

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 3917/2026

URN: CW / 8787U / 2026

DRC Infra Projects Llp, Having Its Office At Ward No. 9, Village Fatehgarh, Tehsil Masuda, District Beawar (Rajasthan) Through Its Designated Partner Shri Deshraj Choudhary S/o Shri Ramkaran Jat, Aged About 56 Years.

-----Petitioner

Versus

1. Director And Special Secretary, Local Self Government Department, Directorate Of Local Bodies, G-3, Rajmahal Residential Area, C-Scheme, Near Civil Line Phatak, Jaipur (Rajasthan)- 302016
2. Chief Engineer, Local Self Government Department, Directorate Of Local Bodies, G-3, Rajmahal Residential Area, C-Scheme, Near Civil Line Phatak, Jaipur (Rajasthan)- 302016
3. Executive Officer, Municipal Board, Masuda, District Beawar (Rajasthan)
4. M/s Ganesh Construction (Proprietorship Firm), Through Its Proprietor Shri Ritesh Lodha Having Its Office At First Floor, Lodha Market, Shiv Bazar, Bijayanagar, District Beawar (Rajasthan)- 305624

-----Respondents

For Petitioner(s)	:	Mr. Shashwat Purohit, Adv.
For Respondent(s)	:	Mr. Manoj Choudhary, Adv. for Mr. G. S. Gill, AAG Mr. Anirudh Singh Rathore, Adv.

HON'BLE MR. JUSTICE ANAND SHARMA

Judgment

22/07/2026

1. Petitioner has filed this writ petition challenging action of respondents in treating the petitioner ineligible for participation in tender process initiated by respondent No.3 for construction of

drainage (Nalah) for the purpose of collecting the surplus water of Ratan Sagar Pond (Masooda), Ajmer.

2. Case set up by the petitioner is that the petitioner is a Limited Liability Partnership (LLP) Firm. The respondents issued one Notice Inviting Bid (NIB) dated 05.02.2026, whereby bids were invited from all eligible firms for construction of drainage (nalah) for collecting waste water of Ratan Sagar Pond as well as for other beautification work. Learned counsel submits that as per the instructions given in notice for inviting tender, the petitioner submitted its tender documents by fulfilling all the requisites including payment of Tender fee, BSD and RISL Processing fee as well as other charges. Learned counsel submits that for tender cost as well as other processing fee, the petitioner was required to deposit demand drafts offline with the Executive Officer, Municipal Board, Masooda and copies thereof were also required to be uploaded electronically on the designated official portal. Learned counsel submits that as per instructions, the petitioner prepared three separate demand drafts towards tender cost, MDRISL fee as well as other processing fee. Such demand drafts were prepared on 16.02.2026 and on the same day along with tender documents, copies thereof were also uploaded on the official website. Learned counsel submits that as per requirement, the petitioner handed over hard copies of tender documents along with the three demand drafts before the prescribed day and time. Copies of demand drafts have been collectively enclosed as Annexure-3 with the writ petition.

3. Grievance of the petitioner is that although, the petitioner is fully eligible to participate in the tender process and

had completed all the requirements with regard to submitting tender within time as well as submitting the demand drafts in hard copy as well as uploading the same online, yet in quite arbitrary manner, the tender documents submitted by the petitioner have not been considered only on the ground that the fee towards MDRISL, Jaipur was allegedly not submitted by the petitioner.

4. Learned counsel submits that as regards financial bid submitted by the petitioner, its offer was lowest and in case, the petitioner was considered by the respondents, he would have secured rank L1 in the process and thereby, would also be entitled for getting the work order.

5. Learned counsel for the petitioner further submits that since, rejection of tender documents has been made by the Executive Officer, who is otherwise the Appellate Authority under the provisions of the Rajasthan Transparency in Public Procurement Act, 2012 (for short 'the Act of 2012'), therefore, petitioner was also deprived of its right to file appeal under the Act. Hence, finding no other alternative, it approached this Court with a prayer to direct the respondents to accept its tender and to issue work order in its favour.

