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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 3702 of 2026

Applied Communications And Controls Address 506, Crown Heights, Hotel Crowne Plaza Complex, Sector 10 Rohini, Delhi 110085 Through Its Proprietor Shiv Kumar Sharma, Aged 60 Years, S/o Late Shri Chiranji Lal Sharma, Reg. Office At 506, 5th Floor Crown Heights, Hotel Crown Plaza Delhi 110085

... Petitioner

versus

State of Chhattisgarh Through Director General Of Police, Police Headquarters, Chhattisgarh Sector-19, Atal Nagar, Nawa Raipur, Chhattisgarh 492002

... Respondent

For Petitioner : Mr. Anup Majumdar, Senior Advocate
assisted by Mr. Bhola Nath Nande, Advocate
For Respondent/State : Mr. Shashak Thakur, Additional Advocate General

Hon'ble Shri Krushna Ram Mohapatra, Chief Justice
Hon'ble Shri Santosh Sharma, Judge

Judgment on Board

Per Krushna Ram Mohapatra, Chief Justice

08.10.2026

- 1 Heard Mr. Anup Majumdar, learned Senior Counsel assisted by Mr. Bhola Nath Nande, learned counsel for the Petitioner as well as Mr. Shashank Thakur, learned Additional Advocate General, appearing for the State/respondent.
- 2 The Petitioner, in this writ petition prays for the following reliefs :-

“10.1 That this Hon'ble High Court may be kind enough to call for the records of Respondent pertaining to the case, in the interest of justice.

10.2 That this Hon'ble High Court may be kind enough to issue a writ of Certiorari or a writ, order or direction in the nature of Certiorari to quash/set aside the impugned order dated 16.06.2026 (Annexure P/1) passed by the Respondent, thereby setting aside the order of blacklisting, forfeiture of security deposit and direction for removal of alleged deficiencies issued against the Petitioner,

10.3 That this Hon'ble High Court may be kind enough to direct the respondent authority to allow the Petitioner to participate in future tenders, in the interest of justice.

10.4 That this Hon'ble High Court may be kind enough to issue an appropriate writ, order or direction that no coercive action be initiated and/or continued by the Respondent till finality of arbitration proceedings, pending between the parties;

10.5 That this Hon'ble High Court may be kind enough to pass any other order(s) which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

- 3 Mr. Majumdar, learned Senior Counsel submits that the Petitioner was the successful bidder for erection of 33 towers by the Police Department. He completed the towers within the time stipulated. But payment was made in respect of 13 towers only to the Petitioner. On enquiry, the Petitioner was intimated that other 20 towers were not as per the specifications given in the NIT. It is also submitted that the towers for which payments have been made are as per the specifications in the NIT. He further submits that for non-payment of the contractual amount, an Arbitration proceeding is pending. But, at this juncture, letter dated

26.02.2026 (Annexure – P/34) was issued intimating therein that if the deficiencies in respect of rest 20 towers are not removed by 15th March, 2026 then the security deposit will be forfeited and action to blacklist the Petitioner will be taken. It is submitted that without issuing any specific notice to show-cause to blacklist the Petitioner, the Petitioner has been blacklisted vide order dated 16.06.2026 (Annexure – P/1). It is his submission that before blacklisting the Petitioner, the Petitioner should have at least been served with a show-cause notice, which was not done in the instant case. As such, the order under Annexure – P/1 is not sustainable in the eye of law, which was passed without serving any notice to show-cause for blacklisting the Petitioner and also without providing any opportunity before the plenary measure was taken.

- 4 Mr. Thakur, learned Additional Advocate General submits that in letter under Annexure P-34, details of deficiency in respect of 20 towers have been provided and the Petitioner was given an opportunity to rectify the same by 15th March, 2026. It was also indicated therein that if the Petitioner does not remove the defects by the stipulated date then the security deposit will be forfeited and it will be blacklisted. In terms of the said letter / notice, impugned order under Annexure – P/1 has been passed, which is in accordance with law following the procedure. He further submits that in its letter dated 12.08.2025 (Annexure – P/25), the Petitioner has admitted that 20 numbers of tower were erected

without adhering to the specifications given in the NIT. The Petitioner also prayed for short time to rectify the same. Hence, he submits that there is no infirmity in the impugned order under Annexure – P/1.

- 5 Taking note of the submissions made by learned counsel for the parties, this Court finds that vide letter under Annexure – P/34, an opportunity was given to the Petitioner to rectify the defects by 15th March, 2026 failing which, it was indicated therein that its security deposit will be forfeited and proceeding for blacklisting the Petitioner would be initiated. Thereafter no proceeding for blacklisting the Petitioner has been apparently initiated before communicating the order under Annexure – P/1, wherein the Petitioner has been blacklisted. No independent notice to show-cause was issued to the Petitioner before taking a decision under Annexure - P/1. The Petitioner was also not given an opportunity to show-cause detailing the work done and confirming its stand that the towers were erected as per the specification given in the NIT. In that view of the matter, we find that the notice under Annexure – P/1 is violative of principles of natural justice. It also bad for not providing an opportunity to the Petitioner to show-cause. The Tender Inviting Authority should have at least provided an opportunity to the Petitioner to show-cause as to why it should not be blacklisted.
- 6 In view of the above, this Court sets aside the order of blacklisting under Annexure – P/1. However, Annexure – P/1 appears to have

contained the grounds for which it was blacklisted. Hence, in order to avoid further delay, it is directed that the Petitioner shall file its show-cause reply within a period of 30 days treating the order under Annexure – P/1 to be a notice to show-cause for blacklisting the Petitioner and upon receipt of show-cause reply, the authority shall proceed in the matter in accordance with law, if necessary, providing an opportunity of hearing to the Petitioner.

- 7 With the aforesaid observations and directions, the Petition stands allowed to the aforesaid extent.

Sd/-
(Santosh Sharma)
Judge

Sd/-
(Krushna Ram Mohapatra)
Chief Justice