



CGHC010097782020



2026:CGHC:29575-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 1065 of 2020

1 - M/s. Shiva Enterprises Contractor And Engineers, Through Partner Shyam S Mudliar S/o Late Shri G. Mudliar, Aged About 51 Years, 1st Floor, 10 Jay Durga Layout, Narendra Nagar, Nagpur- 440015. Branch Office- Vivekanand Nagar, Opp. J.J. Hospital, Torwa, Bilaspur- 495004.

... Petitioner(s)

versus

1 - South Eastern Central Railway Through- Divisional Manager South Eastern Central Railway, Dm Office Railway, Bilaspur, Chhattisgarh.

2 - Executive Director (Electrical Energy Management) Railway Board Government Of India, Ministry Of Railways, New Delhi.

3 - Principal Chief Electrical Engineer Electrical Department, 1st Floor, Head Quarters Office Building, Bilaspur, Chhattisgarh.

... Respondent(s)

(Cause-title taken from Case Information System)

For Petitioner	:	Shri Vibhor Gowardhan, Advocate.
For Respondents 1&2	:	Ms. Annapurna Tiwari, Advocate.

Hon'ble Shri Justice Ramesh Sinha, CJ

Hon'ble Shri Justice Ravindra Kumar Agrawal, J

Judgment on Board

14.07.2026

Per, Ramesh Sinha, CJ.

1 The petitioner has filed this petition seeking following reliefs:

“10.1 That, the letter dated 28.02.2020 may kindly be quashed and respondents be further directed not to take any action on the basis of said report against the petitioner.

10.2 That, the respondent authorities may be directed to clear the Bills and admitted dues arising out of Contract dated 20/01/2012 with respect to the work done as mentioned in Contract Agreement No.Sr.DEE(G)/ BSP/AG/OTP/11-12/1847 to the petitioner along with 12% Annual Interest upon it.

10.3 Any other relief, which this Hon'ble Court may deem just and fit in facts and circumstances of the case.

- 2 Brief facts of the case are that the petitioner is a Partnership Firm dealing with supply of Electrical and Mechanical equipment and other allied Electrical work specialized under railways. In year 2012 the petitioner was awarded work by respondent-South Eastern Central Railway, Bilaspur Division, Electrical Department (in short, SECR) for providing Pre Cooling and Battery charging facility and improvement of light and fanning at Platform No.7 & 8 of Bilaspur Station and certain other electrical works. The Letter of Acceptance No.EL/W/BSP/1847/738, dated 27/06/2011 was issued in favour of petitioner by the SECR and accordingly an agreement was executed on 20/01/2012. The petitioner duly performed its order under contract dated 20/01/2012. The work provided to the petitioner was completed to the satisfaction of the authorities, but due to non-issuance of letter of closing of the work, the final payments could not be made. In the meanwhile, the petitioner found it difficult to fulfill the unlawful demand made by one of the authorities of SECR and therefore an inquiry was conducted on the basis of his complaint wherein the respondent No.2, without appreciating the grounds raised by the petitioner in his reply

dated 21.09.2019, recommended for taking suitable penal action after giving a finding of proof of charges alleged against the petitioner vide order impugned dated 22.08.2020. Hence this petition.

- 3 We have heard the counsel for the parties and perused the records annexed with the case.
- 4 Though the petitioner is alleged to be banned for participating subsequent NITs issued by the SECR for three years as per notice dated 11.07.2019, to which he replied on 21.09.2019 and after considering his reply, the same was rejected, however, the contention of the petitioner is that as the period of three years have already expired way back in the year 2022, the respondent-SECR is still not permitting the petitioner to participate in further NITs issued by the SECR. However, perusal of record would reveal that no documentary evidence of banning the petitioner for three years have been produced by the petitioner and only a bald statement is being made in this regard. Only a proposal was made for banning the petitioner for three years vide letter dated 11.07.2019 and the petitioner herein was given an opportunity to show cause against the action proposed to be taken, however, finding the reply of petitioner not satisfactory, the respondent-SECR vide its letter dated 28.02.2020 rejected the reply/representation of the petitioner dated 21.09.2019, reserving right in favour of SECR to take any suitable penal action as deemed fit against the petitioner. There is no mention of banning the petitioner for three years in the said letter dated 28.02.2020. Even otherwise if we presume that the petitioner was banned for three years from 28.02.2020, the period of

three years have already come to an end. Therefore, no relief can be granted to the petitioner at this stage.

- 5** Thus, the writ petition being devoid of merit deserves to be and is hereby dismissed.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

inder