

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 16990/2025

Sukhbir Singh Sidhu S/o Sh. Mahendra Singh Sidhu

-----Petitioner

Versus

Rajasthan State Road Transport Corporation (Rsrtc)

-----Respondent

For Petitioner(s) : Mr. Narendra Kumar

For Respondent(s) : Mr. Utkarsh Dubey

HON'BLE MR. JUSTICE SAMEER JAIN

Order

05/05/2026

1. In the instant matter, learned counsel for the petitioner submits that as per the statutory mandate enshrined under Section 15 of the Rajasthan Transparency Public Procurement Act, 2012 (for short, 'RTPP Act'), there is an absolute bar on the procuring entity holding price negotiations with a bidder. The said provision is reproduced as under:

"15. Price negotiations.- Save as otherwise provided in section 31 or section 35 or in such circumstances and subject to such conditions as may be prescribed, no price negotiation shall be held by a procuring entity with a bidder with respect to a bid presented by him."

2. It is submitted that the statutory exceptions carved out under Section 31 and Section 35 of the RTPP Act are not applicable to the facts and circumstances of the present case.

3. Learned counsel contends that the petitioner admittedly declared as the L-1 bidder by the respondents, and any subsequent negotiations to bypass the bid of the petitioner are *per se* illegal.

4. *Per contra*, learned counsel for the respondents opposed the present petition and placed reliance upon the bid evaluation criteria stipulated at page 16 of the tender document, which reads as under:

"The procuring entity shall award the contract to the bidder whose offer has been determined to be the lowest or most advantageous and if the bidder has been determined to be qualified to perform the contract satisfactorily on the basis of qualification criteria fixed for the bidders in the bidding document for the subject matter of procurement i.e. hiring of buses on kilometer basis."

5. Relying upon the aforementioned clause, it is submitted that the procuring entity is well within its rights to evaluate and qualify a bidder who is 'most advantageous' to the respondent-organization for the procurement of the ten deluxe buses.

6. Moreover, learned counsel for the respondents raises a preliminary objection, submitting that since the petitioner actively participated in the said negotiation proceedings, the legal principles of estoppel and acquiescence squarely apply against the petitioner. It is further submitted that when the petitioner failed to qualify in the said negotiation proceedings, then as an afterthought it alleges that the private respondent is being wrongfully favored in the absence of the petitioner.

7. Having heard the rival submissions and upon *prima facie* perusal of the statutory provision enshrined under Section 15 of the RTPP Act, which prohibits price negotiations and considering that the phrase 'most advantageous' stipulated in the evaluation criteria appears to be synonymous with the financial evaluation, wherein the petitioner was already determined to be the L-1

bidder, this Court takes note of the undertaking given on behalf of the respondents that no final work order has been issued *qua* the tender in question as on date.

8. The concerned Officer-in-Charge is directed to remain present before this Court on the next date of hearing, along with the relevant records pertaining to the impugned tender proceedings.

9. List the matter on 07.05.2026 in the supplementary cause list.

(SAMEER JAIN),J