

ML 206
14.05.2025
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 1746 of 2025

**M/s. Goel and Goel
-versus
Union of India & Ors.**

**Mr. Aniruddha Chatterjee,
Ms. Gargi Goswami,
Mr. Sourav Guchhait.
...For the Petitioner.**

**Mr. Rivu Dutta,
Mr. Subrata Satra,
Mr. Rhitam Chatterjee.
...For the Respondents.**

1. The petitioner is aggrieved by the order of debarment dated 14th November, 2024 passed by the Assistant Commercial Manager debarring the petitioner from participating in all catering contracts of the Indian Railways including IRCTC for a period of five years and the security deposit of the petitioner has been forfeited. The said order was passed as the petitioner failed to clear the outstanding licence fee.

2. From the documents annexed to the writ petition, it appears that the contract of the petitioner stood terminated at the request of the petitioner with effect from 16th August, 2022 and the period for which the licence fee was due was 19th November, 2020 to 15th August, 2022.

3. A supplementary affidavit has been filed by the petitioner in support of the submission that all dues of the petitioner have since been cleared and there is no outstanding in favour of the railways from the end of the petitioner.

4. The prayer for withdrawal of the debarment order has been rejected by the authority with the observation that there is no rule for withdrawal/cancellation of the debarment notice which has been issued. Prayer has been made to direct the authority to withdraw/revoke the order of debarment.

5. Learned advocate appearing on behalf of the respondent authority submits, upon instructions that, the rule does not permit withdrawal/cancellation of the debarment notice. The outstanding licence fee was paid by the petitioner only after the order of debarment was passed. The authority is not inclined to withdraw/cancel the order of debarment.

6. I have heard the submissions made on behalf of both the parties and perused the materials on record.

7. The order of debarment was passed on the ground of non-payment of outstanding licence fee. After the said order was passed in November 2024, the petitioner cleared the dues in February 2025.

8. The order of debarment appears to have been passed without providing any opportunity of hearing to the petitioner to put forward its case.

9. The same amounts to violation of principle of natural justice.

10. Keeping in view that the petitioner has cleared the outstanding licence fee, the matter is remanded back to the Senior Divisional Commercial Manager being the respondent no. 3 herein to revisit the issue as to whether the order of debarment is required to be continued in the facts and circumstances of the instant case.

11. An opportunity of hearing shall be given to the petitioner prior to passing any further order in this matter.

12. The respondent no. 3 shall take a decision in the matter at the earliest but positively within a period of four weeks from the date of communication of this order.

13. A reasoned order shall be passed and communicated to the petitioner immediately thereafter.

14. The writ petition stands disposed of.

15. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)