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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 14040/2025
MS M L PRATIHAR

.....Petitioner

Through: Mr. Jai Sahai Endlaw, Mr. Modassir
H. Khan, Ms. Shruti Kapur, Mr.
Manoj K. Singh and Mr. Akash
Shukla, Advs.

versus

UNION OF INDIA AND ANR.

.....Respondents

Through: Mr. Abhinav Singh, SPC, UOI.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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15.09.2025

1. The present petition has been filed by the petitioner being aggrieved by the respondents' rejection of the petitioner's application seeking approval for change in the constitution of its enlisted firm, consequent upon the demise of one of its partners.
2. The factual background as canvassed by the petitioner is that the petitioner is an enlisted contractor under Class 'E', bearing Index No. E-38, and has been engaged in contractual works with the respondents under the aegis of the Ministry of Defence, including the Military Engineering Services (MES), for over four decades.
3. It is submitted that the petitioner firm was originally constituted as a proprietorship under Shri Manshi Lal Pratihari, in whose favour an arbitral award dated 22.11.1996 was also passed, in respect of Contract Agreement No. CWE/SIL/06 of 1993-94. Execution proceedings initiated on 17.06.2003 for enforcement of the said award are stated to be pending



before the District Court, Silchar.

4. Subsequently, on 16.07.2010, a partnership firm was constituted between Shri Manshi Lal Pratihari and Smt. Mala Pratihari, duly registered with the Registrar of Firms and Societies, Assam. Pursuant to an application dated 25.10.2012, the respondents approved the reconstitution of the firm as a partnership vide order dated 24.11.2012, and the petitioner was allotted Index No. E-38.

5. Upon the demise of Smt. Mala Pratihari on 02.06.2022, the petitioner submitted a request dated 29.11.2022 for reconstitution of the firm in accordance with Clause 1.20 of the MES Manual on Contracts, 2020. A new partnership deed inducting Mr. Mohit Kumar Pratihari was executed on 03.01.2023 and registered with the Registrar of firms, Assam, Dispur on 16.02.2024.

6. On 11.11.2023, the petitioner submitted an application to the respondent no.2 for reconstitution of the firm along with all requisite documents and affidavits. Thereupon, respondent no. 2, *vide* communication dated 12.04.2024, pointed out deficiencies in the petitioner's application and sought updated affidavits. In compliance, the petitioner resubmitted the requisite documents on 19.06.2024.

7. However, *vide* letter dated 02.09.2024, respondent no. 2 informed the petitioner that the application could not be processed due to the pendency of execution proceedings relating to the arbitral award dated 22.11.1996. The petitioner, *vide* letter dated 25.09.2024 clarified that the said proceedings pertain solely to the erstwhile proprietorship and not the present partnership firm, and that no false or misleading information had been submitted.

8. Despite the clarification, the respondents rejected the petitioner's



request *vide* communication dated 16.01.2025. The Petitioner, thereafter, filed a departmental appeal dated 22.07.2025 before respondent no.1, which, the petitioner submits, remains pending and undecided.

9. It is the case of the petitioner that the petitioner's legitimate request has been rejected by the respondents through a cryptic and non-speaking order on a completely untenable ground viz. that there is a litigation pending in District Court, Silchar, with one of the partners of the firm.

10. Learned counsel for the petitioner emphasizes that the said litigation pertains to execution proceedings arising out of an arbitral award dated 22.11.1996, passed in favour of Mr. M .L. Pratihari, prior to the conversion of his proprietorship into a partnership firm. It is contended that the said proceedings are confined to the erstwhile proprietorship and have no bearing on the present partnership entity.

11. It is submitted that the pendency of the said litigation cannot constitute a valid ground for denying the petitioner's bona fide request for approval of change in the constitution of the firm, which is occasioned on account of the demise of one of its partners.

12. It is pointed out that against the impugned rejection order the petitioner has preferred a departmental appeal dated 22.07.2025, which remains pending and undecided. The said appeal has been placed on record as Annexure-P16 to the present petition.

13. Issue notice.

14. Mr. Abhinav Singh, learned counsel, who is present in Court, is directed to accept notice on behalf of the respondents.

15. At this stage, learned counsel for the petitioner seeks a limited relief viz. the aforesaid departmental appeal, pending before the Engineer-in-



Chief, Integrated HQ of MoD (Army) be decided expeditiously. Let the same be done.

16. Considering the limited relief sought, the present petition is disposed of with a direction to the respondents to decide the aforesaid appeal of the petitioner as expeditiously as possible and preferably within a period of four weeks from today.

17. While deciding the appeal, the Appellate Authority shall necessarily take into account the fact that the earlier request made by the erstwhile sole proprietor, Mr. M.L. Pratihar, as far back as on 25.10.2012, for conversion of the enlisted entity into a partnership firm was duly accepted, based on documents supplied.

18. The present petition is disposed of in the above terms.

SACHIN DATTA, J

SEPTEMBER 15, 2025/cl