

IN THE COURT OF APPEAL OF THE DEMOCRATIC SOCIALIST REPUBLIC
OF SRI LANKA

In the matter of an application for a mandate in the nature of Writs of Certiorari, Mandamus and Prohibition under and in terms of Article 140 of the Constitution of the Democratic Socialist Republic of Sri Lanka.

Assent International (Private) Limited,
No. 38, Station Road,
Wattala.

PETITIONER

CA WRIT APPLICATION NO.
CA /WRT /555 /2026

Vs

1. The Inspector General of Police,
Police Headquarters,
Colombo 02.
2. Director (Supplies),
Police Supplies Division,
Police Headquarters,
Colombo 02.
3. Chairperson,
Bid Evaluation Committee
(BEC),

4. Member 1,
Bid Evaluation Committee
(BEC),
5. Member 2,
Bid Evaluation Committee
(BEC),
6. Member 3,
Bid Evaluation Committee
(BEC),
7. Chairperson,
Department Procurement Committee (DPC),
8. Chairperson,
Department Procurement Appeal Committee
(DPAC),
9. Securatec Lanka (Private) Limited.
10. Jayanthi Enterprises.
11. Hon. Attorney General,
Attorney General's Department,
Colombo 12.

RESPONDENTS

Before: Hon. Justice B. Sasi Mahendran
Hon. Justice Adithya Patabendige

Counsel: Suren Gnanaraj with Layangi Dissanayake for the Petitioner.

Sehan Soyza, SSC for the State.

Supported 07.08.2026

On:

Order On: 15.09.2026

ORDER

B. Sasi Mahendran, J.

The Petitioner seeks, *inter alia*, a direction to call for the Record of the proceedings relating to Tender No. LA/S1/98/2026 for the procurement of forty (40) dogs, and a ***Writ of Certiorari*** quashing the decision whereby the Petitioner's bid was determined to be "not substantially responsive" and the decision to recommend the award of the said Tender to the 9th Respondent.

The Petitioner further seeks a ***Writ of Prohibition*** restraining the Respondents from proceeding with or giving effect to the decision to award the said Tender to the 9th Respondent, and ***Writs of Mandamus*** directing the relevant Respondents to reconsider and evaluate the Petitioner's bid in accordance with the applicable Procurement Guidelines, Procurement Manual and the conditions of the Bidding Documents. The Petitioner also seeks interim relief restraining the execution of any contract pursuant to the impugned decision pending the final determination of this application.

The following facts are relevant to this application.

The Petitioner states that the Sri Lanka Police called for bids under Tender No. LA/S1/98/2026 for the procurement of forty (40) dogs. The procurement was governed by the Procurement Guidelines – 2024, published in Gazette Extraordinary No. 2410/14 dated 15th November 2024, and the Procurement Manual – 2024, as amended up to 15th July 2025, marked "**P2**".

After obtaining the bidding documents on 13th January 2026, marked “**P3**”, the Petitioner attended the pre-bid meeting held on 16th January 2026. On 6th February 2026, the Petitioner submitted its bid together with the Bid Security and other documents required by the bidding documents.

As part of its bid, the Petitioner submitted the prescribed Technical Specification and Compliance Sheets, which required bidders to indicate compliance with each technical specification by marking “Yes (Y)” or “No (N)” and providing remarks in a separate column. The Petitioner marked “Yes (Y)” against the applicable technical requirements and made certain remarks in the remarks column.

The Petitioner’s bid price was Euro 220,000.00, inclusive of CIF, local commission and other local charges. In terms of Clause 33 of the Bidding Documents, the foreign currency bid price was required to be converted into Sri Lankan Rupees for evaluation. Accordingly, the Petitioner’s evaluated bid price was Rs. 79,151,600.00, which the Petitioner states was the lowest evaluated bid received.

On 5th May 2026, the Petitioner addressed a letter to the 2nd Respondent, Director, Police Supply Division, marked “**P7**”, concerning handwritten remarks appearing in the Technical Specification and Compliance Sheets. The Petitioner stated that the handwritten text had been included due to human error, confirmed that it accepted the technical specifications, and remained willing and able to supply the required dogs. The Petitioner relied on Clause 28 of the Bidding Documents, which permitted the Procurement Entity to seek clarifications from bidders, provided that no change to the price or substance of the bid was sought, offered or permitted.

By letter dated 15th May 2026, which is marked as “**P8**”, the Petitioner was informed that the Department Procurement Committee had decided to recommend the award of the Tender to the 9th Respondent, Securatec Lanka (Private) Limited, for Rs. 99,549,506.85. The Petitioner was further informed that its bid had not been selected and that it could request a debriefing and, if so advised, lodge an appeal.

The Petitioner requested a debriefing by letter dated 18th May 2026 and letter dated 21st May 2026; the 2nd Respondent informed the Petitioner that its bid had been determined to be “not substantially responsive”, which is marked as “**P10**”, on the basis that the remarks contained in the Technical Specification and Compliance Sheets were considered inconsistent with the technical requirements of the Bidding Documents.

