



2026:CGHC:3257-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 26 of 2026

M/s Aman Construction Through Its Proprietor Bharti Bhanpuria, W/o Aman Sinha, R/o Bunglow No. 36 Royal Green, Junwani, Bhilai, Motilal Nehru Nagar, Durg, District-Durg, Chhattisgarh
... **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through Secretary, Department, Of Urban Administration And Development, 4th Floor, Indrawati Bhawan, Naya Raipur, District- Raipur Chhattisgarh

2 - Directorate (Subsidy), Office Of Urban Administration And Development, Durg, District- Durg, Chhattisgarh

3 - Chief Municipal Officer Municipal Council Ahiwara, Division Durg, District- Durg, Chhattisgarh
...**Respondent(s)**

(Cause-title taken from Case Information System)

For Petitioner	: Shri Shikhar Bhaktiyar, Advocate
For Respondent/State	: Shri SS Baghel, GA
For Respondent-3	: Shri RS Marhas, and Shri SB Pandey, Advocates

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Justice Ravindra Kumar Agrawal
Order on Board

Per Ramesh Sinha, Chief Justice
20.01.2026

Heard Shri Shikhar Bhaktiyar, learned counsel for the petitioner.
Also heard Shri SS Baghel, learned GA, appearing for the respondent/State, and Shri RS Marhas, and Shri SB Pandey, learned counsel for respondent-3.

1. Petitioner has filed the present writ petition against the order dated 02.12.2025 (Annexure P1), issued by respondent-3 by which the work order issued in favour of the petitioner was cancelled, and the petitioner-firm has been debarred for a period of one year. Petitioner has filed this petition for the following reliefs:

“10.1 That this Hon’ble Court may kindly be pleased to issue an appropriate writ, order or direction quashing and setting aside the impugned communication / order dated 02.12.2025 issued by respondent No.3, whereby the work orders issued in favour of the petitioner have been cancelled.

10.2 That this Hon’ble Court may kindly be pleased to issue an appropriate writ, order or direction quashing and setting aside the impugned communication / order dated 02.12.2025 issued by respondent No.3, whereby the petitioner-firm has been blacklisted / debarred for a period of one year.

10.3 That any other relief which this Hon’ble Court deems fit and proper may also be granted in favour of the petitioner safeguarding their interest.”

2. Brief facts of the case are that on 16.10.2024, a tender was floated by the respondent authorities for 34 different works within the municipalities of Ahiwara, district-Durg for construction of Garden, Building, CC Roads etc. Petitioner applied for tender for 8 different works on 23.10.2024, which relates to construction of Garden, installation of pavers, and construction of CC road, etc. On 06.11.2024, petitioner

deposited the security amount of Rs.74,250/-. After opening of tender bids, petitioner was found to be the least bidder. Despite being the L1 bidder, petitioner was not allotted the work order, and then, on 04.01.2025, he raised his grievance before the respondent authorities. After cancelling the said tender, amount of security deposit was also not returned to him. Hence, the petitioner has filed this petition for a direction to the respondent authority to issue work order to him as he has been declared as L1 bidder in the tender process.

3. It is further case of the petitioner that earlier, petitioner has filed WPC-2452 of 2025 for issuing work order, which was issued on 18.08.2025, during pendency of that petition. Thereafter, on 15.09.2025, and on 28.10.2025, respondent-3 asked the petitioner to collect the lay out of the construction plan, and when the petitioner had gone to collect the same, respondent authorities have denied to give the said lay out plan, asked for some extraneous considerations, and thereby, petitioner could not start his work, and the respondent authorities cancelled the work order and debarred the petitioner for one year, which is under challenge in the petition.

4. Learned counsel for the petitioner would submit that cancelling of work order, as well as debarring the petitioner from participating in any further tender process amounts to stigma upon the petitioner, which would result into civil and pecuniary consequences. Order of blacklisting/debarring from any tender process cannot be passed without

affording opportunity of hearing him. Petitioner is ready to carry out the work, however, the authorities have not provided the lay out plan, and for want of the same, work could not be started. Petitioner is not at all at fault for respondents' non-cooperation, due which he could not start the work. Cancelling the work order, and debarring the petitioner for one year from participating would adversely affect the future of the petitioner, and the order dated 02.12.2025 is liable to be quashed.

5. Learned counsel for respondent-3 would submit that the petitioner has made allegations against the Chief Municipal Officer that for extraneous favour, he has not given the lay out plan to the petitioner but the authority against who allegations have been made has not been made as party respondent in the petition, and on this ground alone, petition is liable to be dismissed. He would also submit that petitioner-firm is in proprietorship of one Smt Bharti Phanpuria and Mr Aman Sinha is not the authorized signatory. He is only a surveyor, working under the Pradhan Mantri Awas Yojana in the year 2024, and was found involved in large scale manipulations. An enquiry was conducted against him and report was submitted before the Collector. Petitioner was allotted five works, out of which, four works were not completed. Ultimately, his work order was cancelled vide order dated 02.12.2025, and he was blacklisted. Before taking action against the petitioner, he was provided sufficient opportunity to complete the work but he failed to do so. On 18.08.2025, he signed 8 agreements to complete the work under the terms, and conditions mentioned therein and when the petitioner did not

