

28
03.09.2025
d.p.

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

W.P.A 13237 of 2025

**M/s. Totco
-versus
The Union of India & Ors.**

**Mr. Sattwik Bhattacharyya,
Mr. Ashutosh Bhattacharyya,
Mr. Aritra Roy,
Mr. Titas Niyogi,
Ms. Reshma Sharma.
...For the Petitioner.**

**Mr. Ajit Kumar Chaubey,
Mr. Vinayak Chaubey.
...For the Respondents.**

1. The petitioner is aggrieved by the act on the part of the respondents in not permitting the petitioner to participate in any tender process since the petitioner has been banned.

2. Challenging the order of ban, the petitioner approached this Court by filing a writ petition and being aggrieved by the order passed by the Learned Single Judge, the petitioner preferred an appeal before the Hon'ble Division Bench. The Hon'ble Division Bench vide judgment dated 21st April, 2025 was pleased not to interfere with the order of ban.

3. The petitioner submits that in view of the order passed by the Hon'ble Division Bench, the issue of ban is currently pending adjudication before the Arbitrator.

4. It has been submitted that the petitioner cannot be banned for eternity. The authority ought to

permit the petitioner to participate in the bidding process.

5. Reliance has been placed on the judgment delivered by the Hon'ble Supreme Court on 4th August, 2025 in Special Leave to Appeal (C) No. 7861 of 2023 in the matter of ***M/S. Mar's Developers and Suppliers – vs- The State of West Bengal & Ors.*** wherein the Court observed that the order of debarment does not specify any period for its operation.

6. Prayer has been made to direct the authority to permit the petitioner to participate in the bidding process.

7. It appears that in the instant case, the authority noticed the slow progress of the petitioner and was not agreeable to allow the petitioner to handle more load. The validity and correctness of the said order is pending consideration before the Arbitrator.

8. As the Hon'ble Division Bench was pleased not to interfere with the order of ban and granted leave to the petitioner to approach the competent forum for remedy and the matter is currently pending before the Arbitrator, accordingly, the Court is not inclined to exercise jurisdiction in the matter.

9. It will be open for the petitioner to pursue the matter before the Arbitrator. It is expected that the Arbitrator will conclude the process at the earliest.

10. The writ petition stands disposed of.

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

(Amrita Sinha, J.)