



2026:AHC-LKO:22927-DB

**A.F.R.**

**HIGH COURT OF JUDICATURE AT ALLAHABAD  
LUCKNOW**

**WRIT - C No. - 2067 of 2026**

Vertel Digital Pvt. Ltd. Thru. Authorized Director Shri Ramneek Chopra and another

.....Petitioner(s)

Versus

State of U.P. Thru. Addl. Chief Secy. Deptt. of Home U.P. Lko. and 3 others

.....Respondent(s)

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Counsel for Petitioner(s) : Mudit Agarwal,  
Counsel for Respondent(s) : C.S.C., Akshat Kumar

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**Court No. - 3**

**HON'BLE SHEKHAR B. SARAF, J.  
HON'BLE ABDHESH KUMAR CHAUDHARY, J.**

**1.** Objections to the application for vacation of interim order and objections to the application filed on behalf of intervenor- M/S Mobile Communications (India) Pvt. Ltd. are taken on record.

**(Order on Intervention/Impleadment Application (IA) No.2 of 2026.**

**2.** Heard learned counsel appearing on behalf of the parties.

**3.** The present application seeking impleadment/intervention has been filed by the applicant/respondent-M/S Mobile Communications (India)

Pvt. Ltd., who were declared as the successful L-1 bidder on 30.01.2026.

**4.** We have perused the affidavit accompanying the intervention/impleadment application and find that sufficient cause has been made out for allowing the same.

**5.** Since, any order passed by this Court would have an impact on the rights that may have accrued in favour of the applicant, this Court deems the applicant to be a necessary party to this *lis*.

**6.** Accordingly, application for intervention/impleadment is **allowed**.

**(Order on Writ Petition)**

**1.** Heard Shri Jaideep Narain Mathur, learned Senior Advocate assisted by Shri Anupras Singh, learned counsel appearing for the petitioners, Shri Shailendra Kumar Singh, learned Chief Standing Counsel assisted by Shri Pankaj Khare, Additional C.S.C. and Shri Rahul Kapoor, learned State Counsel as well as Ms. Anantika Singh, S/Shri Shantanu Sharma, Utkarsh Singh, Sukrit Singh and Siddharth Mishra, learned counsels appearing for the intervenor/respondent and perused the materials available on record.

**2.** This is a writ petition under Article 226 of the Constitution of India, wherein the petitioner is aggrieved by order dated 23.01.2026 and 28.01.2026 passed by the Respondents-State. Apparently, vide the first order dated 23.02.2026, the technical bid of the petitioner with respect to procurement of various wireless equipments viz digital VHF Base/Mobile Transceiver sets, digital

handheld VHF transceiver etc. for the Uttar Pradesh Police department, has been rejected by the Technical Evaluation Committee and subsequently vide the second order dated 28.01.2026, the representation preferred by the petitioner against the first order of rejection i.e dated 23.01.2026 was also rejected. It is these two orders which has been sought to be interdicted by the petitioner and certain other consequential reliefs of seeking re-evaluation of their technical and financial bid as well as to permit them to participate in the tendering process has been prayed for in the present petition.

**3.** At the outset, it may be noted that admittedly, the tendering process has culminated with the declaration of M/s Mobile Communications (India) Pvt. Limited as the Lowest bidder (L-1) on 30.01.2026, however before a contract could be entered between the said successful bidder and the respondent, a coordinate bench of this court vide an interim order dated 24.02.2026 had restrained the respondent from entering into the contract, till the next date of hearing, that is, on 06.04.2026. However, in view of an Application (IA No. 5/2026), filed by the learned counsel for the Respondent-State on 31.03.2026, the present matter was directed to be heard today i.e 01.04.2026 at 2:15 pm. and that is how the present matter has been taken up on board, and accordingly, with the consent of both the parties and keeping in view the urgency involved in the present Tender Matter, the present writ petition is being finally heard.

