

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CIVIL APPLICATION NO. 11260 of 2026****BOMBAY JCB EARTHMOVERS****Versus****RAJKOT MUNICIPAL CORPORATION & ANR.**

Appearance:

MR PARTH B THUMMAR(13122) for the Petitioner(s) No. 1

MR. MN MARFATIA(6930) for the Respondent(s) No. 1,2

CORAM: HONOURABLE MR.JUSTICE N.S.SANJAY GOWDA**and****HONOURABLE MR.JUSTICE J. L. ODEDRA****Date : 12/08/2026****ORAL JUDGMENT****(PER : HONOURABLE MR.JUSTICE N.S.SANJAY GOWDA)**

1. The petitioner has filed this petition seeking for a direction to the respondents to annul, cancel and scrap the tender process and also sought for a direction to re-invite the fresh tenders for the work on the eligibility criteria contained in the original bid document dated 12.8.2025. An alternative prayer is also made directing the respondents to re-open the bid submission window in respect of the said tender for a reasonable period so as to enable the petitioner and other similarly placed bidders to submit their bids.

2. It is not in dispute that on 12.8.2025, the respondents had floated a tender for the Comprehensive Operation and Maintenance of Floating Trash Skimmer and Aquatic Weed Removal Machine for Weed and Waste



Removal from Various Waterways of Lakes/ Rivers in Rajkot city for a Period of Five (05) Years. The eligibility criteria prescribed for the tender was that the bidders should have experience as operation and maintenance work of a similar nature for a minimum contract value of Rs.61.90 lakhs. However, the respondents issued a corrigendum on 27.8.2025 altering this eligibility criteria and increasing the minimum contract value to Rs.300 lakhs.

3. It may be pertinent to state here that in the original bid document dated 12.8.2025, the last date for submitting the online bids was 28.8.2025 and the corrigendum was issued just one day prior to that, i.e. on 27.8.2025.

4. Apart from altering the minimum contract value to Rs.300 lakhs, the last date for online submission was also changed from 28.8.2025 to 6.9.2025.

5. On 1.9.2025, a petition, being Special Civil Application No.12409 of 2025, was filed challenging the corrigendum, which altered the minimum contract value from Rs.61.90 lakhs to Rs.300 lakhs. This writ petition was allowed on 15.9.2025 and the corrigendum dated 27.8.2025 was quashed. In fact, the operative portion of the order reads as follows:



“13. Hence, the present petition succeeds. The impugned corrigendum dated 27.08.2025 at Page No.37 is quashed and set aside. The respondent-Corporation shall open the technical bid and proceed further, as per the conditions of the Bid Document. Rule is made absolute.”

6. It is, therefore, clear that this Court directed the corporation to open the technical bids that had been submitted pursuant to the original tender and proceed further.

7. The petitioner, who was not a participant pursuant to the original bid dated 12.8.2025, has now filed the petition contending that by virtue of the corrigendum, he could not have participated, but now, that corrigendum has been quashed, he should be given a right to participate in the bid by extending the bid date (as an alternative prayer).

8. In our view, this request cannot be entertained.

9. Admittedly, the petitioner did not submit his bid between 12.8.2025 and 27.8.2025 when the corrigendum was not even published. On the publication of the corrigendum, by which the minimum contract value was extended, the petitioner did not choose to challenge this corrigendum, he thereby accepted that he could not participate in the bid. Having taken a conscious decision not to challenge the corrigendum, the petitioner is essentially seeking to take advantage of an order that has



been passed at the behest of some other party who had challenged the corrigendum. This is obviously not permissible. It is only if the petitioner had submitted his bid on 12.8.2025, would he have the right to participate in the bid. Having not participated pursuant to the original bid dated 12.8.2025, the petitioner cannot be permitted to seek for an opportunity to submit his bid after the last date for submission of the bid, i.e. 28.8.2025, has expired. The petitioner cannot take advantage of the corrigendum or of its quashing by this Court to enable an opportunity for himself.

10. We are, therefore, not inclined to entertain this petition. The petition stands DISMISSED.

Sd/-
(N.S.SANJAY GOWDA,J)

Sd/-
(J. L. ODEDRA, J)

OMKAR