



2026:CGHC:3811-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 6221 of 2025

1 - Ashok Kumar Mittal S/o P.L. Mittal Aged About 59 Years Occupation -
A Class Contrator R/o - Main Road Korba P.S. and Tehsil Korba, District
- Korba (C.G.)

... Petitioner

versus

1 - State of Chhattisgarh Through The Secretary, Public Works
Department Mantralaya, Mahanadi Bhawan, Raipur, District Raipur
(C.G.)

2 - Chief Engineer, Public Works Department, Naya Raipur, District
Raipur (C.G.)

3 - Executive Engineer, Public Works Department, Division Jagdalpur,
District Jagdalpur (C.G.)

4 - Executive Engineer, Public Works Department, Division Raipur,
District Raipur (C.G.)

5 - Superintendent Engineer, Public Works Department, Circle Civil
Lines District Raipur (C.G.)

6 - Engineer-In-Chief, Public Works Department, Naya Raipur, District -
Raipur (C.G.)

... Respondents

(Cause-title taken from Case Information System)

For Petitioner : Mr. Manoj Paranjpe, Senior Advocate with
Mr. Sanjay Agrawal, Advocate.

For Respondents-State : Mr. Praveen Das, Additional Advocate
General.

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

22-01-2026

1. The present writ petition filed by the petitioner under Article 226 of the Constitution of India challenging the order dated 11-11-2025 (Annexure-P/1) and 14-07-2025 (Annexure-P/2) and prayed the following relief(s):-

“10.1 That, this Hon’ble Court may kindly be pleased to set-aside the order dated 11/11/2025 (Annexure P-1) passed by the Respondent No.6.

10.2 That, this Hon’ble Court may kindly be pleased to set-aside the order dated 14/07/2025 (Annexure P-2) passed by the Respondent No. 2 demoting the petitioner’s contractor Licence from Class ‘A’ to Class ‘B’.

10.3 That any other relief which this Hon’ble Court may deem fit and just in the facts and circumstances of the case.”

2. The brief facts of the case are that the petitioner is a Class contractor with unique ID No.CGeR01707 . The respondent No.1 issued a tender for construction of H.L. Bridge at Indrawati river in KM 1/8 on

NH-30 to Khadakghat road under the supervision of P.W.D. Bridge Division Jagdalpur. The petitioner was also participated and declared L1. The work order was issued on 21-10-2022 and the total period under the work order for completion of work was 25 months. Due to high tension electricity lines, huge number of trees, illegal encroachment etc. the construction of project was obstructed time to time and when the petitioner intimated the difficulties to the respondent department, they made a communication on 07-01-2025 that the encroachments from the proposed site have been removed, high tension electricity wires have also been removed and drawing has been issued on 14-02-2025. As the respondents issued the work order without clearing site having knowledge of dense forest and naxalite affected area. Considering the difficulties, the respondent No.3 extended the period of completion of work uptill 31-10-2026 vide its letter dated 12-03-2025. On 24-02-2025 the respondent No.3 submitted the revised drawing before the respondent No.2 for increasing the length of the bridge and then the petitioner was also directed to submit revised decision. The respondent No.4 forwarded it to respondent No.3 on 27-02-2025. The petitioner's work for construction of bridge was running in its schedule with the object to complete it before 31-10-2025. All of sudden a show cause notice was issued to the petitioner on 14-05-2025 issued by respondent No.4 and he was directed to show cause as to why the work has not been completed which was obtained by the petitioner and why his category of licence should not be demoted. The said show cause notice was replied by the petitioner on 28-05-2025

assigning the reason and difficulties which he felt in the area. It has also been replied that the petitioner asked for police protection so that the work can be carried out smoothly, but no heed was given to his request. He duly explained the delay in construction work in the district Korba, District Raipur, however vide order dated 14-07-2025 the respondent No.2 demoted the contractor licence of the petitioner from Class 'A' to Class 'B'. the petitioner made his representation on 17-07-2025 and he was heard on 06-08-2025, but the authorities have not decided his representation and then a WPC No.5167/2025 was filed by the petitioner before this Court. The said writ petition, WPC No.5167/2025 has been disposed of vide order dated 16-10-2025 reserving the liberty to the petitioner to take recourse to law if aggrieved by the order passed by the authorities.

