



2026:CGHC:23921-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 2140 of 2026**

Mr. Aashish Dev Soni S/o- Shri R.K. Soni, Aged About 43 Years R/o- Opposite Mahavir School, Gudhiyari, Raipur, District- Raipur (Chhattigarh)

... Petitioner**versus**

1 - State of Chhattisgarh Through The Secretary, Tribal Development Department, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District- Raipur (Chhattisgarh)

2 - Chhattisgarh Lok Aayog, Raipur Through Its Secretary/ Registrar, Lok Aayog Office, Raipur, District- Raipur (Chhattisgarh)

3 - Collector Raipur, District- Raipur (Chhattisgarh)

4 - Assistant Commissioner Tribal Development Department Raipur, District- Raipur (Chhattisgarh)

5 - M/s Swati Management Through Its Proprietor/ Authorized Signatory 103, Mm Silver Plaza, Ring Road, Raipur, District- Raipur (Chhattisgarh)

6 - Shri Tarkeshwar Dewangan S/o K.R. Dewangan Aged About 59 Years (Then Posted As Assistant Commissioner, Office Tribal Development, Raipur), District- Raipur (Chhattisgarh)

7 - Shri N.K. Pandey S/o B.P. Pandey Aged About 63 Years (Then Posted In The Concerned Department In Relation To The Subject Work), District Raipur (Chhattisgarh)

... Respondents

(Cause-title taken from Case Information System)



For Petitioner	: Mr. Virendra Kashyap, Advocate
For Respondent-State	: Mr. Shashank Thakur, Additional Advocate General
For Respondent No.2	: Mr. Akhil Kumar Samantray, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

16.06.2026

1. Heard Mr. Virendra Kashyap, learned counsel for the petitioner as well as Mr. Shashank Thakur, learned Additional Advocate General, appearing for the State and Mr. Akhil Kumar Samantray, learned counsel appearing for respondent No.2.
2. By filing the present petition under Article 226 of the Constitution of India, the petitioner has prayed for following relief(s) :-

“10.1 That this Hon'ble Court may kindly be pleased to set aside and quash the impugned order dated 18.09.2025 (Annexure P/1) passed by the Chhattisgarh Lok Aayog, Raipur.

10.2 That this Hon'ble Court may further be pleased to direct the competent authorities to conduct a proper inquiry/investigation into the irregularities in awarding the work, particularly non- issuance of open tender and allotment to a non-empanelled agency in violation of the Chhattisgarh Store Purchase Rules, 2002.

10.3 That this Hon'ble Court may kindly be pleased to direct that such inquiry be



conducted by an independent authority/agency so as to ensure fairness, transparency and impartiality in the investigation process.

10.4 That this Hon'ble Court may further be pleased to direct initiation of appropriate departmental proceedings against the concerned officials and recovery of any financial loss caused to the public exchequer, if found, including blacklisting of the concerned contractor, if deemed fit.

10.5 That this Hon'ble Court may be pleased to pass any other order(s) or direction(s) as deemed fit in the facts and circumstances of the case.”

3. Brief facts of the case, in a nutshell, are that the present writ petition has been filed calling in question the legality and validity of the order dated 18.09.2025 passed by the Chhattisgarh Lok Aayog in Miscellaneous Case No. 68/2022, whereby the complaint relating to alleged irregularities in the award of a government contract was dismissed and the proceedings were closed. The controversy pertains to the work of construction and installation of departmental stalls during the Tribal Dance Festival and Rajyotsav-2021 organized at Science College Ground, Raipur, under the supervision of the Tribal Development Department.
4. It is alleged that the aforesaid work involved expenditure of approximately ₹18.06 lakhs and, therefore, was required to be



undertaken strictly in accordance with the provisions of the Chhattisgarh Store Purchase Rules, 2002. According to the allegations, despite the value of the work being above the prescribed financial threshold mandating adoption of the open tender system, no tender notice was issued and no public advertisement was published. Instead, the work was directly awarded to a private firm, namely M/s Swati Management. It is further alleged that such allotment was made without following any competitive bidding process and in complete disregard of the procurement procedure prescribed under the applicable rules.

