

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 10475/2025

M/s Vishnu Enterprises, Through Its Sole Proprietor Surendra Vishnoi S/o Shri Ramkishan Vishnoi, Aged About 49 Years R/o 29, Sher Vilas, Opposite Air Force, Officer Mess, Airport Road, Jodhpur, Rajasthan.

----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary, Department Of Forest, Secretariat, Jaipur, Rajasthan.
2. Principal Chief Conservator Of Forest, (Hoff) Department Of Forest, Rajasthan.
3. Chief Conservator Of Forest, Department Of Forest, Van Bhawan, Chetak Circle, Udaipur, Rajasthan.
4. Deputy Conservator Of Forest, Department Of Forest, Udaipur, Rajasthan.

----Respondents

For Petitioner(s) : Mr. Pradeep Mathur

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

24/07/2025

Learned counsel for the petitioner submits that petitioner was declared responsive in technical evaluation thereafter, financial bid was opened and petitioner was declared successful bidder. It is submitted that now vide order dated 02.07.2025, tender has been cancelled and recommendation has been made to invite fresh tender. Counsel contends that order of cancellation of tender process is not sustainable in the eye of law as after acceptance of the successful bid, tender process can only be cancelled according to the provisions of Sub-Sections 4 & 5 of

Section 26 of Rajasthan Transparency in Public Procurement Act, 2012 (for short, "the Act of 2012"). It is contended that conditions provided under Sub-Sections 4 & 5 of Section 26 of the Act of 2012 are not available in the present case. It is contended that though appeal against the cancellation order has been filed by the petitioner before the appellate authority under Section 38 of the Act of 2012 but said appeal itself is not maintainable in view of the provisions of the Act of 2012.

In view of above, issue notice to the respondents through both the process. Rule is made returnable within a period of eight weeks.

Requisites be filed within a period of two weeks, failing which, this writ petition shall stand dismissed automatically without further reference to the Bench.

Meanwhile, there shall be stay on the cancellation order dated 02.07.2025.

(ANIL KUMAR UPMAN),J