

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 6761/2026

Krishna Construction Company, Office Opposite Agrasen Bhawan Bypass Road, Balotra, District Barmer (Rajasthan) Through Proprietor Lalit Rajpurohit S/o Shri Girdhari Singh Rajpurohit, Aged About 29 Years R/o Opposite Agrasen Bhawan, Bypass Road, Balotra, District Barmer (Rajasthan)

-----Petitioner

Versus

1. State Of Rajasthan, Through Secretary, Local Self Government Department, Jaipur.
2. Municipal Council, Balotra, Rajasthan Through Its Commissioner.
3. M/s Godara And Company, Balotra Through Its Proprietor/ director, Office At Ward No. 22, Near New Bus Stand, Balotra (Rajasthan).

-----Respondents

For Petitioner(s)	:	Bhuwaneshwar Singh Sisodia
For Respondent(s)	:	-

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

27/03/2026

1. By way of filing the present writ petition, the petitioner has prayed for the following reliefs:-

"In view of the facts and grounds stated above, it is most respectfully prayed that this Hon'ble Court may be pleased to:

(i) Issue an appropriate writ, order or direction quashing and setting aside the action of the respondents in permitting Respondent No. 3 to participate in the tender process pursuant to E-Tender Notice No. 04/2025-26 dated 19.02.2026; (Amx2)

AND/OR

(ii) Issue an appropriate writ, order or direction directing Respondent No. 2 to accept, entertain and decide the statutory appeal preferred by the petitioner under Section 38 of the Rajasthan Transparency in Public Procurement Act,

2012 in accordance with law within a stipulated time frame; ...”

2. Having heard learned counsel for the petitioner and perused the material available on record, this Court finds that the present writ petition has essentially been filed seeking debarment of respondent No. 3 from participating in the e-auction tender pertaining to providing temporary tent facility and supply of computer operators on a contract basis at Balotra Municipal Council, floated by respondent No. 2. The debarment has been sought on the ground that, on previous occasions, respondent No. 3 has allegedly committed serious financial, administrative, and procedural irregularities in work executed by it in various government departments. According to the petitioner, the participation of respondent No. 3 in the subject tender process initiated by the respondents would be contrary to the principles of transparency and fair competition, as mandated under the Rajasthan Transparency in Public Procurement Act, 2012.

3. This Court finds no substance in the present writ petition. Firstly, the tender in favour of respondent No. 3 has not yet been finalized. Secondly, there is no order debarring or blacklisting respondent No. 3 from participating in a bidding process in public procurement on account of any breach of integrity or contractual obligation. It is settled law that a firm cannot be debarred from participating in a bidding/tender process unless a specific order of debarment or blacklisting has been passed against it. In the absence of such an order, denial of an opportunity to participate in the bidding/tender process would be contrary to the principles of fairness and transparency, as well as the right to carry on trade or business.

4. In view of the aforesaid discussion, this Court finds no merit in the present writ petition, and the same is accordingly dismissed. The stay petition and all pending applications, if any, also stand disposed of.

(KULDEEP MATHUR),J

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