5. The record obtained under the Right to Information Act, 2005 allegedly revealed that several agencies had already been empanelled by the Directorate of Public Relations, Government of Chhattisgarh, for carrying out similar works relating to publicity and exhibition activities during government events. However, no quotations or bids were invited from the said empanelled agencies and the work was awarded to M/s Swati Management, which was not included in the empanelled list. On the basis of the documents so obtained, allegations were made that the respondent authorities had acted arbitrarily, violated the principles of transparency and fairness governing public procurement, and caused loss to the public exchequer by bypassing the prescribed procedure. Thereafter, a complaint was submitted before the Chhattisgarh Lok Aayog seeking inquiry into the conduct of the concerned public servants and the legality of the allotment



process. The complaint was registered as Miscellaneous Case No. 68/2022. During the proceedings, it was specifically contended that the respondents had failed to follow the mandatory provisions relating to open tendering and had also not adopted any alternative competitive mechanism, such as inviting quotations from eligible or empanelled agencies. It was further alleged that the direct allotment of work was sought to be justified on the ground of urgency and paucity of time, though the applicable rules and departmental guidelines permitted adoption of transparent procurement methods even in such circumstances.

6. However, upon consideration of the matter, the Lok Aayog dismissed the complaint by the impugned order dated 18.09.2025. Aggrieved thereby, it has been contended in the present petition that the Lok Aayog failed to properly appreciate the material available on record and did not adequately examine the allegations concerning violation of procurement rules and arbitrary award of the contract. It has further been urged that although another connected complaint had been merged with the proceedings, the impugned order does not reflect independent consideration of the allegations against all concerned officials.
7. Learned counsel for the petitioner submits that the impugned order dated 18.09.2025 passed by the Chhattisgarh Lok Aayog is wholly arbitrary, suffers from non-application of mind and is liable to be set aside. It is contended that the material documents



obtained under the Right to Information Act, 2005 clearly establish that the work relating to construction and installation of departmental stalls during Tribal Dance Festival and Rajyotsav-2021, involving expenditure of approximately ₹18.06 lakhs, was awarded to M/s Swati Management without issuance of any tender notice and without following the mandatory procedure prescribed under the Chhattisgarh Store Purchase Rules, 2002. According to learned counsel, despite the work value attracting the requirement of an open tender process under Clause 4.3.3 of the Rules, the respondent authorities arbitrarily allotted the work to a private agency, thereby defeating the principles of transparency, fairness and equal opportunity governing public procurement.

8. Learned counsel further submits that the records obtained by the petitioner reveal that several agencies had already been empanelled by the Directorate of Public Relations for carrying out similar works during government events. However, neither quotations nor bids were invited from any of the empanelled agencies and no competitive process whatsoever was undertaken. It is argued that the allotment of work to a non-empanelled agency, without affording an opportunity to other eligible agencies, is manifestly arbitrary and violative of Article 14 of the Constitution of India. Learned counsel submits that even assuming that there was paucity of time, the authorities were required to adopt at least a limited tender or quotation process.



Instead, the entire procurement framework was bypassed and the work was directly allotted to a private firm, which raises a serious apprehension of favouritism and lack of transparency.

- 9.** It is further submitted that the justification sought to be advanced by the respondents on the ground of urgency is wholly untenable. Learned counsel argues that Rajyotsav is an annual and scheduled event and, therefore, any urgency pleaded by the authorities was self-created. Reliance is placed on the Public Works Department circular dated 22.09.2008 to contend that even in cases involving time constraints, the tender period can be suitably modified or curtailed, but the tender process itself cannot be dispensed with altogether. It is also contended that the reliance placed by the respondents on the fact that the work was awarded at 2.5% below the rates approved by the Directorate of Public Relations is misconceived, as in the absence of a competitive bidding process there could be no genuine price discovery. According to learned counsel, absence of financial loss cannot validate an otherwise illegal and arbitrary procedure adopted in the award of public contracts.
- 10.** Lastly, learned counsel submits that the Lok Aayog failed to properly exercise its jurisdiction and mechanically accepted the explanation furnished by the respondents without conducting any meaningful inquiry into the allegations. It is argued that the impugned order overlooks material documents placed on record



and also ignores the observations of the Technical Advisor, who had reportedly opined that awarding the work to a non-empanelled agency amounted to conferring an undue advantage. Learned counsel further contends that although two complaints were merged and renumbered as Miscellaneous Case No. 68/2022, the Lok Aayog recorded findings only with respect to one officer and failed to independently examine the role and responsibility of the other officials involved in the decision-making process. On these grounds, it is submitted that the impugned order deserves to be quashed and appropriate directions be issued for a fresh and independent consideration of the matter in accordance with law.

