

Print

Karnataka Lokayukta
(Under Section 7 of the Karnataka Lokayukta Act, 1984)

CASE **COMPT/UPLOK**
NUMBER : **/BCD/1873/2023**
District : **Bengaluru (U)**

BY :**1. Suo Moto**

As per the Order of Honble Upalokayukta, Dated:
14/03/2023.

COMPLAINANT/S**AGAINST :****1. Engineer Officer**

Bengaluru Development Authority, Kumara Park
West, T.Chowdaiah Road, Bengaluru.

2. Executive Engineer

(Electrical), Bengaluru Development Authority,
Kumara Park West, T.Chowdaiah Road,
Bengaluru.

RESPONDENT/S

Allegation/Grievance Dereliction of duty.
Brief :

Received From : Suo Moto
Received On : 15-03-2023

Complaint stands ARLO-1
allotted to :

Seal and Signature

ಸಹಾಯಕ ನಿರ್ದೇಶಕರು

ಕಾನೂನು ಅಭಿವೃದ್ಧಿ

SCRUTINY AND OPINION
ದೂರು ನಿರ್ವಹಣೆ
ಸಾರ್ವಜನಿಕ ಲೋಕಾಯುಕ್ತ ಕಛೇರಿ
ಬೆಂಗಳೂರು-೧.

KARNATAKA LOKAYUKTA, BENGALURU

No:

Date: 14-03-2023

ORDER

In 'Deccan Herald daily' dated 27.02.2022, a news item with the heading "**BDA floats Rs.675-Cr tender sans panel OK**" has been published. Instead of repeating the news item, it is useful to extract the same, which reads as hereunder:

"BDA floats Rs.675-Cr tender sans panel OK; Agency wants to take up works for Shivaram Karanth Layout; The Bangalore Development Authority (BDA) has violated due process and floated tenders worth Rs.675 crore, sources said. It has bypassed a critical step-taking mandatory approval from a committee headed by a retired judge – in calling for the tenders. That's not all. It has also concealed the contract value of the short-term tenders pertaining to electrical works in its newest development project, Dr. K. Shivaram Karanth layout. The tenders close on

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March 9. It invited short-term tenders on February 23 for establishing a substation and providing underground cabling for its housing estate in northern Bengaluru. While the notification published in news papers states that the document will be available for download on February 24, the BDA is yet to make the documents available on the State Government's e-procurement website. Shady stuff? BDA invites short-term tenders on Feb 23 for taking up electrical works for the creation of Shivaram Karanth Layout. In the media notification, it neither discloses the contract value nor the earnest money deposit (EMD). Tender documents have to be vetted by the Justice Rathnakala committee but in this case, they are not sources say. BDA Commissioner G Kumar Naik says he is not aware of the tender. In that notification, the BDA neither disclosed the contract value nor the earnest money deposit (EMD) it was seeking. These details are essential for eligible firms to arrive at a bidding price.

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Highly placed sources said that the total value of the electrical works was a whopping Rs.675 Crore and that the works had been divided into two packages. Most importantly, the tender documents were not vetted by the Justice Rathnakala-headed State Pre-Tender Scrutiny Committee, constituted to review all public works costing more than Rs.50 Crore, DH has learnt. The committee was formed in July 2022 following allegations that those running the State Government were taking a 40% cut to sanction projects. The electrical works are part of the Rs.5,337-crore project involving the formation of BDA's newest layout named after legendary Kannada novelist Dr. Shivaram Karanth. First notified in 2008, the under construction layout is spread over 17 villages. Among its standout features are its proximity to the Kempegowda International Airport and the proposed Peripheral Ring Road (PRR). Farmers have opposed the BDA's efforts to acquire their land for the project. An

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authoritative source said that there was no urgency to float a short-term-tender for electrical works because the BDA had just begun civil works. Long-term tender – The BDA should instead have opted for a regular and long term tender, which attracts fair and competitive bidders, the source said. Reached for comment, BDA Commissioner G. Kumar Naik said that he was not aware of the tender but promised to check with the engineers on Monday. BDA Chairman S.R. Vishwanath did not respond to phone calls.

2. The news item extracted above indicates that the concerned authorities of Bengaluru Development Authority have bypassed a critical step of taking mandatory approval from the committee headed by a retired Judge in calling for tenders. It is relevant to point out that the said committee has been constituted to scrutinize the tenders over Rs.50 Crores to ensure transparency and curb the irregularities in tender process.
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However, as could be seen from the News item extracted above, the said process has been bypassed by the officers/officials who have been entrusted with the responsibility of sending tender documents to the said committee for its scrutiny. Thereby prima-facie there has been negligence on the part of the officers/officials who have been entrusted with the responsibility of complying with the said requirements.

3. The Engineer Member, Engineer Officer and Executive Engineer have entrusted with the responsibility of tender processing in Bengaluru Development Authority. But, prima-facie there has been negligence on the part of the officers entrusted with the responsibility of tender process.

