

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

**FRIDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NO: 33794 OF 2014

Between:

M/s SPM Power AND Telecom Private Limited, Plot No. A-28/1/12, Road No.15, IDA Nacharam, Hyderabad. Rep. by its Director-Operations Anil Jain

...PETITIONER

AND

1. Union of India, Rep. by its Secretary Ministry of Railways, New Delhi.
2. Research Designs and Standard Organization, Under Ministry of Railways, Manak Nagar, Lucknow, Rep. by its Director General

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to Issue a writ, order or direction more particularly one in the nature of Writ of Mandamus to declare the action of the respondent No.2 in issuing the impugned proceedings No. RDSO/2007/QS/Cable/ 1207.Vol-III dated 6.6.2014 in temporarily delisting the petitioner company from approved list of firms for manufacture and supply of electrical signaling and telecom items as arbitrary, illegal and consequently set aside the impugned proceedings No. RDSO/2007/QS/Cable/1207.Vol-III dated 6.6.2014 issued by the 2nd respondent in the interest of justice.

I.A. NO: 1 OF 2014(WPMP. NO: 42281 OF 2014)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased suspend the impugned proceedings No. RDSO/2007/QS/Cable/1207.Vol-III dated 6.6.2014 issued by the 2nd respondent by directing the 2nd respondent to consider the tenders submitted by the petitioner pending disposal of the writ petition in the interest of justice.

Counsel for the Petitioner: SRI. P NAGENDRA REDDY

Counsel for the Respondents: SRI P BHASKAR SC FOR RAILWAYS

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION No.33794 OF 2014

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking the following relief:

“...to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus to declare the action of the respondent No.2 in issuing the impugned proceedings No.RDSO/2007/QS/Cable/1207.Vol-III, dated 06.06.2014 in temporarily delisting the petitioner company from ‘approved list of firms for manufacture and supply of electrical signalling and telecom items’, as arbitrary, illegal and consequently set aside the impugned proceedings No. RDSO/2007/QS /Cable /1207.Vol-III, dated 06.06.2014, issued by respondent No.2...”

2. The petitioner is a Company registered under the provisions of the Indian Companies Act, established industry for manufacture and supply of cable to the Railways, Telecom Department and other Companies. It is the case of the petitioner that it has been granted for the extension of Type approval and it is in the approved list of part-I gradation. While so, respondent No.2 issued show-cause notice No.RDSO/2008/QS/Cable/1207 Vol.III, dated 24.04.2014 to the petitioner-company stating that after scrutiny, the field samples of PVC Insulated Armoured, Unscreened,

Underground Railway Signalling Cable as per Specification No.IRS:S-63/2007 received from the petitioner-company are not up to the standards of the terms and conditions of the Agreement and as such directed the petitioner-company to show cause as to why punitive action of temporary deletion for subject item should not be taken against the company. Thereafter, the respondent No.2 issued proceedings No.RDSO/2007/QS/ Cable/ 1207.Vo1-III, dated 06.06.2014 temporarily delisting the petitioner-company for the item PVC Insulated Armoured, Unscreened, Underground Railway Signalling Cable as per Specification No.IRS:s-63/2007 (Amdt.3).

3. The contention of the petitioner-company is that the respondent No.2 issued the impugned proceedings dated 06.06.2024 without conducting any enquiry and without providing an opportunity of hearing and therefore, the action of the respondent No.2 in temporarily delisting for supply of 'Electrical Signaling and Telecom Items', amounts to gross violation of principles of natural justice and not inconsonance with the terms and conditions of the agreement.

4. A careful examination of the impugned proceedings, dated 06.06.2014 reveals that except referring to the show cause notice, dated 24.04.2014, respondent No.2 has not assigned any valid reasons for Delisting of the petitioner-company for supply of the subject items. As the impugned proceedings issued by the respondent No.2 is not preceded by any enquiry and also without providing an opportunity of hearing and bereft of reasons, the same is liable to be set aside on the sole ground of violation of principles of natural justice.

5. Accordingly, the Writ Petition is allowed and the impugned proceedings dated 06.06.2024 issued by the respondent No.2 is set aside, leaving it open to the respondents to conduct fresh enquiry, if the temporary ban imposed on the petitioner-company is not lifted as on date. There shall be no order as to costs.

Miscellaneous petitions if any, pending in this Writ Petition shall stand closed.

//TRUE COPY//

SD/-N. SRIHARI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. Union of India, Secretary Ministry of Railways, New Delhi.
2. Research Designs and Standard Organization, Under Ministry of Railways, Manak Nagar, Lucknow, Rep. by its Director General
3. One CC to SRI. P NAGENDRA REDDY Advocate [OPUC]
4. One CC to SRI. P BHASKAR SC FOR RAILWAYS [OPUC]
5. Two CD Copies

KKS
GJP

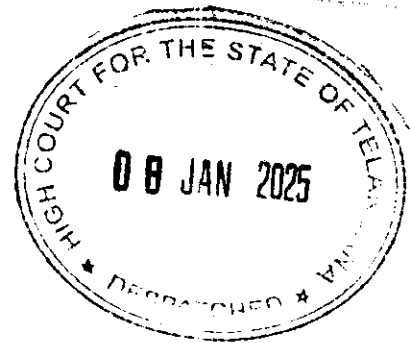
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HIGH COURT

DATED:19/07/2024

ORDER

WP.No.33794 of 2014



**ALLOWING THE WRIT PETITION
WITHOUT COSTS**

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