IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.9314 of 2026
Decided on : 05.11.2026

Sher Singh ...Petitioner

Versus

State of H.P. and others …Respondents.

Coram

Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice.

Hon'ble Mr. Justice Bipin Chander Negi, Judge.

Whether approved for reporting?[1]

For the petitioner : Mr. Surinder Kumar Saklani, Advocate.

For the respondents : Mr. Sidharth Jalta, Deputy Advocate General.

G.S. Sandhawalia, Chief Justice *(Oral)*

The present petition has been filed against the order passed on 22.05.2026 (Annexure P-6) whereby the tender for the work was rescinded and the petitioner-contractor was blacklisted from participating in the tender process in the Department of Rural Development and Panchayati Raj for a period of six months. The tender for the balance work was to be called shortly.

2. Learned counsel for the petitioner has stressed only on the fact that while passing the said order, no separate notice was issued with respect to the blacklisting aspect and, therefore, the said order, though for a period of only six months, which is going to expire within this month, would still have an adverse effect on his prospects for future tenders. Learned counsel for the petitioner has thus relied upon the celebrated

[1] *Whether the reporters of the local papers may be allowed to see the Judgment?* ***Yes***

judgment of the Apex Court in ***Gorkha Security Services vs. Govt. of NCT of Delhi and others, AIR 2014 SCC 3371***.

3. We have gone through the paper book and find that apparently, the work was awarded way back on 12.06.2025. The time for completion of the work was two months from the date of commencement of the work which work was not started. The work was for the construction of a shed for the Solid Waste Management Plant (SWML)at Kasol Development Block, Bhunter, District Kullu (SH: Construction of building portion, water supply and sanitary installation, etc.). However, on the recommendation of the Assistant Engineer, Rural Development Block, Kullu, the extension of time was granted and the contract was extended till 22.05.2026, and the petitioner had to complete the work in all respects. It is not disputed that the issue of construction of SWML was also the subject matter of consideration in ***CWP No. 36 of 2025, titled Court on its own motion vs. State of H.P. and others***, which is being heard by us and pertains to the waste management facility in the Kasol area.

4. Apparently, while passing the impugned order dated 22.05.2026, which was the date by which the petitioner was required to complete the work as per the earlier extension granted not only was his tender rescinded, but he was also blacklisted. It is the case of the petitioner that, prior to this, on 14.05.2026, a notice was issued to the petitioner. This is also clear from the impugned order, which states that if he failed to complete the work within the next four days, a penalty under

Clause 2 of the agreement would be imposed without further notice, along with the right to recover liquidated damages. The said notice does not refer to the blacklisting aspect and, therefore, apparently, the impugned order has been passed without issuing any notice in this regard. In such circumstances, we are of the considered opinion that the impugned order to the limited extent of blacklisting the petitioner for six months, was in violation of the principles of natural justice.

5. Learned counsel for the State has very fairly submitted that as per the Rules for Enlistment of Contractors in Himachal Pradesh Public Works Department, 2021, dated 13.04.2021, Clause 23 provides for disciplinary action against defaulting contractors, and the enlistment authority is required to take disciplinary action after issuance of a show cause notice within 60 days. As per Clause 23(a), if the contractor is responsible for a fundamental breach of the contract, he shall be debarred from participating in tenders for a period of six months. In such circumstances, the said procedure having not been adhered to, the impugned order cannot be sustained to that extent.

6. In the peculiar facts and circumstances, we are of the considered opinion that, at this stage, no useful purpose would be served by remanding the matter for a fresh hearing on the issue of blacklisting, as it would only prolong the agony of the petitioner, who has already not been able to bid for any other contract during the intervening period. Accordingly, the petition is allowed and the impugned order dated 22.05.2026 is set aside to the limited extent of blacklisting.

7. Pending miscellaneous applications, if any, also stand disposed of.

(G.S. Sandhawalia)
Chief Justice

(Bipin Chander Negi)
Judge

05th November, 2026
(Tarun Singh)