

3rd September,
2025
(AK)
26

C.P.A.N 1162 of 2025
in
WPA 26136 of 2023

BCPL Railway Infrastructure Limited and another
Vs.
Jeetendra Singh

Mr. Nirmalya Dasgupta
Mr. R.L. Mitra
Ms. Priyanka Dhar

...for the petitioners.

Mr. Dhiraj Trivedi, Ld. DSGI
Mr. Arijit Majumdar

...for the alleged contemnor.

1. The present application for contempt arises out of an order dated November 24, 2023 passed in WPA 26136 of 2023 whereby it was observed that since a strong *prima facie* case has been made out by the writ petitioners, the writ petition should be heard on merits and simultaneously, the Railway Authorities were restrained by an order of injunction from precluding the petitioners from participating in any of the tenders floated by the Railway Authorities in the meantime on the basis of the impugned suspension, subject, of course, to the petitioners otherwise meeting the eligibility criteria.
2. Despite such order and in the teeth of the same, on June 26, 2025, the alleged contemnor made a

communication banning the petitioners for two years from the date of issuance of the banning letter, from participating in any tender process of the railways, on the strength of the very show cause notice and suspension challenged in the writ petition.

3. Learned counsel for the petitioners is justified in arguing that the said banning order, in the teeth of the restraint order of this court, is outright violative of the order of this court.
4. The question which arises is whether the said act was done in willful and deliberate violation of the order of this court.
5. On the last occasion, an opportunity was given to the alleged contemnor to explain as to why the said act was done by banning the petitioners despite the order of this court.
6. In the affidavit-of-compliance filed today, it transpires that the alleged contemnor has cited inter-departmental communication gap in the Railways.
7. It has been stated that the case was received from the Vigilance Directorate on June 3, 2025.
8. The Gati Shakti Directorate of Railway Board, of which the alleged contemnor is the Executive Director, took action on the basis of the said report

of the vigilance and processed the case and a file note was put up by the office of the Gati Shakti Directorate proposing banning of business of railways.

9. Thereafter, following due process, the incriminating banning order dated June 26, 2025 was passed.
10. It is further stated in the affidavit-of-compliance that in the afternoon of July 2, 2025, a contempt notice dated July 1, 2025 was received from the learned Advocate-on-record of the present writ petitioners.
11. After receiving the contempt notice, the matter was examined in detail with reference to the order of this court and it came to light that while the enquiry arising out of the vigilance investigation into the alleged misconduct by the writ petitioner was ongoing, CORE had issued a suspension order for banning business of Railways with the writ petitioners vide order dated November 8, 2023.
12. It is also stated that when these facts came to the notice of the alleged contemnor on July 2, 2025, when it emerged that the banning order of June 26, 2025 had been issued due to inadvertent and *bona fide* mistake because of “non-linking” of the order of this court dated November 24, 2023 and accordingly immediate corrective action was taken

by withdrawing the banning order and ensuring that due compliance with the court's direction was ensured without delay, immediately on July 3, 2025.

13. In the evening of July 3, 2025 itself, that is, a day after the alleged contemnor coming to know of the order of this court, a letter of withdrawal of the banning order dated June 26, 2025 was communicated by the Gati Shakti Directorate to all concerned, including the present petitioners.
14. The same was also conveyed on July 4, 2025 to the learned Advocate-on-record of the petitioners.
15. In the affidavit-of-compliance, the alleged contemnor has also tendered unconditional and unqualified apology for the omission.
16. Upon a consideration of the submissions of parties and going through the materials before the court, including the averments made in the affidavit-of-compliance, this court is satisfied that there was no *mala fide*, deliberate or willful intent behind the act of issuing a further banning letter on June 26, 2025 in violation of the order of injunction passed by this court.
17. Apparently there was an inter-departmental communication gap, which led to the said letter being issued by the alleged contemnor, who was

not the same official who had issued the initial order of suspension which has been challenged in the writ petition.

18. That apart, since unqualified apology has been duly tendered, which does not transpire merely to be a facade to cover up the malicious intent of the alleged contemnor, this court is of the opinion that the benefit of doubt should go to the alleged contemnor.
19. Particularly in view of the perceived contumacious act having been purged by issuing a withdrawal letter on July 3, 2025, that is, within a day from the alleged contemnor coming to know of the order of this court and the contempt application filed in connection therewith, the alleged contemnor should not be further penalized for contempt.
20. CPAN 1162 of 2025 is disposed of in the light of the above observations.

(Sabyasachi Bhattacharyya, J.)