IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 11550 of 2026

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I FIT SPORTS PVT. LTD.

Versus

KNOWLEDGE CONSORTIUM OF GUJARAT (KCG) & ORS.

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Appearance:
MR.ADITYA J PANDYA(6991) for the Petitioner(s) No. 1
MS HETAL PATEL, AGP for the Respondent(s) No. 2
MR SUDHIR NANVATI, SENIOR ADVOCATE with
MR VANDAN K BAXI, ADVOCATE
MS FALAK SAWLANI, ADVOCATE for the Respondent(s) No. 3

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CORAM:**HONOURABLE THE ACTING CHIEF JUSTICE MR. JUSTICE MANASH RANJAN PATHAK**
and
HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 07/10/2026

ORAL ORDER
(PER : HONOURABLE MR. JUSTICE NIKHIL S. KARIEL)

1. Heard learned advocate Mr. Aaditya Pandya on behalf of the petitioner, learned Assistant Government Pleader Ms. Hetal Patel for respondent State, learned Senior Advocate Mr. Sudhir Nanavati with learned advocate Mr. Vandan Bakshi for M/s. Nanavati & Nanavati for newly joined respondent No. 3.

2. Learned Senior Advocate Mr. Nanavati would submit that respondent No. 3 may be permitted to file vakalatnama during course of the day. Permission as prayed for is granted. Registry to accept the vakalatnama till the

08.10.2026.

3. By way of this petition, the petitioner challenges a decision of the respondent No. 1 of rejecting the bid of the petitioner at the pre-qualifying stage, inter alia, on the ground that Original Equipment Manufacturer (OEM) certificate as regards supporting the tender-specific conditions for the product has not been produced.

4. Having regard to the submissions made by learned advocates and learned Senior Advocate for the respective parties, to us it would appear that the issue is in a very short compass. The issue in brief being that the respondent No. 1, Knowledge Consortium of Gujarat, had floated a tender on 18.04.2026, inter alia, calling upon interested bidders to bid for a tender for supply of sports equipment. The tender document, inter alia, contained a condition that "OEM Authorization Certificate" should be produced by the bidder for the product in question. It also appears that the tender, very specifically states that the bidder's offer would be rejected if certificates/documents sought in the bid document, ATC and corrigendum, if any, is not uploaded. It also appears that while three different corrigendums were issued, the respondent No. 1 also published a consolidated pre-qualification criteria and whereas Clause 8 of the pre-qualification criteria of the eligibility criteria, *inter alia*, states that the bidder must submit tender-specific Manufacturer's Authorization Forms (MAF) for all items quoted in the bid. It also states that the MAF shall serve as the authorization from the OEM permitting the bidder to

supply the specified items under the tender in question. The explanation as regards the document to be attached as against Clause 8, *inter alia*, states that wherever an authorized distributor or service provider has submitted his bid, the authorization form/certificate from the OEM, appropriate details, is to be furnished.

4.1 It would also appear that the respondent No. 1, had sought for certain clarifications from the petitioner and whereas the clarifications were submitted by the petitioner on 25.06.2026, more particularly documents as well as screenshots, having been produced with the petition to evidence the same. Ultimately, it would appear that at the stage of technical evaluation, on 05.08.2026, the petitioner's bid had been disqualified, inter alia, on the ground that the petitioner had not fulfilled their pre-qualification criteria, which required the petitioner to submit tender-specific Manufacturer's Authorization Forms (MAF) for all items quoted in the bid, which has led to the present petition being filed.

5. While learned advocate Mr. Pandya would submit that the issue is with regard to table tennis table, which is manufactured by a brand named 'Stiga', and whereas learned advocate would draw the attention of this Court to an ITTF certificate dated 19.05.2026, whereby the table tennis tables of Stiga brand has been approved by the ITTF. Learned advocate would further draw attention to a document dated 19.12.2014 by M/s. Stiga Sports, inter alia, authorizing one M/s. Cosco (India) Limited as the 'authorized

sole agent' for Stiga branded products in India. Learned advocate would also draw attention to a Manufacturer's Authorization Form, dated 24.06.2026 issued by M/s. Cosco (India) Limited, whereby, according to learned advocate, M/s. Cosco (India) Limited has, inter alia, guaranteed that the warrants offered for the goods and services and for the items which have been mentioned in the tender shall be honored by the manufacturer.

5.1 Referring to the above documents, learned advocate would submit that M/s. Cosco (India) Limited being the agent of M/s. Stiga Sports, the authorization form tendered by M/s. Cosco (India) Limited could not have been ignored by the respondents. Learned advocate would also submit that probably, the petitioner's bid was much lower than the bid of the respondent No. 2 even after the reverse auction and whereas under such circumstances, this Court should intervene.

