



CNR: KAHC010241212026

NC: 2026:KHC:42000
WP No. 11108 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 11108 OF 2026 (GM-TEN)

BETWEEN:

M/S GLOBAL AGENCY
OFFICE AT 53/A, 1ST CROSS,
4TH BLOCK, BSK 3RD STAGE,
3RD PHASE, BANGALORE-560085
REP. BY ITS MANAGING PARTNER
SATISH CHIMBILI

...PETITIONER

(BY SRI. VASU DEVA NAIDU S., ADVOCATE)

AND:

THE UNION OF INDIA
REP. BY

1. THE GENERAL MANAGER,
SOUTH WESTERN RAILWAY,
RAIL SOUDHA, GADAG ROAD
HUBBALLI- 560020
2. THE SR. DIVISIONAL MECHANICAL ENGINEER,
BANGALORE DIVISION,
SOUTH WESTERN RAILWAY,
BENGALURU-560023

...RESPONDENTS

(BY SRI. A. CHANDRA CHUD., CGC FOR R2;
NOTICE YET BE ORDERED IN R/O R1)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227
OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF
CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR

Digitally signed
by SHWETHA
RAGHAVENDRA
Location: HIGH
COURT OF
KARNATAKA



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DIRECTION, QUASHING AND SETTING ASIDE.(I) THE TERMINATION NOTICE DATED 24.03.2026 BEARING NO. B/M.271/CONT/LINEN/YPR/SBC/04 ISSUED BY THE 2ND RESPONDENT AND MARKED AS ANNEXURE-A AND ETC.

THIS WRIT PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. Sri.A.Chandra Chud, learned counsel who has filed caveat for respondent No.2 accepts notice for respondent No.1 also.

2. The petitioner is before this Court seeking for the following reliefs;

a) Issue a writ of certiorari or any other appropriate writ, order or direction, quashing and setting aside:

(i) The termination notice dated 24.03.2026 bearing No. B/M.271/Cont/Linen/YPR/SBC/04 issued by the 2nd Respondent and marked as Annexure-A.

(ii) The consequential action of banning/blacklisting/debarring the Petitioner from participating in tenders/business dealings for a period of 2 years, as being illegal, arbitrary and violative of Articles 14 and 19(1)(g) of the Constitution of India.

b) Declare that the action of the Respondents in terminating the contract and imposing a ban/blacklisting is unlawful, being in violation of principles of natural justice, non-application of mind and failure to consider force majeure conditions.



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c) Issue a writ of mandamus directing the Respondents to restore the contract awarded to the Petitioner pursuant to Letter of Acceptance dated 23.03.2026 (Annexure-C), and permit the Petitioner to execute the work in terms thereof by granting reasonable time.

d) Pass such other order or direction as this Hon'ble Court may deem fit in the facts and circumstances of the case, in the interest of justice and equity.

3. Challenge in the present writ petition is essentially to the termination notice dated 24.03.2026 issued by respondent no.2 at Annexure-A. The said termination notice comprises of two distinct parts. Firstly, it terminates the contract awarded to the petitioner and secondly has debarred the petitioner from participating in any tender floated by the Bengaluru Division of South Western Railway for a period of two years.
4. Normally, this Court intervenes in tender matters at the pre-contractual stage on the ground of arbitrary clauses or the like. In the present case, a contract having been entered into what has been challenged is a termination. In that view of the matter, the aspect of termination would have to be adjudicated as per the contractual terms in the applicable law. A challenge to a termination cannot be made by way of a writ petition which would require adjudication of disputed question of fact.



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5. Insofar as the debarment is concerned, a perusal of the papers does not indicate any prior notice having been issued by the respondent, expressing its intent of debarment of the petitioner as required by the dicta laid down by the Hon'ble Apex Court in the case of ***Tata Cellur vs. Union of India***¹. In that view of the matter, without issuance of such a notice and calling upon the petitioner as to why he ought not to be debarred, a debarment order could not have been passed by the respondent. As such, this Court passes the following:

ORDER

- i) The writ petition is ***allowed in part***.
- ii) The termination of the contract is not disturbed.
- iii) The termination notice dated 24.03.2026 insofar as debarring the petitioner is set aside.
- iv) Liberty is reserved to the respondent/s to issue a show cause notice to the petitioner in terms of the applicable law, follow the due procedure and take necessary action.

**Sd/-
(SURAJ GOVINDARAJ)
JUDGE**

¹ (1994) 6 SCC 651