The Petitioner thereafter lodged an appeal on 26th May 2026, which is marked as “**P11**”, contending, *inter alia*, that the remarks were merely explanatory and logistical, that it had expressly indicated compliance with the technical requirements by marking “Yes (Y)”, and that the clarification furnished on 5th May 2026 ought to have been considered.

Whilst the appeal was pending, the 2nd Respondent, by letter dated 19th May 2026, requested the Petitioner to extend the validity of its bid and Bid Security, which is marked as “**P13**”. By letter dated 3rd June 2026, the Petitioner agreed to the extension, thereby extending the validity of its bid and Bid Security until 4th September 2026, which is marked as “**P15**”.

The Petitioner states that it was not afforded an opportunity to attend a hearing, clarify any aspect of its bid, produce further documents, or make further representations in support of its appeal.

By letter dated 1st July 2026, the 2nd Respondent informed the Petitioner that its appeal had been determined and that the Petitioner’s bid had failed to comply with the requirements of the Purchaser. The Petitioner was further informed that its bid remained “not substantially responsive” and that the decision communicated on 15th May 2026 would stand. The Petitioner states that the said letter did not identify the authority or committee that considered the appeal, nor disclose the reports, recommendations, or other records on which the decision was based.

The Petitioner thereafter made further representations by letter dated 6th July 2026, requesting reconsideration of the rejection of its bid and appeal.

Being aggrieved by the aforesaid actions and decisions, the Petitioner has filed the present application invoking the writ jurisdiction of this Court.

It should be noted that “**P2**”, being the invitation for bids, clearly specifies the procurement of **forty (40) working dogs**, including the required breeds and quantities. In the document marked “**P5**”, it is expressly stated that *‘The technical specification may be provided in the following format. The bidder shall fill the columns 6 and 7. Bidder's failure to provide the information requested in columns 6 and 7 may be a reason for rejecting the bid. If any discrepancy is observed between the information provided by the bidder in columns 6 and 7 and the other technical information attached to the bid, the information provided here (7) shall take precedence.’*

In the instant case, the Petitioner has not indicated the number of dogs it can provide. It is pertinent to reproduce the document marked “**P5**” in the said Petition.

Project Title : Purchase of dogs (Year 2020)

Division : KANNIA DIVISION

The technical specification may be provided in the following format. The bidder shall fill the columns 6 and 7. Bidder's failure to provide the information requested in the columns 6 and 7 may be a reason for the rejection of the bid. If any discrepancy is observed between the information provided by the bidder in the column 6 and 7 and the other technical information attached to the bid, the information provided here shall take precedence.

(1) Line Item	(2) Description of Goods or related Service	(3) Sub Component	(4) Technical Specification & Standards	(5)	(6)	(7)
Purchaser's Requirements Details						
				Priority	Bidder's Offer Yes (Y)/ No (N)	Remarks
01	Dogs	1. Brand (Breed)	Belgian Malinois (working dogs) Labrador Retriever (working dogs) Golden Retriever (working dogs) Beagle (working dogs) German Shepherd (working dogs)	Male 02 02 02 02 02	Female 11 04 04 03 03	Total 13 06 06 05 05
		2. Country of origin	Any European Country		Y	
		2. Description	1. Age should be 08 months to 15 months. 2. Should be in good health (individual's thoracic and extended VD hip x rays needed). Blood analysis, including basic biochemical tests (ALT, BUN, creatinine, etc...) should be done in all selected dogs. 3. Standard according to the breed (Appearance, height, colour, ...) 4. Should be from a working line pedigree. (Breeder's certificate must provide if requested). Pedigree Certificate should be in English. 5. Should be registered in a recognized kennel club. 6. Should be breedable and provide sperm viability and motility test for males, and a certificate for females indicating reproductive system is intact and cycling.		Y Y Y Y Y	

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ASPECT International (Pvt) Ltd
 No: 25, Station Road, Wemba.
 691101, LAKEA, PV 64374
 Tel No: 0117338868 Fax: 0117331242
 Email: info@aspect.in

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When a document sets out a mandatory procedure, it must be followed. When he failed to do so, the authority could reject their application. I hold that the Respondent correctly rejected the Petitioner's bid because he failed to submit the relevant information required to consider the bid.

It is pertinent to refer to the following judgment:

Jayaweera v. Asst. Commissioner of Agrarian Services Ratnapura and Another, 1996

(2) SLR 70 at page 73, Jayasuriya, J held that;

*“I hold that the Petitioner who is seeking relief in an application for the issue of a writ of certiorari is not entitled to relief as a matter of course, as a matter of right or as a matter of routine. Even if he is entitled to relief, still the court has a discretion to deny him relief having regard to his **conduct**; delay, laches, waiver, submission to jurisdiction are all valid impediments which stand against the grant of relief.” (emphasis added)*

In the instant case, the Respondent's decision cannot be regarded as illegal, as the Petitioner failed to complete the said document by omitting the necessary details, which are mandatory.

In the circumstances, I take the view that the Petitioner has failed to make out a *prima facie* or arguable case warranting this Court in issuing formal notices to the Respondents. Accordingly, this Court refuses to issue notice to the Respondents in this application.

Hence, the application is dismissed.

JUDGE OF THE COURT OF APPEAL

Adithya Patabendige, J.

I AGREE

JUDGE OF THE COURT OF APPEAL