6. As against the same, the present petition has been vehemently objected to by learned Assistant Government Pleader Ms. Hetal Patel. Learned AGP would draw the attention of this Court to the Manufacturer's Authorization Form (MAF) submitted by M/s. Cosco (India) Limited dated 24.06.2026. Learned AGP would draw attention to the word "The manufacturer, M/s. Cosco" and would submit that that term which has been emphasized by learned AGP is the term with which the said certificate starts. Learned AGP would submit that as such, M/s. Cosco (India) Limited claims to be a sole agent for M/s. Stiga yet, the said certificate, is very

conspicuous by the fact that neither the word "agent" nor the word "Stiga" is mentioned in the entire certificate and whereas M/s. Cosco (India) Limited has claimed to be the manufacturer, which it is not.

6.1 Learned AGP would also submit that while the certificate was in respect of a table tennis table, yet the term "table tennis" has also not been mentioned in the said certificate. Learned AGP would submit that M/s. Cosco (India) Limited, masquerading as a manufacturer and not as an agent, the said certificate was not considered to be a valid OEM authorization certificate and whereas under such circumstances, the bid of the petitioner had rightly been canceled.

7. Learned Senior Advocate Mr. Nanavati for respondent No. 3 i.e. the successful bidder would support the submissions made by learned AGP and would further submit that the respondent No. 2, having participated in the tender and having been having successfully been the lowest bidder in the reverse auction, the petitioner is trying to prejudice this Court by stating that the petitioner is the lowest bidder, more particularly, when his price bid had not been opened at all. Thus submitting, learned Senior Advocate would request this Court not to consider the petition.

8. Heard learned counsel for the respective parties and perused the documents on record and whereas, we are in complete agreement with the submissions made by learned AGP Ms. Patel. Having perused the document, authorization

certificate issued dated 24.06.2026, we are of the opinion that the said certificate could not be termed as an original equipment manufacturer's authorization certificate as required in the tender document. We have also noticed that M/s. Cosco (India) Limited has claimed itself to be the manufacturer, which it is not. It is neither the case of the petitioner that M/s. Cosco (India) Limited has been licensed to produce the table tennis tables on behalf of M/s. Stiga in India, nor it is the case of M/s. Cosco (India) Limited that it has any such license. The only claim on behalf of the petitioner being that M/s. Cosco (India) Limited is the sole authorized agent for M/s. Stiga and whereas, as pointed out rightly by learned AGP, neither the term "agent" nor the word "Stiga" is found in the entire certificate. An ambiguous certificate, which does not specifically mention the requirements of the tender issuing authority and based upon such a document, which was mandatorily required to be uploaded, the bid of the petitioner being rejected and whereas to us it does not seem that the respondent No. 1 has committed any error in doing so.

9. At this stage, we also notice that the document dated 24.06.2026 claims itself to be "Manufacturer's Authorization Form (MAF)". As noticed hereinabove, the only case of the petitioner being that M/s. Cosco (India) Limited was the sole agent on behalf of M/s. Stiga and whereas either the Manufacturer's Authorization Form should have been by M/s. Stiga or M/s. Cosco (India) Limited should have stated that it is undertaking to indemnify the petitioner on behalf of M/s. Stiga. A Manufacturer's Authorization Form by M/s. Cosco

(India) Limited, who is not a manufacturer and being a mere agent, would not have sufficed the purpose. We are of the opinion that even if M/s. Cosco (India) Limited would have stated the words "agent" and the word "Stiga" in the certificate, the very fact that it has given a Manufacturer's Authorization Form, more particularly, not being the manufacturer, itself would be a sufficient ground for the respondents to have disqualified the present petitioner.

10. Having regard to the above, to us it would appear that the petitioner had not complied with a mandatory clause of the Tender, i.e. produce the OEM authorization and/or the Manufacturer's Authorization Form (MAF). The mandatory nature of the document not being questionable, to us it would appear that the respondents authority was completely justified in having disqualified at the pre-bid stage itself.

11. Under such circumstances, in our considered opinion, no fault could be found with the action taken by the respondents. Hence, the present petition fails and the same is disposed of as rejected. Interim relief, if any, stands vacated.

(MANASH RANJAN PATHAK,ACJ)

(NIKHIL S. KARIEL,J)

SHRIJIT PILLAI

Original copy of this order has been signed by the Hon'ble Judges.
Digitally signed by: PILLAI SHRIJIT P(HC01400), PRIVATE SECRETARY, at High Court of Gujarat on 13/10/2026 17:48:17