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| Supplementary List-I |
| Serial No. 163       |

**IN THE HIGH COURT OF JAMMU & KASHMIR AND  
LADAKH  
AT JAMMU**

WP(C) No. 3210/2023  
CM No. 7775/2023

Date of pronouncement : 18.11.2025  
Uploaded on : 20.11.2025

M/s New India Traders  
.....Petitioner

Through:- Mr. Manik Mahey, Advocate.

**V/s**

Union of India & Ors.  
.....Respondents

Through:- Mr. Vishal Sharma, DSGI with  
Mr. Eishaan Dadhichi, CGSC.

**CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE**  
**JUDGMENT (ORAL)**

**01.** The petitioner came to this Court with the present writ petition bearing a status of removed contractor from approved list of contractors of Military Engineer Services (MES) in terms of impugned communication No. 42590/C-166/29/E8 dated 02.08.2023. A decision of said nature at the end of Headquarters, Chief Engineer, Northern Command actually is an order of civil consequence and that is the reason that there is a provision provided in Manual of Contracts in its clause 10 of an appeal to an aggrieved contractor removed from the approved list and the appellate authority is Engineer-in-Chief.

**02.** The petitioner, who is a class 'C' enlisted contractor, instead of approaching the Engineer-in-Chief, the appellate authority, came to this Court with the present writ petition filed on 21.12.2023.

**03.** Given the tone and tenor of the impugned communication, it surely involves technical evaluation of the matter as to the reasoning attending the disqualification or de-listing of the petitioner from the approved list which this Court may not be fit enough to deal with vis-à-vis the original order as it obtains unless and until the petitioner exhausts the remedy of appeal stating legal and factual aspects to challenge the impugned order and then invite the adjudication of the appellate authority which then can afford a cause of action for the petitioner to bring under judicial review the decision making at the end of the two tiers of the adjudication original as well as appellate.

**04.** Accordingly, this writ petition is ***disposed of*** with liberty in favour of the petitioner to prefer an appeal in terms of Clause 10 to the Engineer-in-Chief within a period of 15 days from the date of passing of this order, whereupon the Engineer-in-Chief shall hear the petitioner in terms of his appeal filed by allowing him reasonable opportunity of submissions/hearing in person as well and *dispose of* the appeal within a period of next one month.

**05.** Needless to say that the *disposal* of the petitioner's appeal by the Engineer-in-Chief has to bear reasons by reference to the facts and circumstances of the case supporting the reason/s.

**06.** It is made clear that the period spent during the pendency of the writ petition or before filing of the writ petition shall not be counted against the petitioner in the matter of filing of appeal before Engineer-in-Chief.

**07.** The petitioner shall be entitled to take all possible grounds of objections vis-à-vis its removal from the list. It is expected from the appellate authority that it would consider the matter prejudice free application of mind, both on facts and circumstances, as may come to be agitated by the petitioner in his memo of appeal and also drawn from the record of the case.

**08.** ***Disposed of*** along with connected application(s).

**09.** A copy of this order be provided to learned counsel for the parties by the Registrar Judicial, Jammu for the sake of notice and compliance.

**(RAHUL BHARTI)**  
**JUDGE**

**JAMMU**  
**18.11.2025**

*Bunty*

Whether the judgment is speaking: Yes/No

Whether the judgment is reportable: Yes/No