HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Civil Writ Petition No. 10627/2026
CNR: RJHC010475692026 | URN: CW / 19431U / 2026

M/s Rathore Infra Project Pvt. Ltd., Through Its Authorized Officer Mohit Sharma Son Of Ganpat Lal Sharma, Aged About 32 Years, Having Its Address At B-406, Mayur Co-Op. Hsg. Society Ltd. Sodawala Cross Lane, Borivali (West), Mumbai - 40092

----Petitioner

Versus

1. Rajasthan State Road Development And Construction Corporation, Through Its Managing Director, Having Its Address At Setu Bhawan, Opp. Jhalana Doongari, Jaipur Agra Byepass, Jaipur (Raj.).
2. Rajasthan State Road Development And Construction Corporation Ltd., Through Its Unit Officer, Having Its Unit Address At Behind New Bus Stand, Keshav Nagar, Pali (Raj.) 306401
3. Project Director, Rajasthan State Road Development And Construction Corporation Ltd., Having Its Address At Behind New Bus Stand, Keshav Nagar, Pali (Raj). 306401
4. Rajasthan Medical Education Society, Having Its Address At Chikitsa Shikshan Bhanwar, Janta Colony, Govind Marg, Jaipur.

----Respondents

For Petitioner(s)	:	Mr. Arpit Bhoot Mr. Shashank Sharma
For Respondent(s)	:	

JUSTICE ANOOP KUMAR DHAND

Order

05/08/2026

1. The present petition has been filed by the petitioner with the following prayer:

"It is, therefore, most respectfully prayed that this Hon'ble Court may kindly be pleased to:

(i) issue an appropriate writ, order or direction thereby quashing and setting aside the impugned letters/orders dated 05.05.2026 (Annex-33) bearing No.1471 and consequential communication dated 05.05.2026 issued by the respondents whereby the respondents have sought to rescind/withdraw from the construction work of Critical Care Block at New Hospital and Medical College, Pali and further sought to undertake the work at the risk and cost of the humble petitioner;

(ii) issue an appropriate writ, order or direction thereby declaring the action of the respondents in seeking rescission of the contract despite repeated extensions, stoppage directions, withholding instructions, non-release of funds, non-approval of drawings/work programme and administrative lapses attributable to the respondents themselves, as arbitrary, illegal, malafide and violative of Articles 14 and 19(1)(g) of the Constitution of India as well as contrary to the Rajasthan Transparency in Public Procurement Act, 2012;

(iii) issue an appropriate writ, order or direction thereby restraining the respondents from issuing any fresh NIT, tender or awarding the remaining work to any third party at the risk and cost of the humble petitioner pursuant to the impugned orders dated 05.05.2026;

(iv) issue an appropriate writ, order or direction thereby restraining the respondents from taking any coercive action against the humble petitioner including blacklisting, recovery, forfeiture, encashment of securities or imposition of any civil consequences pursuant to the impugned action;

(v) issue an appropriate writ, order or direction thereby directing the respondents to duly consider and account for the work already executed by the humble petitioner and to release all lawful dues payable to the petitioner in accordance with law and the contract agreement

(vi) any other appropriate writ, order or direction which this Hon'ble Court may deem just and proper in the facts and circumstances of the present case may also kindly be passed in favour of the humble petitioner;

(vii) cost of the writ petition may also kindly be awarded in favour of the humble petitioner."

2. By way of filing the instant petition, the petitioner has challenged the impugned order dated 05.05.2026, issued by the respondent No.3, whereby the decision was taken to rescind/withdraw the work of construction of the Critical Care Block in New Hospital and Medical College at Pali which was allotted to the petitioner.

3. Learned counsel for the petitioner submits that, pursuant to the Notice Inviting Tender (NIT), the petitioner participated in the

tender process. His bid was accepted and, accordingly, the contract for construction of the Critical Care Block and cleaning work at the Medical College, Pali, was allotted to him. It is further submitted that, all of a sudden, without issuing any notice and without following the due process of law, the impugned order has been passed, whereby the contract has been rescinded/withdrawn. Learned counsel contends that such rescission cannot be done by the respondent-authority and such arbitrariness by the respondent-authority warrants interference of this Court.

4. Heard and considered the submission made at the bar and perused the material available on record.

5. The NIT was issued by the respondent-authority for the purpose of awarding the contract for construction of the Critical Care Block in new Hospital & Medical College at Pali in accordance with the provisions of the Rajasthan Transparency in Public Procurement Act, 2012 (for short, "the RTPP Act, 2012"). In the considered opinion of this Court, an appeal under Section 38 of the RTPP Act, 2012 lies against the impugned order passed by the respondent No.3 before the appropriate Appellate Authority.

6. It is settled a preposition of law that whenever an alternative statutory remedy is available to an aggrieved person, he cannot be allowed to bypass the jurisdiction of the concerned authority.

7. Accordingly, the instant petition stands disposed of with liberty to the petitioner to file a statutory appeal under Section 38 of the RTPP Act, 2012 before the appropriate Appellate Authority within a period of ten days from today.

8. In case such an appeal is preferred by the petitioner within the aforesaid period, it is expected that the competent Appellate Authority shall decide the same in accordance with law, after affording an opportunity of hearing to the petitioner and all concerned parties, as expeditiously as possible, ignoring the period of limitation.

9. In case the First Appellate Authority passes any adverse order against the petitioner, he shall be at liberty to avail the remedy of filing a second appeal under the provisions of the RTPP Act, 2012 before the competent Second Appellate Authority for redressal of his grievances.

(ANOOP KUMAR DHAND),J

8-Arun/-