**4.** The facts of the present case relevant to the context lie in a narrow compass. Admittedly, the petitioner participated in the Tender, wherein the last date for

submission of bid was 02.01.2026 and the date of opening of the technical bid was 13.01.2026, which came to be extended to 15.01.2026. Apparently before 13.01.2026, the petitioner was not encumbered in any manner in participating in the tendering process. However, vide an order dated 13.01.2026, the State of Maharashtra, wherein the petitioner had participated in a similar wireless equipment procurement tender for Police Commissionerate, Amravati City, Chattrapati Sambhajinagar City, Nashik City and Pimpri-Chinchwad Units floated by the Home Department, State of Maharashtra, suffered a suspension order with immediate effect, pending the enquiry, *inter-alia* on the alleged ground that the quality of the earlier supplied equipment of similar nature to Mumbai Railways, Ratnagiri and Sindhudurg Police units was found to be substandard and the response of the petitioner during the warranty period after supply of these equipments was unsatisfactory. The said suspension order having come to the knowledge of the respondents, the technical Evaluation committee disqualified the petitioners vide an order dated 23.01.2026, in the following words:

*"With reference to the Home Department of the Government of Maharashtra, vide letter No. PEQ 0226 P.No.18 Pol 4 dated 13.01.2026, has mentioned that the VHF sets supplied by Ms Vertel Digital Pvt. Ltd. to Maharashtra Police units are of inferior quality, during the warranty period. The supplier response after supply of VHF Radio sets has been unsatisfactory. Accordingly, the Government of Maharashtra has suspended Ms Vertel Digital Pvt. Ltd. until completion of the inquiry, and the said suspension order has come into effect with immediate effect. Hence the bid has been technically disqualified."*

**5.** On the heels of their aforesaid rejection, the petitioner immediately made a representation dated 25.01.2026 as per the terms & conditions of the Bid Document, which however did not find any favour with the respondent as the same was also rejected on 28.01.2026 and the response stated the reasons for rejection as herein under:-

*"3. M/s Vertel Digital has presented its case by citing the order issued by the Government of Maharashtra.*

*4. The Home Department of the Government of Maharashtra, vide letter No. PEQ 0226/P.No.18/Pol-4 dated 13-01-2026, has stated that the quality of the equipment supplied by M/s Vertel Digital Pvt. Ltd. to Maharashtra Police units (VHF sets) was found to be of inferior standard and that the supplier's response during the warranty period after supply of the material was unsatisfactory. Accordingly, the Government of Maharashtra has suspended M/s Vertel Digital Pvt. Ltd. until completion of the inquiry, and the said suspended order has been made effective with immediate effect.*

*5. In the aforesaid order issued by the Government of Maharashtra, a question has arisen regarding the quality of the products of M/s Vertel Digital Pvt. Ltd, as well as the credibility of the firm's after-sales service and support following the supply of radio sets.*

*6. In such circumstances, allowing M/s Vertel Digital Pvt. Ltd, to participate in the bid, as against other participating firms whose credibility is not under question, would not be appropriate from the perspective of maintaining a level playing field.*

*7. In view of the doubts regarding the product quality of M/s Vertel Digital Pvt. Ltd, if the firm were to emerge as L-1, the transparency and fairness of the procurement would be adversely affected.*

*8. It is pertinent to note that under Point No. 04, Clause xiii, "e-Bidding and Reverse Auction (RA) on GeM", Point (e) of the GeM GTC, it is stipulated that: "The decision of the Buyer/GeM regarding technical/commercial*

*eligibility of the individual Seller to be invited for e-Bidding/RA shall be final,*

*"In view of the above, the firm's bid was not found suitable for evaluation. Therefore, the firm's bid has not been found technically eligible."*