6. Learned counsel for the respondent-Municipal Board opposed the writ petition and submitted that the terms and conditions of tender documents were quite clear, in which the prospective bidder was required to submit tender documents as well as requisite fee in the form of demand draft, which was required to be handed over to the concerned authority in hard copy. Learned counsel submits that since, the demand draft relating to MDRISL, Jaipur fee was not submitted by the petitioner,

therefore, no error or illegality has been committed by the Executive Officer, Municipal Board, Masooda in rejecting the tender documents of the petitioner.

7. Learned counsel appearing for respondent No.4 submits that the entire process has been conducted by respondent-Municipal Board strictly in accordance with the procedure laid down in NIT and after completing the process, the respondent No.4 is likely to be declared as L1 amongst those firms, who have qualified in the tender process.

8. Heard learned counsel for the parties and perused the record.

9. It is not disputed that the entire tender process was initiated as per the provisions of the Act of 2012 as well as the Rajasthan Transparency in Public Procurement Rules, 2013 (for short 'the Rules of 2013') made thereunder. As per Rule 42(6) of the Rules of 2013 the prospective bidders, who intend to participate in tender process are required to deposit the necessary fee/security amount either in the form of cash, a banker's cheque or demand draft or bank guarantee or electronic bank guarantee in specified format. In the instant case, no reason whatsoever has been given in the reply to the writ petition by the respondents for confining the process of depositing fee through only one mode i.e. by way of demand draft, which was also required to be handed over in hard copy in addition to uploading the same on official website. No explanation has been submitted to ignore the other modes of depositing fee despite being permissible under the Rules.

10. It is also not a matter of dispute between the parties that the prospective bidders were required to prepare three separate demand drafts and accordingly, the petitioner had also prepared the same within the time prescribed. It is equally undisputed that copies of all the three demand drafts were uploaded by the petitioner along with tender documents within time. It has also not been denied by counsel for the respondent-Board that they have received hard copies of two demand drafts so far as the other processing fees are concerned, yet their objections is only qua MDRISL, Jaipur fee and it has been submitted that hard copy of demand draft only in relation to MDRISL, Jaipur fee was not handed over by the petitioner to the concerned authority.

11. In view of the above admitted facts with regard to preparation of demand drafts within time and uploading copies of the same on official website, it is very hard to believe that a prospective bidder, who prepared all the documents as well as demand draft within time and also uploaded copies of the same on the procurement portal as per prescribed procedure, would hand over only two out of three pre-prepared demand drafts to the concerned authority and would itself thereby invite the possible result of disqualification in the process.

12. Nothing has been placed on record by the respondents to demonstrate that the aforesaid irregularity/discrepancy in the tender documents of the petitioner, any intimation or notice was given by Municipal Board to inform the petitioner that although, it had uploaded copies of all the three demand drafts, yet one out of such three demand drafts was not found in physical set of

documents. Under these circumstances, there arises a reasonable doubt over the functioning of the respondent-Municipal Board. In these circumstances, the possibility of lapse, mishandling or administrative irregularity at the level of respondent-Board cannot be ruled out.

13. In view of foregoing discussion, this Court finds that serious irregularity and illegality has been committed by the Municipal Board, Masooda in treating the petitioner as ineligible on account of alleged ground of not submitting MDRISL, Jaipur fee. Order dated 19.02.2026 (Annexure-4) issued in this regard by the respondent-Board is hereby quashed and set aside. The respondents are directed to re-consider all the competitive bids of the qualified bidders treating the petitioner as eligible and, in case, after comparison of financial bids, petitioner is declared as L1, the work order in respect of work in question be also issued in favour of the petitioner within a period of 30 days from the date of receipt of certified copy of this order. As a matter of abundant caution, the petitioner shall also submit additional demand draft of Rs.2500/- towards MDRISL, Jaipur fee within a period of seven days from today.

14. The writ petition filed by the petitioner is accordingly allowed.

15. Pending application(s), if any, stand(s) disposed of.

(ANAND SHARMA),J