP shall be a public document, accessible to all citizens, and must be designed to give full effect to the privacy-protecting principles enunciated in ***Puttaswamy's case***.
41. **Binding Components of the SOP:** The SOP must contain, inter alia, the following binding provisions:
 - 41.1. **Central Control Room (CCR):** A secure, access-controlled CCR shall be established at the BBMP/BSWML head office. This CCR will be the nerve center for monitoring the live feed



from all cameras and for the management of all recorded data.

41.2. Public Notification: The public must be made aware of the surveillance. To this end, mandatory and conspicuous signboards shall be installed at all locations under surveillance. These signboards shall be bilingual (Kannada and English) and shall clearly state: "This area is under CCTV surveillance for Solid Waste Management enforcement.".

41.3. Data Retention Policy: In adherence to the principle of data minimisation, all video footage shall be stored for a period not exceeding seventy-five (75) days from the date of recording. Upon the expiry of this period, the data shall be automatically and securely overwritten or deleted, unless it has been specifically flagged, preserved, and



watermarked as evidence in a specific violation case that is under adjudication.

41.4.**Access Control Matrix:** Access to both live feeds and recorded footage shall be strictly limited to designated and trained officials of the BBMP/BSWML and the Police, on a role-based, need-to-know basis. A detailed, immutable, and auditable electronic log of all access instances—including the official's identity, date, time, duration, and specific purpose of access—shall be maintained automatically by the system.

41.5.**Data Security:** All stored footage must be protected by strong, end-to-end encryption, both at rest and in transit. The storage servers must be physically located within the sovereign territory of India and must be secured against unauthorised physical and cyber access through firewalls and other appropriate security measures.

**41.6. Prohibition on Unauthorised Disclosure:**

The disclosure, sharing, or dissemination of any footage to third parties or the media is strictly prohibited, except as may be explicitly required under a specific provision of law or by a direct and formal order of a competent court. Any breach of this provision shall be subject to stringent disciplinary and legal action.

Enforcement, Penalties, and Adjudication

42. **Evidence-Based Enforcement Protocol:** To build legitimacy and ensure long-term public acceptance, the enforcement mechanism under this Order must be transparent, evidence-based, and uniform. By providing offenders with the video evidence against them and establishing a clear, accessible grievance redressal mechanism, the system moves from being perceived as an arbitrary punishment to a transparent regulatory process. This shift is crucial for fostering a culture of voluntary compliance.



43. The designated officials at the CCR shall be responsible for systematically reviewing footage to identify violations. For each identified violation, a digital case file shall be created, which must include date and time-stamped video clips or high-resolution still images that clearly depict the violation. Based on this verified evidence, e-challans or show-cause notices shall be issued to the identified offenders. These notices must be accompanied by the evidentiary material, either as an attachment or through a secure, time-limited web link, allowing the alleged offender to view the evidence against them.
44. **Standardised Schedule of Penalties:** To ensure uniformity, prevent arbitrary action, and maintain fairness, penalties for violations identified through the CCTV network shall be levied strictly in accordance with the SOP and the applicable Bye-laws, giving it a strong legal and practical foundation.



45. **Grievance Redressal Mechanism** : A robust and accessible grievance redressal mechanism is fundamental to the fairness of this system. Accordingly, an online portal and a dedicated helpline shall be established within one hundred and twenty (120) days for citizens to:

45.1. Contest a penalty notice by submitting a formal representation along with any supporting evidence.

45.2. Report any perceived misuse of the CCTV system, including allegations of targeted surveillance or violations of privacy.

45.3. All such representations shall be decided by a designated Grievance Redressal Officer (of a rank not less than a Zonal Joint Commissioner) within 15 working days. An appeal against the decision of the Grievance Redressal Officer shall lie with the Nodal Oversight and Implementation Committee, whose decision



shall be final. This two-tiered mechanism provides a crucial avenue for recourse and reinforces the overall fairness of the system.

Implementation Framework and Judicial Oversight

46. **Consolidated Implementation Timelines:** The directives contained in this Order shall be implemented strictly as per the following schedule, where 'T' is the date of this Order:

46.1. **T + 15 days:** Constitution of the Nodal Oversight and Implementation Committee.

46.2. **T + 60 days:** Completion of the city-wide GIS-based survey and mapping of all surveillance zones.

46.3. **T + 90 days:** Framing and public notification of the Standard Operating Procedure (SOP) for Surveillance Operations and Data Management.

46.4. **T + 180 days (6 Months):** Completion of procurement, installation, and operationalisation of CCTV systems in all



Category A and B locations (Phase I), along with the foundational development and pilot launch of the core digital platform in three representative wards.

46.5.T + 365 days (12 Months): Completion of procurement, installation, and operationalisation of CCTV systems in all Category C and D locations (Phase II), accompanied by the city-wide rollout of the validated digital platform and a sustained public awareness campaign.

Compliance Reporting

47. The **Nodal Oversight and Implementation Committee for SWM Surveillance** shall prepare and, through its Member Secretary, submit a **Detailed Project Report (DPR)** in line with the aforesaid directions to this Court within a period of **six weeks** from today. A dedicated nodal officer, not below the rank of a Zonal Commissioner, shall be



- appointed to oversee the implementation of these directions and shall be responsible for reporting progress to the Committee and this Court.
48. The **Nodal Oversight and Implementation Committee for SWM Surveillance**, through its Member Secretary, shall file a detailed quarterly compliance report before this Court. The first such report shall be filed **ninety (90) days** from the date of this Order. The report shall detail the progress made under this Order, challenges faced, statistical data on violations detected and penalties levied, and remedial actions taken.
49. This Court shall continue to monitor the implementation of this Order by way of a **continuing mandamus**. The matter is to be listed for review before this bench every four months to ensure strict and timely compliance with all directives issued herein.



50. This Order is passed in the paramount interest of justice and for the protection of the environment and public health, which are integral to the fundamental Right to life of every citizen. All respondent authorities are directed to ensure strict and unwavering compliance with the letter and spirit of this Order.
51. List this matter for reporting compliance after Six weeks.
52. **Answer to point No.4: What order?**
- 52.1. In view of my answers to points No.1, 2, 3 above, no grounds being made out, the Petition stands ***dismissed***.
- 52.2. However, re-list on **10.12.2025** for filing the first compliance report.
- 52.3. After the pronouncement of the Order, Learned Counsel for the Petitioners submits that the last date for submission of the Bids may be extended to 10th November, to enable the



Petitioners to submit the same as a consortium.
Accepting his request, the respondents are
directed to extend the last date for submission
of the bid to 10.11.2025.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE

SR
List No.: 2 Sl No.: 1