**6.** After passing of the aforesaid rejection order dated 28.01.2026 by the respondent-State, the petitioner interestingly did not approach this Court and instead filed writ petition before the Bombay High Court, vide Writ Petition (L) No. 3038 of 2026 (Vertel Digital Private limited & Anr. V/s Union of India & Ors.), wherein a Division Bench of the said Court vide an order dated 29.01.2026 refused to pass any interim order in favour of the petitioner, so as to permit them to participate in the forthcoming tenders. Obviously, the petitioner was not happy with the said order of the Bombay High Court and as such the issue was further precipitated by them by way of a Special Leave Petition before the Hon'ble Supreme court. The said S.L.P. (Civil) No. 5508 of 2026 came to be decided by the Supreme Court vide an order dated 09.02.2026, which is being delineated as herein below:-

*"1. Mr. Guru Krishna Kumar, learned senior counsel has brought to our notice the findings of the suspension order dated 13.01.2026 and has submitted that these findings will have adverse affect on the petitioner as well as its sister concerns in other tenders.*

*2. While we are not inclined to interfere with the judgment and order passed by the High Court, we clarify that the observations made in the suspension order dated 13.01.2026 will be confined to the present tender and will not have the bearing on other tenders issued by other States.*

*3. We make it clear that we have not expressed any opinion on the merits of the matter.*

*4. With these observations, the Special Leave Petition is disposed of.*

*5. Pending application(s), if any, shall stand disposed of."*

**7.** In the interregnum, the tendering process of the Respondent-State came to be concluded with the declaration of M/s Mobile Communications (India) Pvt. Limited as the Lowest bidder (L-1) on 30.01.2026, as narrated herein above. However, the petitioner armed with the aforesaid order dated 09.02.2026 of the Hon'ble Supreme Court, filed the present Writ Petition, wherein a coordinate bench of this Court passed an order dated 24.02.2026 directing exchange of affidavits and restraining the State from entering into a contract with the said L-1 till the next date of listing. The relevant portion of the said order is being extracted as herein below:-

**"...xxx ...xxx ..xxx**

*8. Accordingly, it is from the aforesaid facts, a case for interference is made out. It is noticed that, firstly, there is no order of blacklisting passed by the State of Maharashtra and only certain deficiencies have led to the initiation of proceeding against the petitioner, due to which he has been suspended from participating in the said State. We further find that as per the terms and conditions of the bid, only an order of blacklisting has to be in existence before a person can be disqualified and lastly the Hon'ble Supreme Court has removed the embargo of the adverse effect of the order dated 13.01.2026 in its application to other States including the State of U.P.*

*9. Let a counter affidavit be filed by the State within next three weeks. Rejoinder affidavit, if any, may be filed by the petitioners within two weeks thereafter.*

*10. We have been informed that the bids have been finalised but the contract has not been entered into till date.*

*11. In light of the above, the State is restrained from entering into contract in furtherance of the advertisement dated 02.01.2026 till the next date of listing.*

*12. List this case on 06.04.2026.*

*13. The Office of the learned Standing Counsel shall inform the State Authorities about the order passed today."*

**8.** Having narrated the background, in which the present writ petition came to be filed and is being heard today, this court finds that the issue engaging the attention of this court in the present petition is twofold:

(A) Whether the order of suspension dated 13.01.2026 passed by the Home Department, Government of Maharashtra amounts to a blacklisting order?

(B) If the answer to the above question is in the negative, can any relief be provided to the petitioner in the present facts & circumstances ?

**9.** It is to be noted that a perusal of the relevant clauses in the Bid Document would show that the word "suspension order" for cancellation of a bid is conspicuously absent and the said document merely mentions the word "blacklisting" and as such allows for cancellation of the bid of an entity, if there is a blacklisting order against the said entity. Admittedly, the Government of Maharashtra has merely passed a suspension order, which has been made subject to further enquiry and thus technically one can argue that there is no blacklisting order. However, the fact remains that the suspension order has been made with immediate

effect and in view of the supervening circumstances of unfavorable orders passed by the Bombay High Court and no interference by the Supreme Court, one can argue that the suspension order has the trappings of a Blacklisting order.

