

  
**HIGH COURT OF JUDICATURE FOR RAJASTHAN**  
**BENCH AT JAIPUR**

S.B. Civil Writ Petition No. 6323/2026

Swastika Infra Limited

----Petitioner

Versus

State Of Rajasthan

----Respondent

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For Petitioner(s) : Mr. Punit Singhvi  
Mr. Devanshu Sharma  
Mr. Prem Chand Sharma  
Mr. Aayush Singh  
Mr. Ishan Verma  
Mr. Naman Dadhich

For Respondent(s) : Mr. Jai Lodha

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**HON'BLE MR. JUSTICE SAMEER JAIN**

**Order**

**09/04/2026**

Learned counsel for the petitioner has submitted that vide Annexure- 9 and 10, which are self evidentiary that petitioner has completed his work order on 29.03.2019. It is submitted that on 21.12.2021, security deposit, performance bank guarantee and other securities were released except for three percent bank guarantee amounting to Rs.1,08,66,149/-.

It is submitted that the competent authority have asserted the work performance completion of the project and thereafter released the dues as mentioned herein above, and it was only after five years that merely on the draft audit report (Para Annexure P.9), the recovery has been initiated to the quantum of Rs.3,60,46,740/- approximately. It is further submitted that in an ex-parte manner vide Annexure 10, the said amount is sought to

be recovered from the ongoing work, which was allotted at a subsequent stage, and was not related to the completed work.

Learned counsel has relied upon judgment passed by High Court of Madhya Pradesh reported in **2015 Supreme (MP) 985** titled as **Lavesh Udyog Vs. MP State Agriculture Marketing Board and Ors**, whereby recovery proceedings were held not legally sustainable, if initiated solely on the basis of draft audit report/objections. It is lastly submitted that if at all any recovery has to be initiated, the same should be on the part of officers who have released the payment after due verification.

Heard.

Issue notice.

On directions of the Court, Mr. Jai Lodha accepts notice on behalf of the respondents.

Learned counsel for the petitioner is directed to supply a copy of petition in the office of Mr. Jai Lodha during the course of the day.

List the matter after three weeks.

In the meantime, recovery as initiated against the petitioner in pursuance of impugned order dated 26.11.2025 and 27.02.2026 shall remain stayed.

(SAMEER JAIN),J