- 11.** On the other hand, learned State counsel supports the impugned order passed by the Chhattisgarh Lok Aayog and submits that the complaint was thoroughly examined by the competent authority after considering the records produced by the concerned department. It is contended that the work in question was undertaken in connection with the Tribal Dance Festival and Rajyotsav-2021, which was required to be completed within a limited timeframe, and therefore the department was constrained to adopt an expeditious mode for execution of the work. Learned State counsel submits that the decision to entrust the work to M/s Swati Management was taken keeping in view the urgency of the event, the firm's experience in executing similar works and its willingness to undertake the work at rates lower than those



approved by the Directorate of Public Relations. He further submits that no loss has been caused to the public exchequer and the work was successfully completed within the stipulated period. It is argued that the Lok Aayog, upon considering the explanation furnished by the departmental authorities and the material available on record, arrived at a well-reasoned conclusion that no case warranting further inquiry was made out. The findings recorded by the Lok Aayog are based on appreciation of facts and do not suffer from any perversity, arbitrariness or jurisdictional error warranting interference by this Court in exercise of its writ jurisdiction.

12. Learned counsel appearing for respondent No.2 adopts the submissions advanced by the learned State counsel and additionally submits that the present petition proceeds on mere assumptions and conjectures without establishing any mala fide intention, favouritism or wrongful gain on the part of the concerned officials. It is contended that the petitioner has attempted to question an administrative decision taken in the peculiar facts and circumstances prevailing at the relevant time, even though the work stood completed to the satisfaction of the department and no financial irregularity has been demonstrated. According to learned counsel, mere non-adoption of a particular procurement procedure, in the absence of any proven loss or undue benefit, cannot by itself justify initiation of proceedings against public servants. He further submits that the Lok Aayog



has duly considered the allegations raised in the complaint and, upon examination of the available records, found no material warranting continuation of the proceedings. It is argued that the petitioner seeks a roving and fishing inquiry solely on the basis of procedural objections, despite the fact that the respondents had furnished a plausible explanation regarding the circumstances under which the work was awarded. Learned counsel therefore submits that the impugned order does not suffer from any illegality or infirmity and the present writ petition, being devoid of merit, deserves to be dismissed.

13. We have heard learned counsel for the parties at length and perused the material available on record.
14. The scope of judicial review under Article 226 of the Constitution is well settled. This Court is not required to sit as an appellate authority over the findings recorded by a statutory authority and can interfere only where the decision-making process is shown to be vitiated by perversity, patent illegality, mala fides, non-consideration of relevant material, consideration of extraneous factors, or violation of principles of natural justice. Mere possibility of another view being taken on the same set of facts is not a ground for exercise of writ jurisdiction.
15. The principal grievance of the petitioner is that the work relating to construction and installation of departmental stalls during Tribal Dance Festival and Rajyotsav-2021 was awarded without



adopting the open tender procedure contemplated under the Chhattisgarh Store Purchase Rules, 2002. However, from the material placed before this Court, it appears that the said issue was specifically examined by the Lok Aayog. The authority called for records, considered the explanation furnished by the concerned officials and thereafter arrived at a conclusion that no case warranting further proceedings was made out. Merely because the petitioner is dissatisfied with the conclusion so reached, the same cannot be a ground for directing a roving inquiry or for substituting the opinion of this Court for that of the competent authority.

16. It is true that transparency, fairness and non-arbitrariness constitute the bedrock of all State action in contractual and procurement matters. The Hon'ble Supreme Court has consistently held that Article 14 extends to all State actions, including the award of public contracts, and that the process adopted by the State must be fair, transparent and free from arbitrariness.
17. At the same time, it is equally well settled that the power of judicial review in matters relating to government contracts and tenders is concerned with the decision-making process and not with the merits of the decision itself. In ***Tata Cellular v. Union of India, (1994) 6 SCC 651***, the Supreme Court authoritatively held that the Court does not sit as a court of appeal over administrative



decisions and interference is permissible only where the decision is shown to be arbitrary, irrational, mala fide or in violation of statutory provisions. The said principle has been repeatedly reaffirmed in ***Jagdish Mandal v. State of Orissa, (2007) 14 SCC 517***, wherein it was held that before interfering in contractual matters, the Court must be satisfied that the process adopted was so arbitrary or irrational that no responsible authority acting reasonably could have arrived at such a decision.

