

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

S.B. Civil Writ Petition No. 9674/2026

M/s Babu Lal And Company, Having Its Office At C - 202, M.d. Vyas Nagar, Bikaner, Rajasthan, Through Its Power Of Attorney, Ashok Beniwal, Son Of Babu Lal Beniwal, Aged About 36 Years, Resident Of C - 202, Ward No. 06, Murlidhar Vyas Colony, Bikaner.

-----Petitioner

Versus

1. State Of Rajasthan, Through Its Principal Secretary, Water Resources Department, Jaipur, Rajasthan.
2. Chief Engineer (West), Water Resources Department, Jaipur, Rajasthan.
3. Chief Engineer, Water Resources Department, Jodhpur, Rajasthan.
4. Superintending Engineer, Water Resources, Circle, Jodhpur, Kishore Bagh, Lal Sagar, Mandore, Jodhpur, Rajasthan.
5. Executive Engineer, Water Resources Division, Near Chamunda Mata Mandir, Jalore, Rajasthan.
6. Accounts Officers, Water Resources, Circle, Jodhpur.
7. M/s Gouri Construction Company, A/c - 4, Gaytri Sadan, Sawai Jai Singh Highway Road, Banipark, Jaipur - 302016 (Rajasthan).

-----Respondents

For Petitioner(s) : Mr. Abhimanyu Singh.

For Respondent(s) :

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

06/05/2026

1. Learned counsel for the petitioner submits that, under Condition No. 8 of NIB No. 11/2025-26 relating to construction of sub-surface barriers at various sites, a bidder was to be treated as

non-responsive only if there was pending litigation in respect of three or more different works relating to agreements. It is contended that the petitioner does not incur the said disqualification.

2. It is further submitted that earlier writ petition filed by the petitioner, being Civil Writ Petition No. 21342/2025, was dismissed as infructuous by this Court vide order dated 12.03.2026, since the dispute was merely *inter-se* between the parties and had no bearing on execution of the agreement. It is submitted that agreement in relation to NIB in question had already been executed, the work order was issued to the petitioner which deployed machinery at the site.

3. Learned counsel for the petitioner further submits that L-3 bidder i.e. private respondent, having remained unsuccessful in the tender process, preferred a first appeal alleging non-disclosure of pending litigation, pursuant to which the matter was remanded. It is submitted that, in response thereto, learned AAG reported that the writ petition in question pertained only to *inter-se* dispute between the parties and had no nexus with the agreement, and therefore, no further proceedings were initiated thereafter.

4. It is further submitted that the private respondent No.7 thereafter filed a second appeal without impleading the petitioner and the second appellate authority, without affording an opportunity of hearing to the petitioner, proceeded to pass impugned order remanding the matter back with a direction for reconsideration of the bids and inclusion of bidders who meet the prescribed requirements.

5. Learned counsel submits that once the tender process stood concluded and the agreement had already been executed, the authority lacked jurisdiction to interfere with the process thereafter.
6. The matter requires consideration.
7. Issue notice, returnable within a period of six weeks.
8. In the meanwhile and till the next date of hearing, the effect and operation of the order dated 24.04.2026 passed by the Second Appellate Authority – Chief Engineer (West), Water Resources Department, Jaipur, in Appeal No.114/2026-27 shall remain stayed.

(MUKESH RAJPUROHIT),J