

**HIGH COURT OF JUDICATURE FOR RAJASTHAN  
BENCH AT JAIPUR**

S.B. Civil Writ Petition No. 409/2022

M/s Mahadev Construction Company, Choyal Bhawan, Kathoti, Tehsil Jayal, Distt. Nagaur, Through Its Partner Bheru Ram Choyal S/o Shri Jeta Ram, Aged 36 Years.

----Petitioner

Versus

1. The State Of Rajasthan, Through The Secretary, Secretary, Water Resources Department, Govt. Of Rajasthan. Jaipur (Raj.)
2. The Additional Secretary Cum Chief Engineer, Water Resources Department, Rajasthan Jaipur (Raj.)
3. The Joint Secretary Finance, (G And T) Department, Govt. Of Rajasthan Jaipur (Raj.)
4. Executive Engineer, Water Resources Division-III, Baran.

----Respondents

Connected With

S.B. Civil Writ Petition No. 14556/2021

M/s Suresh Chandra Agarwal, Office-1St Floor Mahaknal Terrace, 7 Shanku Marg, Freeganj. Ujjain (M.P.) Through Its Proprietor Suresh Chandra Agarwal S/o Late Shri Rameshwar Agarwal, Age 71 Years, R/o 7 Shanku Marg, Freeganj. Ujjain (M.P.).

----Petitioner

Versus

1. The State Of Rajasthan, Through The Principal Secretary, Water Resources Department, Govt. Of Rajasthan, Jaipur.
2. The Additional Secretary Cum Chief Engineer, Water Resources Department, Rajasthan, Jaipur.
3. The Joint Secretary Finance, (G And T) Department, Govt. Of Rajasthan, Jaipur.
4. The Chief Engineer, Department Of Water Resources, Zone, Kota (Raj.).
5. The Superintending Engineer, Rana Pratap Sagar And Jawahar Sagar Dam, Circle, Kota
6. The Executive Engineer, Water Resources Department, Division Bundi (Raj.).

----Respondents

S.B. Civil Writ Petition No. 357/2022

M/s Vinod Kumar Vijay, Through Its Partner Kamlesh Kumar Vijay S/o Shri Nawal Kishore, Aged 58 Years, Resident Of Shreeji Chowk, Baran (Raj.)

----Petitioner

Versus

1. The State Of Rajasthan, Through The Secretary, Water Resources Department, Govt. Of Rajasthan, Jaipur (Raj.)
2. The Additional Secretary Cum Chief Engineer, Water Resources Department, Rajasthan Jaipur (Raj.)
3. The Joint Secretary Finance, (G And T) Department, Govt. Of Rajasthan Jaipur (Raj.)
4. Executive Engineer, Water Resources Division-III, Baran.

----Respondents

S.B. Civil Writ Petition No. 408/2022

Shree Dunga Construction Company, Jhalawad House, Agency Area, Devli, District Tonk (Raj.) Through Its Power Of Attorney Holder Sumer Singh Naruka S/o Shri Brij Singh Naruka, Aged 59 Years.

----Petitioner

Versus

1. The State Of Rajasthan, Through The Secretary, Water Resources Department, Govt. Of Rajasthan, Jaipur (Raj.)
2. The Additional Secretary Cum Chief Engineer, Water Resources Department, Rajasthan Jaipur (Raj.)
3. The Joint Secretary Finance, (G And T) Department, Govt. Of Rajasthan Jaipur (Raj.)
4. Executive Engineer, Water Resources Division-I, Baran.

----Respondents

S.B. Civil Writ Petition No. 410/2022

M/s Mahadev Construction Company, Choyal Bhawan, Kathoti, Tehsil Jayal, Distt. Nagaur, Through Its Partner Bheru Ram Choyal S/o Shri Jeta Ram, Aged 36 Years.

----Petitioner

Versus

1. The State Of Rajasthan, Through The Secretary, Secretary, Water Resources Department, Govt. Of Rajasthan. Jaipur (Raj.)
2. The Additional Secretary Cum Chief Engineer, Water Resources Department, Rajasthan Jaipur (Raj.)
3. The Joint Secretary Finance, (G And T) Department, Govt. Of Rajasthan Jaipur (Raj.)
4. Executive Engineer, Water Resources Division-III, Baran.

----Respondents

S.B. Civil Writ Petition No. 411/2022

M/s Mahadev Construction Company, Choyal Bhawan, Kathoti, Tehsil Jayal, Distt. Nagaur, Through Its Partner Bheru Ram Choyal S/o Shri Jeta Ram, Aged 36 Years.

----Petitioner

Versus

1. The State Of Rajasthan, Through The Secretary, Secretary, Water Resources Department, Govt. Of Rajasthan. Jaipur (Raj.)
2. The Additional Secretary Cum Chief Engineer, Water Resources Department, Rajasthan Jaipur (Raj.)
3. The Joint Secretary Finance, (G And T) Department, Govt. Of Rajasthan Jaipur (Raj.)
4. Executive Engineer, Water Resources Division-III, Baran.

----Respondents

S.B. Civil Writ Petition No. 1090/2022

M/s Suresh Chandra Agarwal, Office-1st Floor Mahaknal Terrace, 7 Shanku Marg, Freeganj. Ujjain (M.P.) Through Its Proprietor Suresh Chandra Agarwal S/o Late Shri Rameshwar Agarwal, Age 71 Years, R/o 7 Shanku Marg, Freeganj. Ujjain (M.P.).

