

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSItem No.35:

Petition(s) for Special Leave to Appeal (C) No(s). 17746/2026

[Arising out of impugned final judgment and order dated 08-05-2026 in SCA No. 5436/2026 passed by the High Court of Gujarat at Ahmedabad]

SNL AND COMPANY

Petitioner(s)

VERSUS

M/S R AND B INFRA PROJECTS LIMITED & ORS.

Respondent(s)

([TO BE TAKEN UP AT THE TOP OF THE BOARD])

IA No. 153313/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 153314/2026 - EXEMPTION FROM FILING O.T.)

With

Item No.36:

Petition(s) for Special Leave to Appeal (C) No(s). 18769/2026

([TO BE TAKEN UP ALONG WITH SLP(C) NO. 17746/2026])

IA No. 165021/2026 - AMENDMENT IN CAUSE TITLE

IA No. 163369/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 163371/2026 - EXEMPTION FROM FILING O.T.)

Date : 27-05-2026 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA

HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) :

Mr. Shyam Diwan, Sr. Adv.
Mr. Vijay Hansaria, Sr. Adv.
Mr. Ritesh Agrawal, AOR
Mr. Sohel Rishabh, Adv.
Ms. Priyanshi Sharma, Adv.
Mr. Ankur Singhal, Adv.
Ms. Nandini Rai, Adv.
Mr. Aashay Shukla, Adv.
Mr. Jitendra Mahapatra, Adv.

For Respondent(s) :

Mr. Navin Pahwa, Sr. Adv.
Mr. Mohit D. Ram, AOR
Ms. Nayan Gupta, Adv.
Mr. Rafid Akhter, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Application for amendment in cause title is allowed in SLP (Civil) No.18769 of 2026.
2. Since the issues raised in both the captioned petitions are the same and the parties are also the same, those were taken up for hearing analogously and are being disposed of by this common order.
3. It appears from the materials on record that the Porbandar Municipal Corporation (for short, "the PMC") issued an invitation for bids dated 15th January, 2026 for the work of designing and construction of a Sewage Treatment Plant of 11.00 MLD and 3.00 MLD respectively and various pumping stations along with all allied works. The estimated contract valuation was approximately Rs.122.97 crore. The last date to offer the bids was fixed as 4th February, 2026. Later the said date was extended to 23rd February, 2026. The bids were to be submitted on or before 23rd February, 2026 online by 5.30 p.m.

4. It is the case of the petitioner that it offered its bid online. Along with the petitioner, the respondent No.1, namely, M/s. R & B Infra Projects Limited also offered its bid. Technical and financial evaluation took place of the bids. It is not in dispute that the work order came to be issued in favour of the petitioner on 30th March, 2026. The respondent No.1 before us went before the High Court by way of a Writ Petition being Special Civil Application No.4641 of 2026 being aggrieved and dissatisfied with the communication received from the tendering authority. This communication was in the form of an intimation that the respondent No.1 was not eligible to offer its bid.

5. The claim of the respondent No.1 was rejected on the ground that it had failed to furnish the registration certificate of the other State, in the sense that it was not uploaded and no application was made to the Road and Building department for AA class registration before the tender submission. The High Court took the view that since the respondent No.1 was unable to upload the necessary documents online and as one of the clauses of the tender documents, more particularly, Clause 24 therein permitted the respondent No.1 to provide physical copies of the documents, the High Court allowed the petition and directed the Corporation to consider the documents which the respondent No.1 would physically

submit. This order passed by the High Court dated 1st April, 2026 is also a subject matter of challenge before us at the instance of the petitioner.

6. Insofar as the impugned order dated 8th May, 2026 is concerned, two petitions came to be disposed of by the High Court. Special Civil Application No.5436 of 2026 was preferred by the respondent No.1 before us whereas Special Civil Application No.4647 of 2026 was preferred by a third party, namely, Yogi Construction Co. In the Writ Petition i.e. Special Civil Application No.5436 of 2026 is concerned, it was pointed out by the respondent No.1 before the High Court, as original petitioner, that the petitioner before us, namely, SNL & Company is not eligible to participate in the tender because it had no work experience. The High Court adjudicated both the Writ Petitions referred to above and by a common order allowed the Writ Petition preferred by the respondent No.1 and rejected the Writ Petition which was filed by a third party i.e. Yogi Construction Co. While allowing the Writ Petition preferred by the respondent No.1 insofar as the work experience of the present petitioner is concerned, the High Court observed as under:

“[58]. The reason that we are constrained to make these observations regarding the conduct of the Corporation is because, it is an admitted fact in the present case that N.P.Patel and Company, the partnership firm to which Mr. Siddharth Narendrakumar unagariya, the proprietor

of SNL & Company is a partner, has been blacklisted in respect of other tenders, and this blacklisting has also been upheld by the Courts. As a result of this blacklisting, N.P.Patel and Company would have been disqualified from participating in the present tender. In order to get over this disqualification, on NP Patel & Co, its major partner i.e., the proprietor of SNL & Company has submitted its bid as a proprietary concern."

7. To put it in other words, two things weighed with the High Court in taking the view that the petitioner is not eligible. First, the petitioner is a proprietary concern of which he is the proprietor himself and insofar as the work experience is concerned, the petitioner relied upon the work experience of a partnership firm in which he is one of the partners holding 90% share. The High Court also took into consideration the fact that the partnership firm, namely, N.P.Patel & Company in which the petitioner is one of the partners having 90% share was blacklisted.

8. In such circumstances referred to above, the petitioner is here before us with the two petitions.

9. We heard Mr. Shyam Divan and Mr. Vijay Hansaria, the learned senior counsel appearing for the petitioner and Mr. Navin Pahwa, the learned senior counsel with Mr. Mohit D.Ram, the learned counsel appearing for the respondent No.1.

10. Without entering into the merits and without observing anything further and having regard to the materials on record and the submissions canvassed, we are of the view that the PMC should go for a fresh tender with respect to the work which it wants to undertake. Insofar as the tender notice dated 15th January, 2026 is concerned, we cancel it.

11. The PMC shall now proceed to issue a fresh tender in accordance with law. If the petitioner and the respondent No.1 want to participate in fresh tender notice and if they are otherwise eligible, they may offer their bids in accordance with the terms of the tender notice.

12. With the aforesaid, the Special Leave Petitions are disposed of.

13. Pending applications shall also stand disposed of.

(ANITA MALHOTRA)
AR-CUM-PS

(POOJA SHARMA)
COURT MASTER