

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWPIL No. 97 of 2025
Decided on : 10.09.2026

Contractors Welfare Association

...Petitioner

Versus

State of H.P. and others

...Respondents.

Coram

Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice.

Hon'ble Mr. Justice Bipin Chander Negi, Judge.

Whether approved for reporting?¹

For the petitioner : Mr. Ganesh Barowalia, Advocate.

For the respondents : Mr. Rakesh Dhaulta, Additional Advocate General, for respondents No. 1 to 6/State.

: Mr. Suneet Goel, Sr. Advocate, with Mr. Vivek Negi and Mr. Vishwas Kaushal, Advocates, for respondent No.7.

G.S. Sandhawalia, Chief Justice (Oral)

The present Public Interest Litigation seeks initiation of vigilance/penal proceedings against Sanjeev Kapoor, subsequently impleaded as respondent No. 7, for forgery and falsification of official records and for removal/blacklisting, apart from other prayers.

2. In the petition, it has been mentioned that the petition has been filed by the Association through its President, Shri Satish Kumar Vij, who has no personal interest in the litigation and is not guided by self-gain. It has also been mentioned that the Association agrees to pay the costs, if any, imposed by the Court, and undertakes to abide in that respect. A specific prayer has been made for setting aside the office

¹ *Whether the reporters of the local papers may be allowed to see the Judgment? Yes*

order dated 3rd of April, 2025 (Annexure P-4), whereby short-term debarment had been done by the official respondent No. 5, and to take action against the said respondent.

3. When the petition came up before the Court on 24.09.2025, from the perusal of pleadings, we had directed that an appropriate application be filed to implead the contractor against whom action was sought to be taken, since the order dated 3rd of April, 2025 (Annexure P-4) pertained to the work which had been done by Sanjeev Kumar, contractor, who had been debarred from participating in the tender process for three months on account of wrong uploading of documents for the tender process, and which allegations had been found to be substantiated.

4. Resultantly, the application was filed and the said person was impleaded as respondent No. 7. We had, on 15th October, 2025, also directed the petitioner to deposit a sum of Rs. 2,00,000/- with the Chief Justice Disaster Relief Fund to show its bona fides. The said amount was duly deposited. On account of that, notice was issued and the parties had put in appearance.

5. Counsel for respondent No. 7 has raised a preliminary objection regarding the maintainability of the writ petition on account of personal rivalry in question, and in view of the Himachal Pradesh High Court Public Interest Litigation Rules, 2021, notified on 4th of October, 2021, which had been framed in pursuance of the judgment of the Apex

Court in ***State of Uttarakhand v. Balwant Singh Chauhan and others, (2020) 3 SCC 402.***

6. In the reply filed by respondent No. 7, it is specifically averred that the President of the petitioner-Association had issued a cheque of Rs. 20,00,000/- dated 4th of April, 2024, which was the subject matter of litigation initiated on a complaint under Section 138 filed by the son of the private respondent, namely Himanshu Kapoor. Copy of the complaint, (Annexure R-7/1), dated 20th of July, 2024, under Section 138 read with Section 142 of the Negotiable Instruments Act, 1881, has been placed on record.

7. Thus, it was pleaded that the Public Interest Litigation is nothing but a ploy on the part of the said President to pressurize the private respondent to withdraw the complaint, and that the President of the Association cannot use Public Interest Litigation to settle his personal scores. Justification had been given that when the tender in question was issued, the respondent's mother had passed away and staff members had uploaded the bid, due to which a wrong work-done certificate had been issued, on the basis of which the order was passed on 3rd of April, 2025 (Annexure R-7/6). It is accordingly pleaded that the Court cannot be used as a tool to settle personal scores or business rivalries amongst contractors by filing Public Interest Litigation.

8. An interim application bearing CMP No. 31088 of 2025 was also filed, seeking that the private respondent/non-applicant be permitted to participate in two tenders and relief was sought that his financial bid

be not opened during the pendency of the present case. We had directed on 18th December, 2025 to file an affidavit as to which of the members of the petitioner-Association had applied for the tenders mentioned in the said paragraph of the application.

9. As per the affidavit filed, it has now transpired that for the two tenders in question, for one of the tenders, Lov Vij and Naresh Vij are also applicants, and for the other tender, Lov Vij is an applicant, who are apparently close relatives of the President of the petitioner-Association, apart from the fact that the private respondent was also an applicant in both the tenders. It is thus apparent that it is a classic case of professional rivalry which is sought to be settled through the process of the Court, and by way of Public Interest Litigation, which cannot, as such, be countenanced in any manner.

10. The Apex Court in ***Janata Dal v. H.S. Chowdhary and others, (1992) 4 SCC 305***, has held that Public Interest Litigation is for a class or community who cannot approach the Court and for the betterment of the public, and cannot be used for vindicating personal grievances. In ***Ashok Kumar Pandey v. State of W.B., (2004) 3 SCC 349***, the Apex Court held that PIL is a weapon to be used with great care, and in appropriate cases, exemplary costs are to be imposed.

