

HIGH COURT OF JUDICATURE FOR RAJASTHAN
JODHPUR

S.B. Civil Writ Petition No. 13891/2025

Ms. Nandini Balotiya

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

For Petitioner(s) : Mr. Shubham Modi

For Respondent(s) : Mr. Mahaveer Bishnoi, AAG

HON'BLE MR. JUSTICE MUNNURI LAXMAN

Order

28/07/2025

1. The present writ petition has been filed challenging the calculation of the amounts for providing security, annual guarantee and license fee on the ground that the provisions of the *Model Shop Retail Policy* for the years 2005 to 2029 (hereinafter referred to as 'the Policy') dated 29.01.2025 provide that if the license period is less than one year, the reserve price amount shall be proportionately reduced for the deficit period.

2. Learned counsel for the petitioner submits that as per Clause 4.4 of the Policy, the minimum reserve price i.e. Rs. 1 crore, is fixed for the online shop in the areas of Jaipur, Jodhpur, Udaipur, Mount Abu, and Abu Road and the said reserve price is for 12 months, and if the license period is less than 12 months, the reserve price has to be proportionately reduced for the shortened period. It is further contended that the annual guarantee amount shall also be proportionately reduced.

3. Learned Additional Advocate General submits that the reserve price is different from the bid amount, and the reserved

price is determined before the auction itself. The reserve prices are reduced for the period where the remaining duration is less than 12 months and the bid amount, if any, submitted shall be taken for the remaining period for which the auction was held. According to him, there is no question of any deduction of the annual guarantee proportionate to the reduced period.

4. This Court, by way of interim orders in one of the cases i.e. S.B. Civil Writ Petition No. 13994/2025, passed an ex-parte order directing the deposit of the annual guarantee in terms of Clause 4.4.

5. Having heard learned counsel for the parties, *prima facie*, this Court is of the view that Clause 4.4 refers only to the reserve price for a period of less than 12 months. The reserve price is fixed for a period of 12 months; if the intended auction is for a period of less than 12 months, the reserve price is accordingly required to be reduced proportionately.

6. *Prima facie*, this Court feels that the petitioner was aware of the auction period when he submitted the bid. The bid submitted was not for a full 12-month period but is now sought to be treated as such. Therefore, this Court feels that the matter is required to be finally heard after the pleadings are completed.

7. The interim order granted by this Court is **modified** to the extent that in addition to the amount already paid by the petitioner in pursuance of the interim order, the balance amount shall also be deposited as demanded, and the annual guarantee shall be given for the remaining amount as required by the respondent. Any such payment shall be subject to the result of this writ petition. The said amount shall be deposited within a



period of two days. While making any payment, the amounts already paid shall be taken into consideration.

8. Admit.

9. Post the matter on 28.08.2025 for hearing.

(MUNNURI LAXMAN),J

59-PoonamS/-