HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 17028/2026
CNR: RJHC020829102026 | URN: CW / 35599U / 2026

M/s Balaji Steel Industries, Having Its Office At 52/118, Sector-5, Pratap Nagar, Sanganer, Jaipur, Rajasthan, Through Its Power of Attorney Holder Mr. Rakesh Kumar Mishra, Proprietorship Concern of Mrs. Alka Mishra.

----Petitioner

Versus

1. Bhiwadi Integrated Development Authority (BIDA), Through Its Chief Executive Officer, Having Its Office At BIDA Bhawan, Genesis Mall, Bhiwadi, District Alwar, Rajasthan.
2. Bhiwadi Integrated Development Authority (BIDA), Through Its Secretary, Having Its Office At BIDA Bhawan, Genesis Mall, Bhiwadi, District Alwar, Rajasthan.
3. The Executive Engineer, Bhiwadi Integrated Development Authority (BIDA), Bhiwadi, District Alwar, Rajasthan.

----Respondents

For Petitioner(s) : Mr. Pranav Pareek

HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA

Order

25/08/2026

1. The present petition lies in terms of the statutory provisions of the Rajasthan Transparency in Public Procurement Act, 2012 ("RTPP Act"). From a perusal of the case, it is apparent that if any person participating in bidding process, is aggrieved of any order or decision, the appeal would lie to the Appellate Authority.

2. Section 38 of the RTPP Act reads as under:

> *"**38. Appeals.-** (1) Subject to section 40, if any bidder or prospective bidder is aggrieved that any decision, action or omission of the procuring entity is*

in contravention to the provisions of this Act or the rules or guidelines issued thereunder, he may file an appeal to such officer of the procuring entity, as may be designated by it for the purpose, within a period of ten days or such other period as may be specified in the pre-qualification documents, bidder registration documents or bidding documents, as the case may be, clearly giving the specific ground or grounds on which he feels aggrieved:

Provided that after the declaration of a bidder as successful in terms of section 27, the appeal may be filed only by a bidder who has participated in procurement proceedings:

Provided further that in case a procuring entity evaluates the technical bid before the opening of the financial bid, an appeal related to the matter of financial bid may be filed only by a bidder whose technical bid is found to be acceptable.

(2) On receipt of an appeal under sub-section (1), the officer designated under that sub-section shall, after affording a reasonable opportunity of being heard to the parties, determine as to whether or not the procuring entity has complied with the provisions of this Act, the rules and guidelines made thereunder and the terms of the prequalification documents, bidder registration documents or bidding documents, as the case may be, and pass an order accordingly which shall, subject to the order passed under sub-section (5), be final and binding on the parties to the appeal.

(3) The officer to whom an appeal is filed under subsection (1) shall deal with the appeal as expeditiously as possible and shall endeavour to dispose it of within thirty days from the date of filing of the appeal.

(4) If the officer designated under sub-section (1) fails to dispose of the appeal filed under that sub-section within the period specified in subsection (3), or if the bidder or prospective bidder or the procuring entity is aggrieved by the order passed under subsection (2), the bidder or prospective bidder or the procuring entity, as the case may be, may file a second appeal to an officer or authority designated by the State Government in this behalf within fifteen

days from the expiry of the 31 period specified in sub-section (3) or of the date of receipt of the order passed under sub-section (2), as the case may be.

(5) On receipt of an appeal under sub-section (4), the officer or authority designated under that sub-section shall, after affording a reasonable opportunity of being heard to the parties, determine as to whether or not the procuring entity has complied with the provisions of this Act, the rules and guidelines made thereunder and the terms of the pre-qualification documents, bidder registration documents or bidding documents, as the case may be, and pass an order accordingly which shall be final and binding on the parties to the appeal.

(6) The officer or authority to which an appeal is filed under subsection (4) shall deal with the appeal as expeditiously as possible and shall endeavour to dispose it of within thirty days from the date of filing of the appeal:

Provided that if the officer or authority to which an appeal is filed under sub-section (4) is unable to dispose of the appeal within the aforesaid period, he shall record reason for the same.

(7) The officer or authority to which an appeal may be filed under sub-section (1) or (4) shall be indicated in the pre-qualification documents, bidder registration documents or bidding documents, as the case may be.

(8) Every appeal under sub-sections (1) and (4) shall be filed in such form and manner and shall be accompanied by such fee as may be prescribed.

(9) While hearing an appeal under this section, the officer or authority concerned shall follow such rules of procedure as may be prescribed.

(10) No information which would impair the protection of essential security interests of India, or impede the enforcement of law or fair competition, or prejudice the legitimate commercial interests of the bidder or the procuring entity, shall be disclosed in a proceeding under this section."

3. Thus from perusal of the above statutory provision, we find that alternate efficacious remedy is available to the petitioner.

4. In light of the above, this Court refrain from entertaining the present writ petition at this stage, as the Appellate Authority would be better equipped to examine the factual aspects and also examine the contents.

5. If such an appeal is filed, the Appellate Authority shall decide the appeal within a period of seven days.

6. The present Civil Writ Petition is dismissed accordingly. All pending applications stand disposed of.

(SANJEEV PRAKASH SHARMA),ACTING CJ

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