Relevant extract whereof reads as under:-

“12. Public interest litigation is a weapon which has to be used with great care and circumspection and the judiciary has to be extremely careful to see that behind the beautiful veil of public interest an ugly private malice, vested interest and/or publicity seeking is not lurking. It is to be used as an effective weapon in the armory of law for delivering social justice to the citizens. The attractive brand name of public

interest litigation should not be used for suspicious products of mischief. It should be aimed at redressal of genuine public wrong or public injury and not publicity oriented or founded on personal vendetta. As indicated above, Court must be careful to see that a body of persons or member of public, who approaches the court is acting bona fide and not for personal gain or private motive or political motivation or other oblique consideration. The Court must not allow its process to be abused for oblique considerations. Some persons with vested interest indulge in the pastime of meddling with judicial process either by force of habit or from improper motives. Often they are actuated by a desire to win notoriety or cheap popularity. The petitions of such busy bodies deserve to be thrown out by rejection at the threshold, and in appropriate cases with exemplary costs.

13.....X.....X.....X.....X.....

14. The Court has to be satisfied about (a) the credentials of the applicant; (b) the prima facie correctness or nature of information given by him; (c) the information being not vague and indefinite. The information should show gravity and seriousness involved. Court has to strike balance between two conflicting interests; (i) nobody should be allowed to indulge in wild and reckless allegations besmirching the character of others; and (ii) avoidance of public mischief and to avoid mischievous petitions seeking to assail, for oblique motives, justifiable executive actions. In such case, however, the Court cannot afford to be liberal. It has to be extremely careful to see that under the guise of redressing a public grievance, it does not encroach upon the sphere reserved by the Constitution to the Executive and the Legislature. The Court has to act ruthlessly while dealing with imposters and busy bodies or meddlesome interlopers impersonating as public-spirited holy men. They masquerade as crusaders of justice. They pretend to act in the name of Pro Bono Publico, though they have no interest of the public or even of their own to protect.

15. X.....X.....X.....X.....X.....

16 As noted supra, a time has come to weed out the petitions, which though titled as public interest litigations are in essence something else. It is shocking to note that Courts are flooded with large number of so called public interest litigations where even a minuscule percentage can legitimately be called as public interest litigations. Though the parameters of public interest litigation have been indicated by this Court in large number of cases, yet unmindful of the real intentions and objectives, Courts are entertaining such petitions and wasting valuable judicial time which, as noted above, could be otherwise utilized for disposal of genuine cases. Though in Dr. Duryodhan Sahu & others Vs. Jitendra Kumar Mishra & others, (AIR 1999 SC 114), this Court held that in service matters PILs should not

be entertained, the inflow of so- called PILs involving service matters continues unabated in the Courts and strangely are entertained. The least the High Courts could do is to throw them out on the basis of the said decision. The other interesting aspect is that in the PILs, official documents are being annexed without even indicating as to how the petitioner came to possess them. In one case, it was noticed that an interesting answer was given as to its possession. It was stated that a packet was lying on the road and when out of curiosity the petitioner opened it, he found copies of the official documents. Whenever such frivolous pleas are taken to explain possession, the Court should do well not only to dismiss the petitions but also to impose exemplary costs. It would be desirable for the Courts to filter out the frivolous petitions and dismiss them with costs as aforestated so that the message goes in the right direction that petitions filed with oblique motive do not have the approval of the Courts."

11. The Apex Court being aware of the misuse by busybodies for extraneous and ulterior motives, in ***Balwant Singh Chaufal and others*** (supra), issued direction to the High Courts to frame rules, which have accordingly been done.

12. Apparently, under Part III and Rule 9(1)(b), a specific averment had to be made that the petitioner had no personal interest. The necessary averments had been made that they are not guided by self-gain or gain for any person, institution, or body, and that there is no motive. It is thus apparent that the said averments were made solely for the purpose of ensuring that the petition is listed, as the Registry would not list the writ petition without the requisite averments. In such circumstances, we are of the considered opinion that this is a frivolous litigation, and the jurisdiction of PIL has been grossly misused to settle personal scores by rival contractors for professional rivalries.

13. A perusal of the order dated 3rd of April, 2025 would further go on to show that the objections had been raised by Lov Vij and

Satish Vij, on the basis of which action was initiated against respondent No. 7. Accordingly, we do not find the present petition to be maintainable and dismiss the same with exemplary costs of Rs. 2,00,000/- (Rupees Two Lakhs); Rs. 1,00,000/- be deposited in the High Court Employees Welfare Association Fund and Rs. 1,00,000/- in the IGMC Poor Patients Fund out of the money deposited by the petitioner-Association. Pending miscellaneous applications, if any, also stands disposed of.

(G.S. Sandhawalia)
Chief Justice

(Bipin Chander Negi)
Judge

10th September, 2026
(Tarun Singh)