3. On 18-11-2025 the respondent No.5 wrote a letter to the department that no prior permission was obtained for clearing the work site, land acquisition proceedings were also not completed and therefore, for the fault of P.W.D. the petitioner cannot be held liable. The respondent authorities has rejected the appeal filed by the petitioner on the ground that he failed to complete the work within the stipulated timeframe and also there is arbitration clause and the petitioner had to approach the C.G. Madhyastham Adhikaran. Considering the lapses on the part of the department, a date of completion of the work again extended from 11-11-2025 to 31-10-2026, however, since the category of the licence of the petitioner is demoted from 'A' to 'B' he cannot

participate in the tender other than Public Works Department, therefore, he filed the present writ petition challenging the impugned order.

4. Learned Senior Counsel for the petitioner would submit that the arbitrary exercise of powers by the authorities would amounts to civil death to a contractor. There was no clause in the work contract that if the petitioner fails to comply with the work contract the category of his licence should be demoted. The petitioner is constrained to work in core naxalite area which is dense forest and various clearance like forest clearance, environmental clearance etc. are required despite the difficulties he run his project in time to achieve the target of cut off date, but it is the fault of the department that they asked for revised plan. He would further submit that considering the difficulties time to complete the work is extended upto 31-10-2026 and there is no reason for reduction of the category of licence. The department itself has considered that there are difficulties about the land proceeding, clearing the work site and other clearance, yet the petitioner has been punished by reduction of his category of licence. The demotion of the category of licence amounts to punishment for no fault of the petitioner when the authorities themselves extended the time which amounts that the petitioner was not at fault, yet the category of licence has been demoted which is arbitrary and against the principles of natural justice. Therefore, the impugned orders may be quashed and the respondent authorities may be directed to upgrade the petitioner's contractor licence from Class 'B' to Class 'A'.

5. On the other hand, learned counsel for the State would submit that due to oversight and bonafide mistake of the authorities concerned, the work of the petitioner as considered as deficit and the explanation of work with respect to Asna Khadakghat and completion certificate of bridge of Lakhna Champaran is also oversight by the authorities and the impugned orders have been issued. He would also submit that there are certain difficulties with respect to construction of Asna Khadakghat bridge as certain hindrance in shifting electric high voltage pole, land acquisition and removal of encroachment and therefore, the time was extended to complete the work to October, 2026. He would also submit that with respect to bridge on Jhora Kodiya Ghat the said work has been completed though it was completed after due date, but the delay caused due to trees standing on site which could not be removed in time and an extension was also granted upto 31-12-2025. The mistake has been committed due to oversight of relevant records which is bonafide.

6. We have heard learned counsel for the parties and perused the material annexed with the writ petition.

7. There are two parts of the punishment order dated 14-07-2025, one is slow work in the construction of Asna Khadakghat project and demotion of category of contractor licence from Class 'A' to Class 'B'. The relevant part of the order dated 14-07-2025 is reproduced herein below:-

"विचारोपरान्त श्री अशोक कुमार मित्तल, "अ" वर्ग ठेकेदार, कोरबा द्वारा CGRIDCL योजनान्तर्गत जिला-बस्तर के अन्तर्गत NH-30, आसना से खडकघाट मार्ग के कि.मी.

