CGHC010430982026 2026:CGHC:46238

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 5511 of 2026

1 - Kishore Kumar Sahu S/o Late Bhimsen Sahu Aged About 49 Years R/o- Ward No-15, Mahalpara, Saraipali District - Mahasamund (C.G.)

... Petitioner(s)

versus

1 - Chhattisgarh State Power Distribution Company (C. S P. D. C. L.) Limited Through Its Managing Director Raipur, District Raipur (C.G.)

2 - Executive Engineer (O And M) Chhattisgarh State Power Distribution Company Saraipali Division Saraipali District - Mahasamund (C.G.)

3 - Junior Engineer Chhattisgarh State Power Distribution Company Saraipali Division Saraipali District - Mahasamund (C.G.)

... Respondent(s)

For Petitioner	**:**	Mr. Krishna Tandon, Advocate appears on behalf of Mr. Sanjay Agrawal, Advocate
For Respondents	**:**	Mr. Mayank Chandrakar, Advocate appears through VC and Mr. Manish Chandrakar, Advocate

Hon'ble Shri Justice Amitendra Kishore Prasad

Order on Board

02/11/2026

1. The petitioner, in this Writ Petition, has prayed for the following reliefs:-

> *“10.1 That this Hon'ble Court may kindly be pleased to call for the records of the case from the respondents.*

10.2 That this Hon'ble Court may kindly be pleased to set-aside/quash the impugned demand notice No. 2796 dated 16/10/2026 issued by the Respondent No.2. (Annexure P-1)

10.3 That this Hon'ble Court may kindly be pleased to set-aside/quash the letter dated 01/10/2026 issued by the Respondent No. 2 (Annexure P-2).

10.4 That this Hon'ble Court may kindly be pleased to direct the respondents to decide the objection preferred by the petitioner dated 16/10/2026 without depositing 50% of the provisional assessment bill.

10.5 To kindly make any other order that may be deemed fit and just in the facts and circumstances of the case including awarding of the costs to the petitioner."

2. Learned counsel for the petitioner has assailed the impugned demand notice as well as the consequential proceedings initiated by the respondents.

3. Learned counsel appearing for the respondents submits that in the event any final order is passed against the petitioner, the petitioner would have an appropriate remedy of appeal. He further submits that the petitioner would be afforded due opportunity of hearing, including an opportunity to submit relevant documents and adduce evidence, before any final order is passed. He, therefore, submits that no interference is warranted at this stage.

4. Having considered the submissions made by learned counsel for the parties and upon perusal of the record, particularly the demand notice

dated 16.10.2026, whereby the petitioner has been called upon to deposit an amount of Rs.9,08,630/-, failing which appropriate proceedings would be initiated in accordance with law, this Court finds that at this stage, only a demand notice has been issued and no final order has been passed against the petitioner. In view of the categorical stand taken by the respondent authorities that further proceedings would be initiated in accordance with law, this Court is of the view that no interference is warranted at this stage. Against a show-cause notice/notice, a writ petition would not be maintainable. If any notice has been issued, the concerned party can very well file a reply to the notice and apprise the concerned authority that the notice is not in accordance with law. The Hon'ble Supreme Court in the matter of ***State of Jharkhand and Others*** *v.* ***Rukma Kesh Mishra,*** **2025 SCC OnLine SC 676,** has held in para 11 as under:

> ***"11.*** *A coordinate bench of this Court in Union of India v. Kunisetty Satyanarayana, (2006) 12 SCC 28 has held that ordinarily no writ lies against a show cause notice or charge-sheet. The reason is that a mere show-cause notice or charge-sheet does not give rise to any cause of action, because it does not amount to an adverse order affecting the rights of any party unless the same has been issued by a person having no jurisdiction to do so (emphasis supplied). Writ jurisdiction is discretionary jurisdiction and hence such discretion under Article 226 should not ordinarily be exercised by quashing a show-cause notice or charge-sheet. No doubt, in some very rare and exceptional cases the High Court can quash a show cause notice or charge-sheet if it is found to be wholly without jurisdiction or for some other reason it is wholly illegal (emphasis supplied).*

However, ordinarily the High Court should not interfere in such a matter."

5. Similarly, in the matter of ***J. Sri Nisha** v. **Special Director, Adjudicating Authority, Directorate of Enforcement and another,*** **(2026) 8 SCC 750,** the Hon'ble Supreme Court has held in paragraphs 32 and 33 as under:

*"**32.** This Court has consistently held that although ordinarily a writ petition against an SCN may not be entertained, however, the said proposition is not an inviolable rule. Interference at the stage of SCN is permissible in exceptional circumstances, such as where the notice suffers from patent lack of jurisdiction, reflects non-application of mind, is issued with a pre-determined or premeditated approach, amounts to an abuse of the process of law, or results in a violation of the principles of natural justice. In such situations, the High Court would be justified in exercising its jurisdiction under Article 226 of the Constitution to prevent manifest injustice.*

***33.** In this context, we may gainfully refer to the following observations from Union of India v. VICCO Laboratories [Union of India v. VICCO Laboratories, (2007) 13 SCC 270] : (SCC p. 283, para 31)*

"31. Normally, the writ court should not interfere at the stage of issuance of show-cause notice by the authorities. In such a case, the parties get ample opportunity to put forth their contentions before the authorities concerned and to satisfy the authorities concerned about the

> *absence of case for proceeding against the person against whom the show-cause notices have been issued. Abstinence from interference at the stage of issuance of show-cause notice in order to relegate the parties to the proceedings before the authorities concerned is the normal rule. However, the said rule is not without exceptions. Where a show-cause notice is issued either without jurisdiction or in an abuse of process of law, certainly in that case, the writ court would not hesitate to interfere even at the stage of issuance of show-cause notice. The interference at the show-cause notice stage should be rare and not in a routine manner. Mere assertion by the writ petitioner that notice was without jurisdiction and/or abuse of process of law would not suffice. It should be prima facie established to be so. Where factual adjudication would be necessary, interference is ruled out. (emphasis supplied)"*

6. In light of the aforesaid settled position of law, a challenge to a notice, without any order affecting the rights of the party, is not amenable to writ jurisdiction.

7. The petitioner is at liberty to submit an appropriate reply/objection to the demand notice and participate in the proceedings, which shall be conducted in accordance with law after affording due opportunity of hearing to the petitioner.

8. Accordingly, the writ petition is dismissed.

Sd/-

(Amitendra Kishore Prasad)

Judge

Priyanka