

Daily Orders for Case WA 400/2022

Sl. No	Judge(s) Name	Date of Order	Daily Order
1	KRISHNA S DIXIT AND S RACHAIAH KSDJ ,SRJ	05/05/2022	<p>The writ petitioner has presented this intra-court appeal complaining against non-consideration of his interim prayer for the stay of the award of subject tender in favour of Respondent no.4 as an Indian Agent of Respondent No.5. Learned Sr. Advocate Mr. Sajan Poovaiah appearing for the appellant makes submission in support of his case. 2. Having heard the learned counsel for the appellant we are inclined to grant interim prayer as sought for in the accompanying application in IA No.2/2022 for the following reasons: a) Prima facie, the award of tender in favour of Respondent Nos. 4 & 5 is in violation of amendment to Rule 144(xi) of the General Finance Rules, 2017, which disentitles unregistered entities from participating in the tender process of the kind. b) Apparently, the Central Government order (Public Procurement No.1) dated 23.07.2020 prescribes prior registration as a condition for being in the tender fray if bidder is from a country which shares a land border with India. The State Government had specifically undertaken to abide by this policy decision of the Central Government evolved on the grounds of defence of India and the national security. This assurance was given vide communication dated 25.08.2020. c) The fifth Respondent – Health Care Company is associated inter alia with China which shares long border with India and thus, the precondition for registration in terms of amended Rules is not satisfied. In the above circumstances, the subject application in IA No.2/2022 is favoured staying all further proceedings pursuant to impugned award of tender, till next date of hearing. Learned AGA accepts notice for Respondent Nos. 1 & 2; learned ASG Mr. Shanthibhushan H, accepts notice for Respondent No.3. Issue emergent notice to the Respondent Nos. 4 & 5.</p>