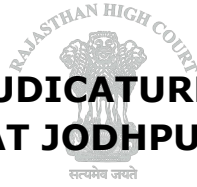


**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**



S.B. Civil Writ Petition No. 19338/2026
CNR: RJHC010816772026 | URN: CW / 32983U / 2026

M/s K.K. Gupta Constructions Private Limited, A Company Incorporated Under The Provisions Of The Companies Act, 2013, Having Its Registered Office At KKG House, 1A, Goverdhan Vilas, Udaipur - 313001, Rajasthan, Through Its Authorized Signatory Mr. Padam Raj.

-----Petitioner

Versus



1. Union Of India, Through The Secretary, Ministry Of Housing And Urban Affairs, Government Of India, Nirman Bhawan, Maulana Azad Road, New Delhi- 110011.

Central Public Works Department, R.K. Puram, New Delhi, Through The Chief Engineer, Border Fencing Zone, R.K. Puram, New Delhi.

3. The Executive Engineer, Border Fencing Division- Barmer, CPWD, Sector Headquarter, BSF Campus, Barmer, Rajasthan- 344001.

-----Respondents

For Petitioner(s) : Mr. Vikas Balia, Sr. Advocate assisted by Mr. Divik Mathur

For Respondent(s) : Mr. Shyam Sunder Paliwa, Dy.S.G assisted by Mr. Jogendra Singh
Mr. Chandan Rajpurohit

Mr. Uday Bhaskar, Project Manager, ERP Tech. Team, CPWD, New Delhi (through VC)
Mr. Vupadhi Venkatesh, Project Manager, ERP Tech. Team, present-in-person

HON'BLE MR. JUSTICE ANOOP KUMAR DHAND
Order

14/08/2026

1. The instant writ petition has been filed by the petitioner with the following prayer:-

"i Quash and set aside the rejection of Bid, submitted by the Petitioner, as notified on the Respondents' Portal on 03.08.2026 (Annex-2), in pursuance to Notice Inviting Tender issued for the work titled **"Construction of Lateral and Axial Roads in Punjab & Rajasthan along Indo-Pakistan Border (Barmer Sector-II) on EPC Mode"** and any/all further actions taken by the Respondent in pursuance to such Rejection;

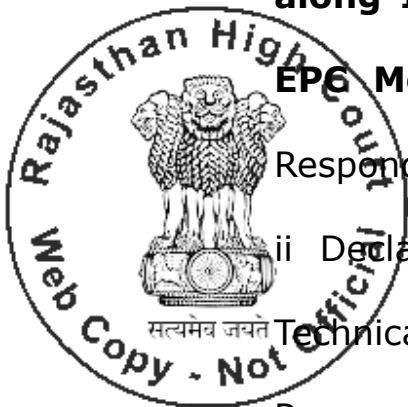
ii Declare the Bid submitted by the Petitioner to be Technically Responsive and consequently direct the Respondents to evaluate financial bid submitted by the Petitioner;

iii Pass any other order, which this Hon'ble Court may deem fit and proper in favour of the Petitioners and in the interest of justice;

iv. Cost of the writ petition may also be awarded in favour of the Petitioner."

2. By way of filing the instant writ petition, a prayer has been made for quashing and setting aside the order dated 03.08.2026, whereby the technical bid of the petitioner was rejected.

3. Learned counsel for the petitioner submits that pursuant to the Notice Inviting Tender (for short 'NIT'), the petitioner participated in the bidding process. His technical bid was rejected on 03.08.2026 and, as per the provisions, an appeal was submitted by him on 05.08.2026 in accordance with the directions, available on the web portal of the respondent-Department. Learned counsel submits that the petitioner was



required to submit the appeal on the CPWD e-tender portal process and, when the appeal was submitted, the words **"appeal reasons submitted successfully"** were reflected on the screen. He submits that thereafter, although the "Close" button was pressed, however, there was no specific instruction indicating that the "Close" button was required to be pressed for successful submission of the appeal.

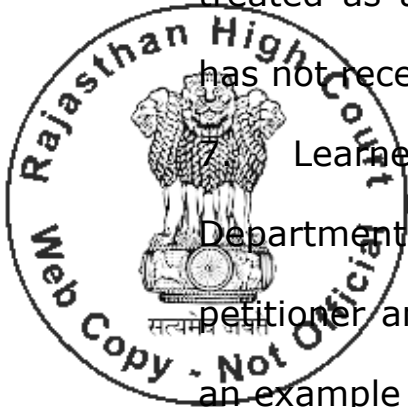
4. Counsel further submits that, the moment the words **"appeal reasons submitted successfully"** were reflects on the screen, it was assumed that the appeal has been successfully submitted. He submits that an incumbent was not supposed to press the 'Close' button but the 'Close' button was pressed by the petitioner. He submits that as per the provisions, the respondent-Department cannot proceed with the further process for accepting the financial bid unless and until the appeal preferred by the petitioner is considered and decided by the respondents, on its merits. Counsel submits that under these circumstances, interference of this Court is warranted.

