



W.A(MD)No.53 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.03.2025

CORAM :

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.A(MD)No.53 of 2025
and
C.M.P(MD)No.339 of 2025**

M/s.CORE4 Engineers Private Limited,
represented by its Authorised Signatory,
Harsha Kumar CD.
S/o.Dakshina Murthy CC
No.12, First Floor,
Near Ramana Maharshi Gyana Kendra,
K Block, Kuvempunagar,
Mysuru-570023,
Karnataka.

... Appellant

vs.

1. Union of India,
Represented by the General Manager,
Southern Railway,
Park Town,
Chennai-600 003.

2. The Senior Divisional Electrical Engineer,
Madurai Division,
Division Office,
Traction Distribution Branch,
Southern Railway,
Madurai-625 016.

... Respondents



W.A(MD)No.53 of 2025

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 02.12.2024 made in W.P(MD)No.28694 of 2024.

For Appellants : Mr.Y.Prakash
For R1 : Mr.K.Govindarajan
Deputy Solicitor General of India

JUDGMENT

(Judgment of the Court was made by **J.NISHA BANU, J.**)

This writ appeal is filed against the order dated 02.12.2024 made in W.P(MD)No.28694 of 2024.

2. The appellant is a registered Contractor and he was awarded series of contract by the respondents, involving periodical maintenance and breakdown attention of overhead equipment assets and ensuring seamless and uninterrupted railway operations in compliance with established safety and operational standards. The appellant was issued with a letter of acceptance on 18.04.2024, for the above said work for a period of one year from 18.04.2024. Since the appellant failed to commence the work and did not even furnish the performance



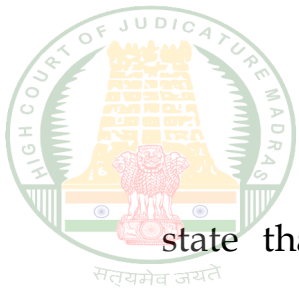
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guarantee even after reminders, the contract awarded to him was terminated by the 2nd respondent by order dated 24.10.2024, besides he was also debarred from participation in the bid for executing any work being tendered by the respondents for a period of two years. Challenging the said order, the appellant filed the writ petition and the Writ Court passed the following order:

"6. Insofar as the termination of contract is concerned, the petitioner is given enough opportunity. Even then, the petitioner failed to complete the condition for letter of acceptance and also contract was rightly terminated. Insofar as debarring the petitioner from participating in the future tender is concerned, the second respondent is directed to serve notice to the petitioner and after giving opportunity to the petitioner herein, pass fresh order in respect of debarring the petitioner from participating in future tender."

Against the said order, the appellant has filed this writ appeal.

3. Today, when the writ appeal was taken up for hearing, the learned Deputy Solicitor General appearing for the respondents would



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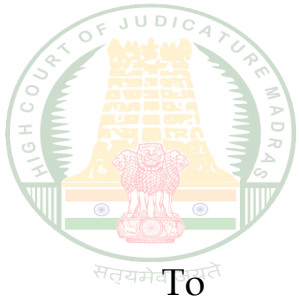
state that the period of contract is going to expire by 17.04.2025.

Therefore, the order of the Writ Court regarding the termination of contract need not be interfered with.

4. Recording the said submission, the Writ Appeal is dismissed confirming the order passed by the Writ Court sustaining the termination of contract awarded in favour of the appellant. Insofar as the debarring of the appellant from participation in any future tender, as rightly pointed out by the Writ Court, since the same has been done without any notice to the appellant, the matter is remanded to the 2nd respondent, who shall serve notice to the appellant and after giving them an opportunity, pass a fresh order in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

[J.N.B, J.] [S.S.Y, J.]
27.03.2025

Index : Yes / No
Neutral Citation : Yes / No
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JUDGMENT MADE IN
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