1/8 पर इन्द्रावती नदी पर उच्चस्तरीय सेतु निर्माण कार्य (अनुबंध क्र. 12/DL-2022-23) की प्रगति अत्यन्त धीमी एवं असमानुपातिक होने तथा कार्य को पूर्ण करने में विशेष रुचि नहीं लिये जाने के कारण छ.ग. शासन, लोक निर्माण विभाग मंत्रालय रायपुर के आदेश क्र. एफ 5-8/19/ 2013/निविदा, दिनांक 29.10.2014 में संलग्न दिशा-निर्देश की कंडिका 7,2(II)(b) के तहत उनके पंजीयन (आई.डी. क्रमांक CGeRO1707 दिनांक 16.08.2024) को उक्त अनुबंधित कार्य पूर्ण होने तक "ब" श्रेणी में पदावनत (Demote) किया जाता है।"

8. The return has been filed by the respondent/State stating therein that due to oversight of the relevant documents certain orders have been issued by the authorities concerned which is bonafide mistake. It is necessary to reproduce the relevant part of the return filed by the respondents/State which reads as under:-

"8. It is respectfully submitted that the work of Raipur Lakhna Champaran was complete and a completion certificate was issued by the department on 02/07/2025, however, on account of oversight and bonafide mistake, this was erroneously included as a deficit work attributed to the petitioner. That the oversight of the extension of work with respect to the Asna Khadakghat and completion certificate of bridge of Lakhna Champaran is purely unintentional and bonafide.

9. It is further submitted that with respect to Asna Khadakghat Bridge, it is respectfully submitted that as there were certain hindrances such as electric high voltage pole shifting, land acquisition, removal of encroachment, therefore, extension was given to the petitioner to complete the said work up till October, 2026. Departmental order 18/11/2025 issued by the

Superintendent Engineer [Annexure P/14], whereby, completion of work has been extended till 31/10/2026. It is most respectfully submitted that since the order of extension dated 18/11/2025 has been passed after order dated 14/07/2025 [Annex. P/2] as well as order dated 11/11/2025 [Annex. P/1] it could not be considered by the concerned authorities before passing the orders of annexure P/1 and P/2.

10. With respect to the bridge on Jhora Kodiya Ghat it is submitted that the bridge has been completed and there was some delay because of some trees on one side, i.e., towards Jhora and those trees could not be removed. It is further submitted that upon examination of records it emerged that with respect to the Jhor Kodiya Ghat bridge that has been granted an unpenalized extension till 31/12/2025 for completion of work vide order dated 25/06/2025. It respectfully submitted that on account of unintentional and bonafide mistake this fact was overlooked by the respondent authorities.”

9. It is also relevant to quote the relevant contents of the memo dated 18-11-2025 (Annexure P/14) which reads as under:-

“विषयांकित कार्य का कार्यादेश दिनांक 21.10.2022 को जारी किया गया। अनुबंधानुसार निर्माण कार्य को पूर्ण करने हेतु 25 माह वर्षाऋतु सहित 1 माह रिकण्ड अर्थात् दिनांक 20.12.2024 तक निर्धारित थी। वर्तमान में निर्माण कार्य प्रगतिरत है।

इस कार्यालय द्वारा पूर्व में विभिन्न कारणों जैसे भू-अर्जन की कार्यवाही में विलंब, अबटमेंट ए1 की ओर अतिक्रमण होने के कारण, चलदेयकों के भुगतान में विलंब, ड्राईंग डिजाइन के अनुमोदन में विलंब के कारण जिससे सहमत होते हुये इस कार्यालय के द्वारा प्रथम समयवृद्धि पत्र क्र. 646/सा./रायपुर दिनांक 27.02.

2025 द्वारा दिनांक 21.12.2024 से दिनांक 31.10.2025 तक अनुबंध की कंडिका 1.13.1 के तहत बिना किसी दंड के समयवृद्धि प्रदान की गई थी।

किन्तु विभाग द्वारा दिये गये समय में कार्य पूर्ण नहीं किया गया है। कार्यपालन अभियंता लो.नि.वि. सेतु संभाग जगदलपुर के पत्र क्र. 2199/अंके/जगदलपुर दि. 28.10.2025 के माध्यम से दिनांक 01.11.2025 से दिनांक 31.10.2026 तक अनुबंध की कंडिका 1.13.1 के तहत बिना किसी दंड के समयवृद्धि प्रदान करने की अनुशंसा की गई है। समयवृद्धि प्रकरण हेतु सुनवाई दिनांक 14.11.2025 को नियत की गयी जिसमें कार्यपालन अभियंता एवं ठेकेदार द्वारा अपना कथन प्रस्तुत किया गया।