**10.** Moreover, upon reading the contents of the order dated 13.01.2026 passed by the Government of Maharashtra, wherein suspension has been made out with immediate effect, there is clearly a good case that would be made out against the petitioner with regard to standard of goods that had been supplied by the petitioner. Apparently, even the Bombay High Court and the Supreme Court have not interfered with the said suspension order owing to the alleged quality of equipment supplied to be substandard which technically has put on hold any participation of the petitioner in any forthcoming tender in the State of Maharashtra. However, it does appear that the Supreme Court has clarified that the suspension by the Government of Maharashtra would not apply to tenders issued by other States, which in effect meant that the Supreme Court has clarified that this suspension order should not be treated as a blacklisting order.

**11.** Having said so, one can also clearly understand the reasons why the respondent-authorities in U.P. treated the said suspension letter as an order of blacklisting, as the contents of the order suspending the petitioner *prima facie* make out a good case against the petitioner. This is the same reason as to why the Bombay High Court did not interfere against the said order of suspension and no interim relief was granted to the petitioner. Be that as it may, we need not go into this issue in more details at

this point and in the present petition, as the same is subject to inquiry that is to be carried out by the Government of Maharashtra.

**12.** Further, this court finds that although in the present facts & circumstances, it can be well argued that a suspension order is a step before the blacklisting order, however this court has no hesitation in holding that any suspension order by itself may not amount to an order of blacklisting as normally the process of blacklisting has the principles of natural justice ingrained in it as held in a catena of Judgments passed by the Hon'ble Supreme Court and the High Courts. Apparently, the principle of natural Justice has not been followed before the passing of the suspension order by the Government of Maharashtra and as such this court fails to equate and place the suspension order and a Blacklisting order on an equal pedestal. Furthermore, a simpliciter order of suspension with regard to some work order could be a result of various reasons and the same may not amount to a blacklisting *per se*.

**13.** In our view, the order of suspension that is subject to inquiry does not amount to a blacklisting order, keeping in mind the long chain of precedents, which have held that any blacklisting order carries grave and serious consequences and at times has been even termed to be a civil death of an entity by the constitutional courts. Thus, any order of suspension, of the kind in the present matter, cannot be casually & liberally interpreted to also mean a blacklisting order, as is being sought to be done in the present case.

**14.** As a sequel to the above discussions, we hold that the order of suspension, subject to inquiry being carried

out by the Government of Maharashtra, may not be equated to be an order of blacklisting, as has already been clarified by the Supreme Court.

**15.** It may further be noted that the Supreme Court also was not inclined to interfere with the Judgment and order passed by the Bombay High Court and only clarified that the observations made in the suspension order would be confined to the present tender and would not have bearing on tenders issued by other States. However, by the time the said clarification was passed by the Supreme Court on 09.02.2026, admittedly by that date M/S Mobile Communications (India) Pvt. Ltd. had been declared as L-1 bidder on 30.01.2026.

**16.** Thus, the action of the respondent-State in rejecting the technical bid of the petitioner is based on a bonafide assumption that the suspension order amounted to a blacklisting order and as such cannot be treated to be an arbitrary order or having been passed with any malafide intention. The authorities in the order dated 28.01.2026 have clearly observed that since the Government of Maharashtra has noted that the goods being supplied by the petitioner were substandard in nature and the fact that proper technical co-operation was not being provided by the petitioner during the warranty period in Maharashtra, did give rise to an apprehension and reasonable doubt in the mind of the Respondent authority that the petitioner may act in a similar manner in the State of Uttar Pradesh. We do not find any irrationality in the said decision-making process nor does the action smack of any malafide.

