

17-07-2025  
Item No.12  
**Subrata**  
**Bhattacharyya**  
**AR(C)**

**IN THE HIGH COURT AT CALCUTTA**

Constitutional Writ Jurisdiction  
Appellate Side

**WPA No.10932 of 2025**  
**Harshadbhai Kapurchand Bhimani**

**-vs-**

**Garden Reach Shipbuilders and Engineers Limited & Anr.**

Mr. Shayak Mitra  
Mr. Mehboob Rahman ...for the petitioner

Mr. Shounak Mukhopadhyay  
Mr. Kallol Saha  
Mr. Akash Ghosh  
Ms. Anisha Saha ...for the respondents

1. The petitioner is aggrieved by a notice of tender holiday and suspension of business dated March 26, 2025 issued by Garden Reach Shipbuilders and Engineers Limited (GRSE) restricting the business activity with the petitioner for a minimum period of thirty-six months.
2. It is submitted that the aforesaid notice has been issued without affording any prior opportunity of hearing to the petitioner. Violation of the principle of natural justice has been pleaded.
3. It has been pleaded that the maximum penalty that can be imposed upon an erring contractor is thirty-six months. The authority has imposed the highest period of penalty as the minimum period of suspension.
4. The petitioner further contends that the tender holiday and suspension is beyond the policy of the authority. Prayer has been made to set aside the impugned notice.
5. Learned counsel for the respondents opposes the

allegations of the petitioner and submits that there is a provision for submitting representation seeking review of the order of restriction of business. The petitioner has not applied for review of the said order.

6. It has further been contended that the show-cause notice was issued to the petitioner in 2023 and that several notices were given to the petitioner highlighting his laches.
7. I have heard the respective submissions advanced on behalf of both the parties and perused the documents placed before this Court.
8. It appears that the impugned notice is styled as a 'tender holiday and suspension of business' for a minimum period of thirty-six months. Plainly said, the same amounts to banning the petitioner from performing any business with GRSE for a minimum period of thirty-six months.
9. The subject ban has civil implications. Not granting opportunity of hearing prior to issuing the impugned notice amounts to violation of the principle of natural justice. The petitioner ought to have been granted an opportunity of hearing prior to passing any order of suspending business or putting the petitioner on a tender holiday.
10. In view thereof, the impugned notice cannot be sustained in law. The same is liable to be set aside and is hereby set aside.
11. The concerned authority of GRSE may proceed to deal with the petitioner in accordance with the relevant rules/ guidelines/policy and afford an opportunity of hearing to the petitioner if any coercive action is contemplated against him.
12. The writ petition stands disposed of.

13. Exception by the petitioner to the report filed by the respondents has been filed in the department on July 11, 2025. Let the same be tagged with the records.
14. Affidavit of service filed in Court be taken on record.
15. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
16. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]