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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 9446/2025, CM APPL. 39911/2025, CM APPL. 39912/2025,**
CM APPL. 39913/2025

BIKASH KUMAR SINGH AND OTHERSPetitioners
Through: Ms. Pooja Singh, Mr. Vivek
Bhadoria and Mr. Bankim K.
Kulshrestha, Advocates.

versus

NATIONAL HIGHWAYS AND INFRASTRUCTURE
DEVELOPMENT CORPORATION LIMITEDRespondent
Through: Mr. Mritunjay Kr. Singh and Mr.
Saket, Mr. Udai Chaudhary and Mr.
Karn Kumar, Advocates.

CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

% **09.07.2025**

1. The present petition has been filed by the petitioners assailing show cause notices bearing Nos. NHIDCL / ICBR-II / Dogibnal-Gau / Complain / 251470/ 4439 and NHIDCL / ICBR-II / Dogibnal-Gau / Complain / 251470 / 4441 both dated 22.04.2025. The said show cause notices are reproduced as under:-

No. NHIDCL/ICBR-II/Dogibnal-Gau/Complain/251470/ 4439 Date: 22nd April, 2025

To,

Shri. B.K.Singh
Team Leader
Address:- Andama-Village, Dist: Darbhanga, Bihar
Email:- bksinghcandc@gmail.com

Subject: Show-Cause Notice for irregularities in execution of project Supervision Consultant for Construction of High-Altitude Hill Road from Doginala to Gau from KM 0+000 to KM 15+320 in Upper Subansiri District of the State of Arunachal Pradesh on EPC Mode pointed out by nominated technical officer HQ, NHIDCL - Reg.

Whereas a letter dated 04.12.2024 has been received to NHIDCL HQ, making allegation of criminal conspiracy and embezzlement of ₹ 21 Crore in connection with the subject cited project.

2. And whereas NHIDCL has undertaken verification of the matter through an inspection of the project site and it has been found that payment for work done of ₹ 24.28 Cr has been made to the EPC contractor against the stage of "Earthwork up to top of the sub-grade" for 8.85 km length. However, it has been observed at site that works has only been attempted on approximately 1.05 km, which also do not qualify for payment as per Schedule-H.



3. And whereas the above said act of making excess payment for unexecuted work at site by breaching the provisions of Contract Agreement has caused the material adverse effect to the NHIDCL, and tantamount to defrauding the Government, causing financial loss to the Government exchequer and misappropriation of public fund.

4. In light of the above, you are hereby show-caused to explain the irregularities pointed out above for subject cited project as to how the excess payments have occurred in project and explain as to why your firm may not be debarred for 03 (three) years.

5. Your reply duly supported by documentary evidence should reach to undersigned within 15 days from the date of issue of this letter otherwise it will be presumed that you have failed to perform the assigned duties.

TRUE COPY


(Trivendra Kumar)
Executive Director, NHIDCL

No. NHIDCL/ICBR-II/Dogibnal-Gau/Complain/251470/ 444

Date: 22nd April, 2025

To,

Shri. Kesab Chandra Jena
Sr. Quality Material Engineer
Address:- S/o Mohan Jena, Dasipur,
Ballipadar, Ganjam Odissa-761117
Email:- kesabchandra.jena95@gmail.com

Subject: Show-Cause Notice for irregularities in execution of project Supervision Consultant for Construction of High-Altitude Hill Road from Doginjala to Gau from KM 0+000 to KM 15+320 in Upper Subansiri District of the State of Arunachal Pradesh on EPC Mode pointed out by nominated technical officer HQ, NHIDCL - Reg.

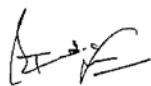
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(Trivendra Kumar)
Executive Director, NHIDCL



2. Learned counsel for the petitioners submits that the petitioners in their individual capacity cannot be fastened with any responsibility whatsoever for the allegations referred to in the show cause notices even if they are assumed to be true. As such, it is submitted that it is wholly misconceived to issue show cause notices to the petitioners in their individual capacity.
3. It transpires that the petitioners have already responded to the aforesaid show cause notices. In their reply, the relevant factual position is stated to have been set out by the petitioners.
4. After some hearing, it is acceded by the learned counsel for the respondent that the reply submitted by the petitioners would necessarily be considered by the respondent and an opportunity of hearing shall also be afforded to the petitioners. Thereafter, a reasoned order shall be passed disposing of the aforesaid show cause notices issued to the petitioners.
5. The above redresses the grievance of the petitioners in the present petition; the same is, accordingly, disposed of.
6. Needless to say, in case the petitioners are aggrieved with the outcome of the aforesaid exercise, they would be at liberty to avail appropriate remedies under law.
7. Pending applications also stand disposed of.

SACHIN DATTA, J

JULY 9, 2025/r