HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

D.B. Special Appeal Writ No. 890/2026
CNR: RJHC010772642026 | URN: SAW / 1751U / 2026

M/s. Ujjain Dreams, G-1, Samadhan House, Sandipani Chouraha, Freeganj, Ujjain. Branch Office Ground Floor 20-C, Madhuban Behind Lok Kala Mandal, Udaipur (Raj), Through Its Proprietor, Mr. Deepesh Kushwah, S/o Devnarayan Kushwah, Aged About 32 Years, R/o G-1, Samadhan House, Sandipani Chouraha, Freeganj, Ujjain, M.i. Nagar, Madhya Pradesh.

----Appellant

Versus

1. State Of Rajasthan, Through Principal Secretary, Urban Development And Housing Department, Food Building, Secretariat, Jaipur Raj.
2. Udaipur Development Authourity, Udaipur Raj. Through Its Chairman.
3. Secretary, Udaipur Development Authority, Udaipur Raj.
4. Commissioner, Udaipur Development Authority, Udaipur.

----Respondents

For Appellant(s)	:	Dr. Sachin Acharya, Sr. Adv. assisted by Mr. Madhav Vyas
For Respondent(s)	:	Mr. Vijay Purohit Mr. Pradeep Singh Mr. Hanuman Singh Gaur

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HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI
HON'BLE MR. JUSTICE PRAVEER BHATNAGAR

Order

05/08/2026

1. The present appeal has been preferred by the appellant, inter alia, claiming the following reliefs:

> "*(i) The order dated 27.07.2026 passed by the Hon'ble Single Judge in S.B. Civil Writ Petition No. 12036/2025 may kindly be declared illegal and the same may kindly be quashed and set aside.*
> *(ii) The debar letter dated 17.06.2025 (Annexure-20) may kindly be declared illegal and the same may kindly be quashed and set aside.*
> *(iii) The respondent Authorities may kindly be restrained from rescinding the contract of the petitioner and forfeiting the security amount.*
> *(iv) The respondent Authorities may kindly be restrained from debarring the petitioner from participating in future tender.*
> *(v) The respondent may kindly be directed the petitioner to execute the tender work under work order dated 15.04.2025.*

(vi) The respondent may kindly be restrained from allotting the work under the work order 15.04.2025 to any firm / bidder.
(vii) The Writ petition filed by the appellant may kindly be allowed in toto.
(viii) Any other appropriate, order or direction, which this Hon'ble Court deems just and proper in the facts and circumstances, may kindly be passed in favour of the appellant."

2. The present controversy pertains to the operation of ferries and speed boats in Fateh Sagar Lake, Udaipur. The boating activities are to be carried out from three designated points, the first one is Moti Magri, from where the appellant is presently operating boats, the second one is Mumbaiya Bazar, which is the subject matter of the present dispute and the third one is Dewali Point, which is not the subject matter of the present proceedings. Although the tender for operating boats from the point No.2 was awarded to the appellant but he was subsequently debarred on account of his failure to deposit the requisite amount to be deposited upfront.

3. Mr. Vijay Purohit, learned counsel appearing for the respondents, submits that, in terms of the directions issued by the Lake Authority, only three boating points can be operationalised at any given time. Since boating operations are already being carried out from Moti Magri and Nehru Park, the respondents could operationalise only one of the remaining two points, namely, Mumbaiya Bazar or Dewali Point. It is submitted that, on account of the appellant’s failure to commence operations from Mumbaiya Bazar, the respondents decided to operationalise Dewali Point. Consequently, Mumbaiya Bazar is no longer available as a boating point.

4. Dr. Sachin Acharya, learned Senior Advocate, assisted by Mr. Madhav Vyas, learned counsel for the appellant submits that the

provisions of Section 46 of the Rajasthan Transparency in Public Procurement Act, governing debarment and encashment of the bank guarantee have not been complied with in their true letter and spirit. It is contended that the mandatory requirement of affording the appellant a reasonable opportunity of hearing before passing the order of debarment has not been satisfied. Dr. Acharya further submits that there is not a single notice on record indicating that the respondents had ever proposed or initiated proceedings for the appellant's debarment.

5. Mr. Vijay Purohit, learned counsel appearing for the respondents was also unable to point out any notice on record whereby the respondents had specifically communicated to the appellant their intention to initiate proceedings for his debarment.

6. The issue deserves consideration. However, since the writ petition involving the said issue is already pending adjudication before the Hon’ble Single Bench, this Court does not deem it appropriate, in exercise of its special appellate jurisdiction, to substitute the adjudication and due consideration of the issue pending before the Hon’ble Single Bench.

7. Thus, in the interest of justice and by way of a limited interim intervention, it is directed that the order of debarment shall remain stayed subject to the final outcome of the writ petition and shall remain inoperative until the writ petition is finally decided.

8. The security amount of Rs.86,10,000/-, which has already been encashed by the respondents shall be retained by them subject to the final outcome of the writ petition. The respondents

shall be at liberty to utilize the said amount for any public purpose.

9. It is directed that the dispute relating to Mumbaiya Bazar and the consequential order of debarment shall remain stayed subject to the final outcome of the writ petition. It is clarified that since the operation of the debarment order shall remain stayed until the writ petition is finally decided, the appellant shall be at liberty to participate on his own merits in the tender process for Dewali Point without being disqualified on the sole ground of the impugned debarment order. In all other issues at the Dewali Point, the respondents shall be free to proceed strictly in accordance with law. While granting the aforesaid interim protection, this Court has also taken into consideration the fact that the issue relating to Mumbaiya Bazar has, at this stage, become practically non-operative and does not presently have any immediate or consequential impact on the appellant.

10. All the issues of the Mumbaiya Bazar Point arising in the matter shall be adjudicated by the learned Single Judge strictly in accordance with law. It shall be open to either party to move an appropriate application before the learned Single Judge for expeditious disposal of the writ petition.

11. Accordingly, the present appeal is disposed.

12. All pending applications also stand disposed of.

(PRAVEER BHATNAGAR),J (PUSHPENDRA SINGH BHATI),J

109/Anshul