

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 5498 of 2025**

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A.K.PATEL AND CO (CONST) PVT LIMITED
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR GT DAYANI(271) for the Petitioner(s) No. 1
MR NL RAMNANI(2400) for the Petitioner(s) No. 1
NOTICE SERVED for the Respondent(s) No. 1
SIDDHARTH R KHESKANI(9483) for the Respondent(s) No. 2

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CORAM: HONOURABLE MR. JUSTICE NIRZAR S. DESAI

Date : 03/09/2026

ORDER

1. Heard learned advocate Mr. Ramnani for the petitioner, learned advocate Mr. Kheskani for respondent Nos.1 and 2.

2. By way of this petition, the petitioner has prayed for following relief;

“(A) Your Lordships be pleased to admit the present petition.

(B) Your Lordships be pleased to allow this petition by issuing a writ of mandamus or any other appropriate writ or writ in the nature of certiorari or any other appropriate writ, order or direction, quashing and setting aside the impugned order dated 15/10/2024, produced at "Annexure- A" passed by the Hon'ble Arbitration Tribunal in Arbitration Reference No. 16 of 2011 and be further pleased to direct the Hon'ble Arbitration Tribunal to

restore the Arbitration Reference No. 16 of 2011 and to decide the same on merits after hearing both the parties.

(C) To grant any such other and further order as may be deemed just, fit and proper in the facts and circumstances of the case.”

3. At the outset, learned advocate Mr. Ramani drew attention to the Annexure D, page 64 of the petition, which is a Notification dated 16.12.2024, which reads as under:

*“NOTIFICATION
Legal Department
Sachivalaya, Gandhinagar,
Dated the 16th December, 2024*

*GUJARAT PUBLIC WORKS CONTRACTS DISPUTES
ARBITRATION TRIBUNAL ACT, 1992*

NO. GK/64/ARB/102024/UOR-01/D-1:- In exercise of the powers conferred by sub-clause (iii) of clause (i) of sub-section(1) of section 2 of the Gujarat Public Works Contracts Disputes Arbitration Tribunal Act, 1992 (Guj.4 of 1992)- (hereinafter referred to as “the said Act”) the Government of Gujarat hereby specifies the ‘Municipalities’ defined under Sub-section (14) of section 2 of the Gujarat Municipalities Act, 1963 and Sub-section

(34B) of section 2 Gujarat Provincial Municipal Corporations Act, 1949; and the ‘Panchayats’ defined under Sub-section (14) of section 2 of Gujarat Panchayat Act, 1993 to be the “public undertaking” for the purpose of the said Act.

By order and in the name of the Governor of Gujarat.

Sd/-

R .D. MAHETA,

Deputy Secretary to Government.”

4. In view of the aforesaid Notification, learned advocate submits that the Panchayat is now considered to be a “public undertaking” for the purpose of the Gujarat Public Works Contracts Disputes Arbitration Tribunal Act, 1992, and therefore, the matter is required to be relegated to the said Tribunal for redressal of the grievance of the present petitioner.

5. Learned advocate Mr. Kheskani could not dispute the aforesaid submission.

6. Accordingly, the order dated 15.10.2024 passed by the Gujarat Public Works Contracts Disputes Arbitration Tribunal at

Ahmedabad is hereby quashed and set aside. Consequently, Arbitration Reference No. 16 of 2011 is restored to its original file and is remanded to the Tribunal for consideration afresh on merits and in accordance with law.

7. With the aforesaid direction, the petition is disposed of. Notice is discharged.

BHAVIN MEHTA

(NIRZAR S. DESAI,J)