

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 13702/2025

M/s Gainer Placement Service

-----Petitioner

Versus

State of Rajasthan & Ors.

-----Respondents

For Petitioner(s)	:	Mr. Madhu Sudan Sharma
For Respondent(s)	:	Mr. Kapil Prakash Mathur, AAG assisted by Mr. Sumit Purohit & Mr. Pranay Sharma & Mr. Ashutosh Udawat

HON'BLE MR. JUSTICE SANJEET PUROHIT

Order

08/10/2025

The petitioner-firm in the present case has challenged the validity of the order dated 09.05.2025 issued by the respondent No.3- Chief Executive Officer, Zila Parishad, Ajmer, whereby the petitioner-firm has been debarred from participating in any tender process for a period of three years while exercising powers under Sections 42 & 46 of the Rajasthan Transparency in Public Procurement Act, 2012 (hereinafter to be referred as 'the Act of 2013'), wrongly mentioned in the order impugned 'Rules of 2013'.

Learned counsel for the petitioner-firm has submitted that the work of computer system with trained personnel (Man with Machine), was awarded to the petitioner-firm for the year 2022-23 and the work in question has been executed by the petitioner-firm successfully complying the terms and conditions of the agreement including Clause 10, 11 & 12 of the same. The entire

payments of the personnels working, were duly been made and the contribution for ESI, EPF etc. were also been deposited. On being satisfied with the same, the respondents have made the payment to the petitioner-firm and the said contract was successfully completed up till 31.03.2023.

However, after a lapse of two years, the Show Cause Notices were issued to the petitioner-firm, alleging non-compliance of the condition Nos.10, 11 & 12, to which detailed replies have also been given.

Learned counsel for the petitioner-firm also draws attention of this Court that being satisfied with the successful discharge of the contractual obligations, the respondent No.3 has also extended the term of another contract of the petitioner-firm vide order dated 08.05.2025.

Surprisingly, on the next date, the respondent-authority while taking action in relation to the contract which was executed earlier, has proceeded to debar the petitioner-firm for a period of three months.

Learned counsel for the petitioner-firm has also submitted that there had been no violation of condition Nos.10, 11 & 12 and even the replies so submitted by the petitioner-firm have also not been considered.

Learned Additional Advocate General, Mr. Kapil Prakash Mathur, appearing on behalf of the respondents has opposed the said contentions and has submitted that though the contract was executed in the year 2022-23, however, the genesis of the Show Cause Notices issued in the year 2025 is the complaints

subsequently received from the working personnels under the petitioner-firm, which led to issuance of Show Cause Notices to the petitioner-firm. Since, no satisfactory answers were received from the petitioner-firm, therefore, while exercising the powers under Rules 42 & 46 of the Rajasthan Transparency in Public Procurement Rules, 2013, the order impugned dt.09.05.2025 for debarring the petitioner-firm, was passed.

I have considered the submissions made at bar and perused the material available on record.

This Court is of the *prima facie* opinion that the work in question has been completed way-back on 31.03.2023 and it has also been admitted on behalf of the respondents that as per Clause 10, 11 & 12 of the agreement, at that point of time, on being satisfied that the payments with regard to minimum wages, EPF, ESI etc., were made by the petitioner-firm, the payment was released in favour of the petitioner-firm.

Although detailed replies were filed by the petitioner-firm but the order impugned does not mention any discussion/consideration of the same. Though while invoking the powers under Section 46 of the Act of 2012, the petitioner-firm has been debarred, however, *prima facie* the case of the petitioner-firm does not fall in any of the conditions so mentioned in the said provision.

Heard. The matter requires consideration.

Admit.

In the meantime, the effect & operation of the order impugned dt.09.05.2025 shall remain stayed.



[CW-13702/2025]

List the matter after four weeks.

(SANJEET PUROHIT),J

SAHIL SONI /2