प्रकरण के परीक्षण में पाया गया है कि हाईटेशन विद्युत तार का आज दिनांक तक विस्थापन नहीं हुआ है तथा जगदलपुर की ओर कार्यस्थल में भू-अर्जन की कार्यवाही दिनांक 13.08.2025 को पूर्ण की गयी है जिस कारण कार्य की गति प्रभावित रही। चलित देयको का भुगतान समय पर न होने के कारण एवं इस वर्ष बस्तर क्षेत्र में अत्याधिक वर्षा होने के कारण भी कार्य की गति प्रभावित रही है। ओपन फाउण्डेशन हेतु ब्लास्टिंग की अनुमति दिनांक 09.04.2024 को प्राप्त हुई परंतु माह मई में नदी पर पानी का स्तर अत्याधिक होने के कारण फाउण्डेशन का कार्य नहीं किया जा सका जिस कारण भी कार्य की प्रगति प्रभावित रही, जो कि मान्य योग्य है।

अतः दिये गये कारणों तथा कार्यपालन अभियंता लो.नि.वि. सेतु संभाग जगदलपुर द्वारा की गई स्पष्ट अनुशंसा से सहमत होते हुये शेष बचे हुये निर्माण कार्य को पूर्ण करने में हो रहे हेतु ठेकेदार को दोषी न मानते हुये दिनांक 01.11.2025 से दिनांक 31.10.2026 तक अनुबंध की कंडिका 1.13.1 के तहत बिना किसी दंड के समयवृद्धि प्रदान करने की स्वीकृति दी जाती है। स्वीकृत समयवृद्धि का आदेश अपने स्तर पर जारी करें।”

10. When the respondents/State have admitted that due to oversight of the documents the orders have been issued and ultimately the time to complete the work of Asna Kadakghat bridge was extended upto October, 2026 and they have considered the difficulties in providing the proposed site as certain hindrance in shifting of high voltage electricity

poles, land acquisition and removal of encroachment, the petitioner cannot be held liable for causing the delay in completing the work. Considering the difficulties, the respondents/State have extended the time of completion of the work repeatedly and it cannot be said that the petitioner is at fault that he is not completing the work in time. From the return filed by the State it is clear that due to oversight of the document by the authorities the said orders have been passed which has been ultimately corrected by issuing the extension order of time to complete the work.

11. Once the substantive part of the order has been considered by the authorities that due to oversight of the document the show cause notice was issued to the petitioner and for that reason his category of licence was demoted. Once, it has been observed that the petitioner is not at any fault and it is the mistake on the part of the respondent authorities, the category of licence cannot be demoted from category 'A' to 'B' which amounts to punishment for his fault. Certainly he shall be debarred from participating in further tender process under the licence of category 'A' which amounts to its civil death. The appellate authority while deciding the appeal of the petitioner also has not considered and dismissed the appeal on the ground that the petitioner could not complete the various work allotted to him at different places and he could avail remedy of arbitration clause and therefore, his category of licence was demoted is also appears to be erroneous. When the authorities have considered that the petitioner is not at any fault and there are reasons for delay in completion of the work, however, the petitioner has completed the work

allotted to him and there is no substantial delay in completing the work. Further, the period for completion of work was extended upto October, 2026 which itself amounts that there is no fault of the petitioner. The said order of extension of time was passed on 18-11-2025, i.e., after passing of the order dated 11-11-2025 (Annexure-P/1) despite the dismissal of the appeal filed by the petitioner, the respondent authorities have extended the time to complete the work without any fault, the impugned order cannot be sustained.

12 Having considered the entire facts and circumstances of the case, we are of the opinion that the petitioner has made out a case for interference to quash the impugned orders, Annexure-P/1 and P/2. Consequently, the order dated 11-11-2025 (Annexure-P/1) and order dated 14-7-2025 (Annexure-P/2) are hereby quashed. The writ petition is **allowed**. No order as to cost.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice