

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 6862 of 2026**

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M/S. OM YASH PROJECTS LIMITED

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR. MIHIR JOSHI, SR. ADVOCATE A/W. MR. RUSHABH H
SHAH(7594) for the Petitioner(s) No. 1

MR. VENUGOPAL PATEL, ASST. GOVERNMENT PLEADER for the
Respondent(s) No. 1

MR MB GOHIL(2702) for the Respondent(s) No. 2

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CORAM: HONOURABLE MR. JUSTICE N.S. SANJAY GOWDA

and

HONOURABLE MR. JUSTICE J. L. ODEDRA

Date : 05/05/2026

ORAL ORDER

(PER : HONOURABLE MR. JUSTICE N.S. SANJAY GOWDA)

1. Learned Senior Counsel points out that clarification had been sought for from the petitioner, who was the lowest bidder, regarding the FIR registered against a special purpose vehicle to which the petitioner was a part of, in respect of another tender in Maharashtra, and despite a reply being given, and even before the reply could be considered, it is apparent from the Annexure-P that the respondents had entered into negotiations with L2 for awarding the contract, and this is clear from the reference to the letter dated 08.04.2026.
2. It is also stated that thereafter a decision was taken to reject the bid of the petitioner, and on the same date, the bid of L2 was sought to be accepted under Annexure-P.

3. If the petitioners had sought for clarifications, prima facie, before the clarifications given by the petitioner were to be considered, the respondent could not have entered into negotiations with the L2, since this would signify that they had already made up their mind to reject the bid of the petitioner.
4. Faced with this situation, learned Counsel appearing for the respondent seeks for time. In our view, since the petitioner was the lowest bidder, and a decision has been taken even before his clarifications were considered, it would be appropriate to stay the operation of Annexure P, i.e., the communication dated 29.04.2026 issued in favor of respondent No. 3, till the next date of hearing. As a consequence, Annexure-N, the proceedings relating to blacklisting of the petitioner, shall also be stayed till the next date of hearing.
5. Issue notice to the respondents, returnable on 11.06.2026.
6. Mr. Venugopal Patel, learned AGP, waives service of notice on behalf of Respondent No.1, and Mr. M. B. Gohil, learned counsel, waives service of notice on behalf of Respondent No. 2.

(N.S.SANJAY GOWDA,J)

(J. L. ODEDRA, J)

Mehul Desai

Original copy of this order has been signed by the Hon'ble Judges.
Digitally signed by: MEHULKUMAR BHIMABHAI DESAI(HCD0075), ENGLISH STENOGRAPHER GRADE TWO CLASS TWO, at High Court of Gujarat on 06/05/2026 13:23:18