

HIGH COURT OF JUDICATURE FOR RAJASTHAN
JODHPUR

D.B. Civil Miscellaneous Appeal No. 1594/2026

M/s Devendra Construction Company

----Appellant

Versus

State Of Rajasthan

----Respondent

For Appellant(s)	:	Mr. Om Prakash Mehta Mr. Chayan Bothra Mr. Vasudeo Gaur (All through V.C.)
For Respondent(s)	:	

HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA
HON'BLE MR. JUSTICE BIPIN GUPTA
(THROUGH VC)

Order

07/05/2026

1. The matter has been listed from the defects category. For the time being, the defect(s) are overruled.
2. The present appeal has been filed against the order dated 01.05.2026, passed by learned Commercial Court, No. 1, Jodhpur Metropolitan, in Civil Misc. 'B' Case No. 34/2026 (NCV No. 36/2026), whereby the application filed by the appellant seeking to restrain the respondents from invoking the Bank Guarantee has been rejected.
3. Learned counsel for the appellant submits that there is a serious dispute regarding the amount sought to be recovered by the respondents. He further submits that the Bank Guarantee is valid till 3rd July, 2026, and further, pending adjudication of the dispute by the learned Commercial Court, the appellant is ready and willing to keep the Bank Guarantee alive.

4. Heard.
5. Let notices be issued to the respondents.
6. In the meanwhile, the invocation of the Bank Guarantee shall remain stayed, subject to the condition that the appellant shall keep the Bank Guarantee alive and extend its validity for a further period of one year. The respondents shall also not rescind the contract.
7. List this matter after four weeks.

(BIPIN GUPTA),J

(SANJEEV PRAKASH SHARMA),ACTING CJ