4. The object of the Karnataka Lokayukta Act 1984 (hereinafter referred to as 'K.L. Act') is to ensure good governance in the State



Administration and also to prevent mal-administration. The negligence on the part of the concerned authorities who are entrusted with the responsibility of supervising tender process, in my considered view falls within the meaning of 'mal-administration' under Sec. 2(10) of the K.L. Act.

5. Therefore, I am of the view that it is desirable to consider the news item published in 'Deccan Herald' as source material to exercise the power conferred on me under Sec. 7(2) and 9(3)(a) of the K.L. Act. Accordingly, I exercise my suo-motu power and the office is directed to register this proceedings as suo-motu proceeding.

6. With a view to examine the issues raised in the news item referred to above, I am of the view, that it is necessary to implead the officers mentioned herein below as parties/respondents to

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this proceeding and issue notice to them and call for comments from them.

1.	The Engineer Officer, Bengaluru Development Authority, Kumara Park West, T. Chowdaiah Road, Bengaluru.
2.	The Executive Engineer (Electrical), Bengaluru Development Authority, Kumara Park West, T. Chowdaiah Road, Bengaluru.

7. The Officers/Officials referred to above are given three weeks time to submit their report/comments i.e., **on or before 10.04.2023.**

8. Communicate copy of this order to the respondents referred to above along with the copy of news item published in 'Deccan Herald' and also to the Commissioner, BDA, Bengaluru to hold an enquiry into the issues published in the news item and submit a report to this authority.

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9. In the meanwhile the Chief Engineer, Karnataka Lokayukta, Bengaluru is directed to get an investigation done with regard to the issues raised in the news item extracted above and submit report by the next date of hearing.

List this matter on 10.04.2023.

K.N. Phaneendra 14/3/23
 (Justice K.N. Phaneendra),
 Upalokayukta,
 Karnataka State.

10. ARLO-4 (Complaints Section)}

ನೀತಿಗೂ ಸಹಜವಾಗಿ ಇದರಲ್ಲಿ ಸಂಪನ್ಮೂಲ

Phaneendra
 16/03/2023



Cong plenary ends with vow to fight BJP's 'crony capitalism'

SHEMIN JOY
RAIPUR, DHNS

The Congress on Sunday pitched for a "common, constructive programme" with like-minded parties to fight the BJP's "authoritarian, communal and crony capitalist onslaught" ahead of Lok Sabha elections.

In a five-point 'Raipur Declaration' adopted on the concluding day of the plenary, the party asked its leaders to work with "discipline, solidarity and complete unity".

Stating that the time is now ripe for a new vision "to empower the nation's producers and reboot the economy," the declaration emphasised the importance of social security programmes and the need to immediately conduct a caste census to cement the foundations of social justice.

The declaration reflected the efforts to forge a united Opposition ahead of polls as well as strengthening its own organisation while subtly acknowledging internal feuds.

"We are prepared to work with like-minded political parties on the basis of a common, constructive programme to preserve and protect the Constitution in letter and spirit and to address the three main challenges facing the country: growing economic inequality, intensifying social polarisation and deepening political dictatorship," it said.

With polls around the corner in Karnataka, Chhattisgarh, Madhya Pradesh, Mizoram, Rajasthan and Telangana, the declaration wanted members to "ensure our victory" as the results will "set the tone for the all-important 2024 Lok Sabha election".

BDA floats Rs 675-cr tender sans panel OK

Agency wants to take up works for Shivaram Karanth Layout

NAVEEN MENEZES
BENGALURU, DHNS

The Bangalore Development Authority (BDA) has violated due process and floated tenders worth Rs 675 crore, sources said.

It has bypassed a critical step—taking mandatory approval from a committee headed by a retired judge—in calling for the tenders.

That's not all. It has also concealed the contract value of the short-term tenders pertaining to electrical works in its newest development project, Dr K Shivaram Karanth Layout. The tenders close on March 9.

It invited short-term tenders on February 23 for establishing a substation and providing underground cabling for its housing estate in northern Bengaluru.

While the notification

Shady stuff?

■ BDA invites short-term tenders on Feb 23 for taking up electrical works for the creation of Shivaram Karanth Layout.

■ In the media notification, it neither discloses the contract value nor the earnest money deposit (EMD)

■ Tender documents have to be vetted by the Justice Rathnakala committee but in this case, they are not, sources say

■ BDA Commissioner G Kumar Naik says he is not aware of the tender



published in newspapers states that the document will be available for download on February 24, the BDA is yet to make the documents available on the state government's e-procurement website.

► **BDA, Page 4**

Farmers protest bulldozing of crops, arrested, Page 2

'Riyal' move viral; Zameer denies

BENGALURU, DHNS: With Assembly polls inching closer, Congress MLA from Chamarajpet B Z Zameer Ahmed Khan had the social media agog with his munificence.

Zameer distributed 500 Saudi Riyals along with other essentials to Umrah pilgrims in Tumakuru and

Chamarajpet, his social media team claimed on Twitter and Facebook pages late Saturday, and the news went viral on Sunday. When contacted, Zameer denied giving foreign currency to pilgrims, but insisted the kit he handed out included Rs 12,000.

► **Zameer, Page 4**