start the work, and even he did not obtain the lay out, though he was asked by a letter dated 15.09.2025 to collect the layout of the construction work from the Sub-Engineer and start the work. Despite the efforts making by the respondent authorities, and repeated letters issued to him, petitioner did not pay any heed, and therefore, the work order was cancelled by taking a decision in the meeting of President -in-Council as well as the directions of the State Government contained in letter dated 23.03.2025. Therefore, the petitioner cannot claim equity as the work has been suffered for his fault and the impugned order of cancellation of work order as well as his debarring for one year from participating any further tender is justified, and the petition filed by the petitioner-firm is liable to be dismissed.

6. Learned counsel appearing for the State would submit that State is a formal party, and it is a dispute between the petitioner and respondent-3.

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

8. There are allegations and counter allegations having disputed questions of fact, as to who is at fault in handing over the layout plan of the tender work as to whether the petitioner himself was negligent in obtaining the said lay out, or the respondent authorities refused to provide the same to the petitioner.

9. From the return filed by respondent-3, and the documents appended thereto, it transpires that notice was issued on 22.05.2025 to the petitioner that time limit to complete certain works under the work order has been elapsed, yet, the petitioner has not completed his work and not submitted its report. In that letter, he has been debarred for participating in further tender process for one year. The Notice dated 25.04.2025 Annexure R-3-6 also shows that before passing the order dated 22.05.2025, notice was issued to the petitioner to obtain lay out plan and to complete the work. Therefore, opportunity was provided to the petitioner before cancelling the work order allotted to him.

10. Be that as it may, from the entire sequence of the events, and conduct of the petitioner-firm that despite issuance of notice to obtain the lay out and to start/complete the work allotted to him, he failed to either to start or to complete the work. Cancellation of work order of the petitioner was decided in the meeting of President-in-Council on 25.07.2025, which in the opinion of this Court, appears to be the steps correctly taken by respondent-3. When the petitioner, despite notice, has not started the work, he cannot claim equity in his favour and the authorities concerned are constrained to take such steps, particularly, when the public interest is involved in the allotted work.

11. Considering the entirety of facts and circumstances of the case, we do not find any arbitrariness in the decision making process of respondent authorities.

12. With respect to submission of learned counsel for the petitioner that black listing/debarring the petitioner to participate in further tender process for one year is too harsh and the Hon'ble Supreme Court has held that blacklisting is in the nature of penalty, and therefore, it cannot be passed without giving opportunity of hearing to the petitioner in that respect.

13. Hon'ble Supreme court in case of **M/S Kulja Industries Ltd v. Chief Gen. Manager, W.T. Proj., BSNL & Ors** (decided on October 4, 2013) AIR 2014 SC 9 refers to the authority of state entities to blacklist contractors for improper conduct. This landmark judgment affirmed that state entities have the authority to blacklist contractors for improper conduct but that such blacklisting must be proportional, not permanent, and subject to judicial review, and it has observed in para-26 as under:

“26. The next question then is whether this Court ought to itself determine the time period for which the appellant should be blacklisted or remit the matter back to the authority to do so having regard to the attendant facts and circumstances. A remand back to the competent authority has appealed to us to be a more appropriate option than an order by which we may ourselves determine the period for which the appellant would remain blacklisted. We say so for two precise reasons. Firstly, because blacklisting is in the nature of penalty the quantum whereof is a matter that rests primarily with the authority

competent to impose the same. In the realm of service jurisprudence this Court has no doubt cut short the agony of a delinquent employee in exceptional circumstances to prevent delay and further litigation by modifying the quantum of punishment but such considerations do not apply to a company engaged in a lucrative business like supply of optical fibre/HDPE pipes to BSNL. Secondly, because while determining the period for which the blacklisting should be effective the respondent-Corporation may for the sake of objectivity and transparency formulate broad guidelines to be followed in such cases. Different periods of debarment depending upon the gravity of the offences, violations and breaches may be prescribed by such guidelines. While, it may not be possible to exhaustively enumerate all types of offences and acts of misdemeanour, or violations of contractual obligations by a contractor, the respondent-Corporation may do so as far as possible to reduce if not totally eliminate arbitrariness in the exercise of the power vested in it and inspire confidence in the fairness of the order which the competent authority may pass against a defaulting contractor.”

14. Considering the aforementioned facts and decision of Hon’ble Supreme Court, this Court is of the opinion that black listing /debarring of

the petitioner for one year from participating in further tender appears to be hard, and it is liable to be quashed.

15. Accordingly, that part of the order dated 02.12.2025 that 'petitioner M/s Aman Construction Through Its Proprietor Bharti Bhanpuria shall be debarred for one year from 02.12.2025' is hereby quashed. However, cancellation of work order of the petitioner through order dated 02.12.2025 is affirmed.

16. Petition is partly allowed to the extent indicated herein above.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice