

Court No. - 32

Case :- WRIT - C No. - 38255 of 2023

Petitioner :- M/S Santoshihyvolt Electricals Pvt Ltd

Respondent :- Union Of India And 2 Others

Counsel for Petitioner :- Ishan Deo Giri, Sarvesh Pandey

Counsel for Respondent :- A.S.G.I., R.P.S. Chauhan

Hon'ble Salil Kumar Rai, J.

Hon'ble Surendra Singh-I, J.

1. The present petition has been filed challenging the order dated 21.09.2023 passed by respondent no. 3, Deputy Chief Electricals Engineer, Central Organization for Railway Electrification (CORE), and the previous show cause notices dated 16.05.2023 and 08.08.2023 issued to the petitioner before the order dated 21.09.2023. Through order dated 21.09.2023, the petitioner firm has been delisted from the list of approved vendors for manufacture and supply of uninsulated copper cadmium catenary wire for a period of one year from the date of order.

2. The petitioner has pointed out certain illegalities in the procedure followed by the concerned authority before passing the order dated 21.09.2023 and has also argued that the order is non-speaking order inasmuch as it does not consider the objections filed by the petitioner to the show cause notice. However, from a perusal of the documents annexed with the writ petition, it transpires that the petitioner has already filed an appeal dated 03.10.2023 against the impugned order before the respondent no. 2, General Manager, Central Organisation for Railway Electrification (CORE).

3. As the appeal is still pending before the respondent no. 2, therefore, it is not an appropriate case for consideration under Article 226 of the Constitution of India at this stage as all arguments available to the petitioner against the impugned order can be raised in appeal also.

4. The petition is disposed of with direction to the respondent no. 2, General Manager, Central Organisation for Railway Electrification (CORE) to decide the appeal filed by the petitioner as referred above as expeditiously as possible and in any case by 31.12.2023.

5. The order has been passed in the presence of Sri R.P.S. Chauhan representing the respondents/Central Government.

Order Date :- 17.11.2023

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