----Petitioner

Versus

1. The State Of Rajasthan, Through The Principal Secretary, Water Resources Department, Govt. Of Rajasthan, Jaipur.
2. The Additional Secretary Cum Chief Engineer, Water Resources Department, Rajasthan, Jaipur.
3. The Joint Secretary Finance, (G And T) Department, Govt. Of Rajasthan, Jaipur.
4. The Chief Engineer, Department Of Water Resources,

Zone, Kota (Raj.).

5. The Executive Engineer, Water Resources Department, (Division III). Baran (Raj.).

----Respondents

S.B. Civil Writ Petition No. 511/2022

M/s Tikam Singh H. Sikarwar Engineer And Contractor, Office At A-1 603, Mahalaxmi Enclave, Baran Road, Kota Through Its Proprietor Tikam Singh H. Sikarwar S/o Shri Harendra Singh, Age 43 Years, R/o A-1 603, Mahalaxmi Enclave, Baran Road, Kota.

----Petitioner

Versus

1. The State Of Rajasthan, Through The Principal Secretary, Water Resources Department, Govt. Of Rajasthan, Jaipur.
2. The Additional Secretary Cum Chief Engineer, Water Resources Department, Rajasthan, Jaipur.
3. The Joint Secretary Finance, (G And T) Department, Govt. Of Rajasthan, Jaipur.
4. The Chief Engineer, Department Of Water Resourcese, Zone Kota (Raj)
5. The Superintending Engineer, Water Resources Department Circle, Baran.
6. The Executive Engineer, Water Resources Department Division (III) Baran (Raj.)

----Respondents

S.B. Civil Writ Petition No. 519/2022

M/s Tikam Singh H. Sikarwar Engineer And Contractor, Office At A-1 603, Mahalaxmi Enclave, Baran Road, Kota Through Its Proprietor Tikam Singh H. Sikarwar S/o Shri Harendra Singh, Age 43 Years, R/o A-1 603, Mahalaxmi Enclave, Baran Road, Kota.

----Petitioner

Versus

1. The State Of Rajasthan, Through The Principal Secretary, Water Resources Department, Govt. Of Rajasthan, Jaipur.
2. The Additional Secretary Cum Chief Engineer, Water

Resources Department, Rajasthan, Jaipur

3. The Joint Secretary Finance, (G And T) Department, Govt. Of Rajasthan, Jaipur.
4. The Chief Engineer, Department Of Water Resources, Zone Kota (Raj)
5. The Executive Engineer, Water Resources Department Division First Baran (Raj.)

----Respondents

S.B. Civil Writ Petition No. 762/2022

M/s Shri Ram Traders, Office- Ganesh Nagar, Kota Road, Baran (Rajasthan) Through Its Proprietor Brij Ballabh Sharma Son Of Shri Parmanand Sharma, Aged 52 Years, Resident Of Ganesh Nagar, Kota Road, Baran (Rajasthan).

----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary, Water Resources Department, Government Of Rajasthan, Jaipur.
2. Additional Secretary Cum Chief Engineer, Water Resources Department, Government Of Rajasthan, Jaipur.
3. Joint Secretary Finance (G And T) Department, Government Of Rajasthan, Jaipur.
4. Chief Engineer, Water Resources Department, Zone-Kota (Rajasthan).
5. Superintending Engineer, Water Resources Department, Water Resources Circle- Baran (Rajasthan).
6. Executive Engineer, Water Resources Department, Division-Iii, Water Resources Circle- Baran (Rajasthan).

----Respondents

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For Petitioner(s) : Mr. Madhav Mitra, Senior Advocate with Mr. Virendra Singh, Mr. Chain Singh Rathore, Mr. Ashish Kishore Saksena, Mr. Pankaj Mehta, Mr. Sanjeev Kumar Singhal with Mr. Pankaj Chaudhary and

Mr. Anubodh Subodh Jain  
For Respondent(s) : Mr. Vivek Tyagi, Dy.G.C.

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## **HON'BLE MR. JUSTICE MAHENDAR KUMAR GOYAL**

### **Order**

**28/02/2022**

Shri Vivek Tyagi, learned Dy.G.C. appears for all the respondents.

Service is complete.

On the joint request of the learned counsels for the respective parties, the matters were heard finally at this stage on their merit.

This bunch of writ petition has been filed for quashing the condition of leaving additional performance security issued by the respondents.

Learned counsels for the petitioners submit that the controversy involved herein is no more *res integra* and stands resolved by a co-ordinate Bench judgment of this Court dated 28.01.2022 passed in **SBCWP No.9620/2021: M/s Shera Ram Choudhary vs. State of Rajasthan & Ors.** and other connected matters and pray that the instant writ petitions may also be disposed of in similar terms.

Learned counsel for the respondents did not dispute the aforesaid position.

In case of **M/s Shera Ram Choudhary** (supra), this Court has directed as under:

“30. Consequent to the foregoing discussion, these writ petitions are allowed. The letter of the respondents and corresponding condition in the e-bid document requiring the petitioners to furnish

additional performance security are hereby5 quashed.

31. The respondents are directed to permit the petitioners to perform the contract in accordance with law, without insisting upon additional performance security.

32. Needless to observe that the present adjudication will be confined to the e-bids issued prior to 22.10.2021 and that too for those contractors, who have challenged the respondents' action of soliciting additional performance security. Whosoever has paid/deposited the additional performance security, will not be entitled for refund as a consequence of the order instant."

Taking into consideration the contentions advanced by the learned counsels for the respective parties, these writ petitions are disposed of in terms of directions issued in case of **M/s Shera Ram Choudhary** (supra) which shall apply *mutatis mutandis* to these cases also.

(MAHENDAR KUMAR GOYAL),J

MADAN/18-23, 25, 27-28 & 29



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