18. More recently, in ***N.G. Projects Limited v. Vinod Kumar Jain and Others, (2022) 6 SCC 127***, the Hon'ble Supreme Court reiterated that Constitutional Courts should exercise great restraint in matters relating to contracts and tenders and should refrain from substituting their own views for those of the competent authority unless the decision is vitiated by mala fides, favouritism, arbitrariness or patent illegality. Similarly, in ***Galaxy Transport Agencies, Contractors, Traders, Transports and Suppliers v. New J.K. Roadways, Fleet Owners and Transport Contractors and Others, (2021) 16 SCC 808***, the Supreme Court emphasized that judicial review is intended to prevent arbitrariness, irrationality and mala fides and not to undertake a re-evaluation of the factual aspects of the decision. Tested on the touchstone of the aforesaid principles, this Court finds no material on record demonstrating such perversity, mala fides or patent illegality in the decision-making process of Lok Aayog as would warrant interference under Article 226 of the Constitution of India.



- 19.** In the present case, the petitioner has sought to invite this Court to re-appreciate the factual material and draw inferences different from those drawn by the Lok Aayog. Such an exercise falls outside the permissible contours of judicial review. Significantly, no material has been brought on record demonstrating that the findings recorded by the Lok Aayog are perverse, based on no evidence, or arrived at by ignoring material evidence of a conclusive nature. The Court also cannot lose sight of the fact that the work in question was executed long ago, the event for which the work was undertaken stands concluded and no material has been placed before this Court showing actual pecuniary loss to the public exchequer or conferral of any illegal pecuniary advantage upon the concerned agency.
- 20.** The contention that the work was awarded to a non-empanelled agency and that quotations were not invited from other agencies may, at best, raise issues relating to procedural propriety. However, every procedural irregularity does not ipso facto warrant judicial interference, particularly when the competent authority has already examined the matter and found no substance warranting further action.
- 21.** The writ jurisdiction of this Court cannot be converted into a mechanism for conducting a fresh fact-finding inquiry merely because the petitioner entertains a different perception regarding the propriety of the administrative decision.



- 22.** This Court is also not persuaded to accept the contention that the Lok Aayog failed to exercise jurisdiction or that the impugned order suffers from total non-application of mind. A reading of the impugned order reveals that the authority has noticed the allegations, considered the defence put forth by the respondents and thereafter recorded its conclusions. Sufficiency or adequacy of reasons cannot be examined as if this Court were hearing a statutory appeal. Unless the findings are shown to be manifestly unreasonable or wholly unsupported by the record, interference would not be justified.
- 23.** The Hon'ble Supreme Court in recent decisions has consistently cautioned Constitutional Courts against assuming the role of tender-evaluating authorities and has reiterated that courts must exercise restraint in matters involving administrative and contractual decisions unless a clear case of arbitrariness, mala fides or violation of constitutional principles is established. Judicial review is concerned with the legality of the process and not with substituting administrative discretion by judicial discretion. The Court must maintain a delicate balance between ensuring accountability in public administration and avoiding unwarranted interference in matters falling within the domain of the executive.
- 24.** In the considered opinion of this Court, the petitioner has failed to demonstrate that the impugned order suffers from any jurisdictional error, perversity, patent illegality or violation of



principles of natural justice warranting interference under Article 226 of the Constitution of India. The grounds urged in the petition essentially seek re-appreciation of facts and re-examination of the conclusions already recorded by the Lok Aayog, which is impermissible in exercise of writ jurisdiction.

25. Accordingly, finding no merit in the present writ petition, the same deserves to be and is hereby dismissed.
26. There shall be no order as to costs.
27. Pending interlocutory application(s), if any, shall also stand disposed of.

Sd/-

**(Ravindra Kumar Agrawal)
Judge**

Sd/-

**(Ramesh Sinha)
Chief Justice**