5. When the arguments were heard on last occasion i.e. on 13.08.2026, this Court directed the counsel appearing for the respondents to instruct the concerned officer/expert to remain personally present before this Court to apprise about the factual aspect of the matter, more particularly as to whether any appeal was submitted by the petitioner on the web portal on 03.08.2026 or not.

6. In pursuance of the order dated 13.08.2026, Mr. Uday Bhaskar, Project Manger, ERP Tech. Team, CPWD, New Delhi has put in appearance through video conferencing and shared certain



documents as well as the procedure which was required to be followed by the petitioner. He submits that, after rejection of the technical bid, the incumbent/bidder was required to submit an appeal on the e-portal of the respondent-Department. According to him, the appeal, if any, submitted by the petitioner cannot be treated as a duly submitted one, as the respondent-Department has not received any appeal from the petitioner's side.



7. Learned counsel appearing on behalf of the respondent-Department opposed the arguments raised by the counsel for the petitioner and submitted that the instant case may be treated as an example of a situation where a person has purchased the ticket of train but he has failed to board the train and consequently lost it. He submits that the petitioner himself was at fault, as he has not properly completed the process by pressing "Close" button. It cannot be assumed or presumed that the appeal was successfully submitted. Counsel further submits that, as per the mandate of the tender process, the petitioner was required to submit an appeal against rejection of his technical bid within the stipulated time period of 48 hours. Since the petitioner has failed to do the needful within the stipulated time period, the respondents have no other option except to proceed further with the tender process. He submits that, under these circumstances, interference of this Court is not warranted and the instant writ petition is liable to be rejected.

8. Heard and considered the submissions made at the Bar and perused the material available on record.

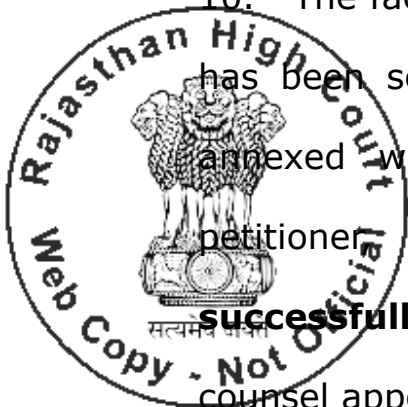
9. Perusal of the record indicates that, pursuant to the NIT issued by the respondent-Department, the petitioner participated

in the tender process. It appears that the technical bid, so offered by the petitioner, was rejected by the respondent-Department on 03.08.2026. As per the prescribed procedure, the petitioner was required to submit an appeal against the rejection order on the web portal of the respondent-Department.

10. The fact regarding submission of the appeal by the petitioner has been seriously disputed by both the sides. The documents annexed with the additional affidavit, so submitted by the petitioner, reflect the words **"appeal reasons submitted successfully"**. As per expert, Mr. Uday Bhasker and learned counsel appearing on behalf of the respondents, the petitioner was required to press the 'Close' button and since the said button was not pressed by the petitioner, the appeal was not successfully submitted vis'-a-vis'. This fact has been disputed by the petitioner, who submits that the 'Close' button was duly pressed by him.

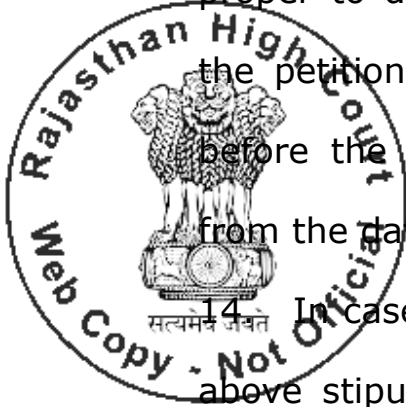
11. This is a disputed question of fact which cannot be adjudicated by this Court in the present proceedings, as this Court is not an expert in the technical functioning of the e-tender portal. At the same time, this Court cannot lose sight of the fact that a person cannot be allowed to remain remediless. The Latin maxim *ubi jus ibi remedium* comes into play, which says that no person can be denied to pursue his remedy.

12. In the instant case, the petitioner has tried to pursue the remedy, as prescribed in the tender process of the respondent-Department. A person of ordinary prudence, upon seeing the words **"appeal reasons submitted successfully"** on the portal, could reasonably believe that the appeal has been successfully submitted, particularly in the absence of any clear and specific



indication that the 'Close' button was required to be pressed for completion of the successful submission of the process.

13. This Court is not going into correctness of the procedure required to be followed by either side on the e-tender portal. However, in the interest of justice, this Court deems it just and proper to dispose of the instant petition by issuing directions to the petitioner to submit an offline copy of the memo of appeal before the respondent-Department within a period of 24 hours from the date of this order.



14. In case such appeal is submitted by the petitioner within the above stipulated period, it is expected from the respondents to consider and decide the same expeditiously, as early as possible preferably within a period of two days thereafter.

15. It is made clear that till final disposal of the appeal, the respondents are restrained to proceed further with the tender process in respect of the subject matter.

16. With the aforesaid observations, the instant writ petition stand disposed of.

17. Stay application and all pending applications, if any, also stand disposed of.

(ANOOP KUMAR DHAND),J