**17.** Further, it may also be mentioned that essentially the equipment being procured in the present tender is

meant for police functioning in the State of Uttar Pradesh. Since police communication is a significant module from the perspective of maintaining law and order in an area as large as the State of Uttar Pradesh, the quality of the equipments and after supply service maintenance standard cannot be tweaked and/or compromised with in any circumstances. Further, time and again the Courts have held that there is a certain degree of latitude and freedom granted to the tenderer/owner in choosing its equipment and its supplier. The Courts have always taken a consistent stand that tender process should not be interfered with until and unless specific grounds of malafide, arbitrariness and irrationality has been pleaded and/or displayed by the party effected. We do not find any such grounds having been pleaded or demonstrated by the petitioner in the present petition.

**18.** We also find that the scope of judicial review in matters relating to tender is minimal. The threshold of malafide intention to favour someone or arbitrariness, irrationality or perversity must be met before the constitutional court interferes with the decision-making process or the decision. The Supreme Court in the celebrated judgment of **Montecarlo Ltd. vs. NTPC Ltd. reported in (2016) 15 SCC 272**, expressed a word of caution emphasizing that judicial review should be confined to ensuring that there is no arbitrariness or malafide in the process of tender evaluation. The relevant extracts of the judgment is reproduced herein below:

**"26.** *We respectfully concur with the aforesaid statement of law. We have reasons to do so. In the present scenario, tenders are floated and offers are invited for highly complex technical subjects. It requires*

*understanding and appreciation of the nature of work and the purpose it is going to serve. It is common knowledge in the competitive commercial field that technical bids pursuant to the notice inviting tenders are scrutinised by the technical experts and sometimes third-party assistance from those unconnected with the owner's organisation is taken. This ensures objectivity. Bidder's expertise and technical capability and capacity must be assessed by the experts. In the matters of financial assessment, consultants are appointed. It is because to check and ascertain that technical ability and the financial feasibility have sanguinity and are workable and realistic. There is a multi-prong complex approach; highly technical in nature. The tenders where public largesse is put to auction stand on a different compartment. Tender with which we are concerned, is not comparable to any scheme for allotment. This arena which we have referred requires technical expertise. Parameters applied are different. Its aim is to achieve high degree of perfection in execution and adherence to the time schedule. But, that does not mean, these tenders will escape scrutiny of judicial review. Exercise of power of judicial review would be called for if the approach is arbitrary or mala fide or procedure adopted is meant to favour one. The decision-making process should clearly show that the said maladies are kept at bay. But where a decision is taken that is manifestly in consonance with the language of the tender document or subserves the purpose for which the tender is floated, the court should follow the principle of restraint. Technical evaluation or comparison by the court would be impermissible. The principle that is applied to scan and understand an ordinary instrument relatable to contract in other spheres has to be treated differently than interpreting and appreciating tender documents relating to technical works and projects requiring special skills. The owner should be allowed to carry out the purpose and there has to be allowance of free play in the joints."*

**19.** Further, this Court finds that the rejection of the technical bid of the petitioner was not only actuated by the suspension order of the Government of Maharashtra but was also based on technical evaluation done by the Technical Evaluation Committee of the respondent-State.

Apparently, the Committee being an expert body has taken a decision which best suited to them as a tenderer, who does not want any issues in maintenance service of the procured equipment nor does it wish to compromise on the quality in any manner. This Court is bereft of any expertise to step into the shoes of the committee and examine the specific needs and requirement of the tender.

**20.** In any case, this Court does not sit as a Court of Appeal but merely reviews the manner in which the decision was made. The Court does not have the expertise to correct the administrative decision. If a review of the administrative decision is permitted, it will be substituting its own decision without the necessary expertise which itself may be fallible. The Supreme Court in a similar situation, when faced to exercise its power of judicial review in a technical issue involving a tender matter held in ***Tata Motors Ltd. vs. Brihan Mumbai Electric Supply & Transport Undertaking (BEST)***, (2023) 19 SCC 1:

*"50. (...) In contracts involving technical issues the courts should be even more reluctant because most of us in Judges' robes do not have the necessary expertise to adjudicate upon technical issues beyond our domain. The courts should not use a magnifying glass while scanning the tenders and make every small mistake appear like a big blunder. In fact, the courts must give "fair play in the joints" to the government and public sector undertakings in matters of contract. Courts must also not interfere where a magnifying glass while scanning the tenders and make every small mistake appear like a big blunder."*

**21.** In any case, this Court is clear in its mind that it cannot set the clock back, which would not only amount to tweaking with the decision and choice of the tenderer/

owner, but would also set at naught the entire tender process, forcing the authority to initiate a fresh tender process consuming more time and also loss to the public exchequer due to price rise etc. Recently, the Hon'ble Supreme Court in ***M/S Steag Energy Services (India) Pvt. Ltd. vs. GSPC Pipavav Power Company Ltd. (GPPC) and others*** reported in **2026 SCC OnLine SC 478; decided on March 25, 2026** evaluating such a situation, had been pleased to hold as *inter-alia*:-

*"55. Ordinarily, a writ court should refrain itself from imposing its decision over the decision of the employer as to whether or not to accept the bid of a tenderer unless something very gross or palpable is pointed out. The court ordinarily should not interfere in matters relating to tender or contract. To set at naught the entire tender process at the stage when the contract is well underway, would not be in public interest. Initiating a fresh tender process at this stage may consume lot of time and also loss to the public exchequer to the tune of crores of rupees. The financial burden/implications on the public exchequer that the State may have to meet with if the Court directs issue of a fresh tender notice, should be one of the guiding factors that the Court should keep in mind. This is evident from a three-Judge Bench decision of this Court in [Assn. of Registration Plates v. Union of India \[Assn. of Registration Plates v. Union of India, \(2005\) 1 SCC 679\]](#) .*

*56. (...) Even when some defect is found in the decision-making process, the court must exercise its discretionary powers under [Article 226](#) with great caution and should exercise it only in furtherance of public interest and not merely on the making out of a legal point. The court should always keep the larger public interest in mind in order to decide whether its intervention is called for or not. Only when it comes to a conclusion that overwhelming public interest requires interference, the court should interfere."*

**22.** Faced with the aforesaid legal precedents, it has been vehemently argued as a last resort, by Shri J.N.

Mathur, learned Senior Advocate for the petitioner that since there had been no independent analysis of the quality of the equipment to be supplied in the present tender and the Technical Evaluation Committee has merely relied on the alleged substandard material supplied in the Maharashtra tender to reject the technical bid, the petitioner should be at least given a chance to demonstrate their quality before the respondent-State. Although, the submission of Shri Mathur, seems to be attractive in the first flush, however, on a deep analysis of the facts, we are unable to subscribe to the views and submissions of the learned Senior Counsel for the simple reason that this Court has already held that it cannot substitute its view with the technical expertise of the Technical Evaluation Committee and it is too late in the day to grant any relief, when the entire tendering process has been completed. Further, as to the submission of Mr. Mathur, learned Sr. Counsel, that the Respondent-State has rejected the technical bid merely taking a cue of the non-performance in the Maharashtra tender is concerned, this Court finds that a similar argument of non-performance in another tender having been made a ground of rejection in the ongoing tender process was raised before the Supreme Court in the case of ***Municipal Corporation, Ujjain and another vs. BVG India Limited and others*** reported in **(2018) 5 SCC 462**, wherein the non-performance of the contractor on some other previous contract was made a basis for rejection in the ongoing tender. The Supreme Court in the said case recorded the issue in the following words: -

*"Whether under the scope of judicial review, the High Court could ordinarily question the judgment of the expert consultant on the issue of technical*

*qualifications of a bidder when the consultant takes into consideration various factors including the basis of non-performance of the bidder.”*

Thereafter, the Supreme Court tracing the entire precedent of cases on the said subject went on to hold and conclude as follows :-

**"60.** *In the matter on hand, we do not find either the decision-making process or the decision to be arbitrary or irrational.*

**61.** *The authority concerned is in the best position to find out the best person or the best quotation depending on the work to be entrusted under the contract. If a bidder had faced a number of show-cause notices from various municipal corporations in the matter of non-performance of door-to-door collection of garbage, etc. the court cannot compel the authority to choose such undeserving person/company to carry out the work. Ultimately, the public interest must be safeguarded. The public would be directly interested in the timely fulfilment of the contract so that the services become available to the public expeditiously and effectively. The public would also be interested in the quality of work undertaken. Poor quality of work or goods can lead to tremendous public hardship and substantial financial outlay either in correcting mistakes or in rectifying defects or even at times in re-doing the entire work.*

**62.** *Lethargy or tardiness in collecting door-to-door garbage on a day-to-day basis would definitely lead to increased collection of garbage on the roads and public properties, which leads to health hazards and also reduces the cleanliness of the city. Since the public is directly interested and would be affected if the work entrusted is not carried out appropriately, and as the technical expert has found that Respondent 1 would not be a suitable company to be entrusted the work inasmuch as it had faced 73 show-cause notices from different municipal corporations, the High Court could not have interfered with the decision taken by the*

*authority. In our considered opinion, the High Court has ignored the element of public interest involved in the matter.*

**63.** As aforementioned, unless the Court concludes that the decision-making process or the decision taken by the authority bristles with mala fides, arbitrariness, or perversity, or that the authority has intended to favour someone, the constitutional court will not interfere with the decision-making process or the decision.

**64.** Thus, the questions to be decided in this appeal are answered as follows:

**64.1.** *Under the scope of judicial review, the High Court could not ordinarily interfere with the judgment of the expert consultant on the issues of technical qualifications of a bidder when the consultant takes into consideration various factors including the basis of non-performance of the bidder;*

**64.2.** *A bidder who submits a bid expressly declaring that it is submitting the same independently and without any partners, consortium or joint venture, cannot rely upon the technical qualifications of any third party for its qualification.*

**64.3.** It is not open to the court to independently evaluate the technical bids and financial bids of the parties as an appellate authority for coming to its conclusion inasmuch as unless the thresholds of mala fides, intention to favour someone or bias, arbitrariness, irrationality or perversity are met, where a decision is taken purely on public interest, the court ordinarily should exercise judicial restraint."

**23.** In any event, we would like to clarify that the petitioner had been not diligent in persuing his cause as they having received the rejection order on their representation dated 28.01.2026 did not approach this Court instantaneously and only approached this Court on 24.02.2026 after going to the Bombay High Court and thereafter to the Supreme Court. By this time, a lot of water had flown under the bridge. Not only the L-1 bidder had been declared with the culmination of tendering process on 30.01.2026, but the appropriate

permission, etc. had been obtained by the State Government, keeping in mind that the tender had been finalized, as submitted by learned counsel Shri Pankaj Khare appearing on behalf of the Respondent-State.

**24.** In view of the aforesaid analysis, the rejection of the technical bid of the petitioner and their subsequent representation in the present tender by the Respondent-State cannot be faulted with.

**25.** For all the aforesaid reasons, the writ petition is **disposed of**, with the aforesaid observations.

**26.** We make it clear that the State of U.P. shall not treat the suspension order of Government of Maharashtra dated 13.01.2026 as a blacklisting order in future tenders that they may issue and the petitioner shall be at liberty to participate in the same, in accordance with law, as also clarified by the Hon'ble Supreme Court.

**27.** Interim order, if any, stands vacated.

**28.** There would be no order as to cost(s).

**(Abdhesh Kumar Chaudhary,J.) (Shekhar B. Saraf,J.)**

**April 01, 2026**

Praveen