

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

Case: WP(C) No. 607/2025

Rakesh Kumar Choudhary.

...Petitioner(s)/Appellant(s)

Through: Mr. Sunil Sethi, Sr. Advocate with
M/s Parimoksh Seth & Tejashwar Singh Chib,
Advocates.
V/s

Union of Inida and ors.

.... Respondent(s)

Through: Mr. Vishal Parihar, Advocate for respondent
nos. 2 and 3.

CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER
12.03.2025

01. The petitioner through the medium of present petition has challenged the show cause notice No. NHAI/13013/CO/2024/E-272743 dated 25.01.2025 issued by respondent no.3 whereby the petitioner has been directed to show cause as to why his Firm should not be debarred from NHAI for a period of one year for having violated clause 21(1) of the Contract Agreement.

02. Issue notice to the respondents. Mr. Vishal Parihar, learned counsel accepts notice on behalf of respondent nos. 2 and 3.

03. Heard learned counsel for the parties on the question of grant of interim relief and perused the material on record.

04. It has been contended by learned Senior counsel appearing for the petitioner that though the petitioner has already submitted his reply to the show cause notice yet the tone and tenor of the impugned notice reveals that the respondents have already decided that the petitioner has violated clause 21(1) of the Contract Agreement and, as such, the outcome is a forgone conclusion. It has been further

contended that on 24.01.2025 a day prior to the issuance of the impugned show cause notice, a surprise site inspection of Toll Plaza, which is being operated by the petitioner, was conducted and no parallel software etc. was found in use by the Toll Collecting agency operated by the petitioner. According to the learned Senior counsel, the complaint with regard to the operation of the parallel software was received by the respondents in respect of a Toll Plaza situated in Uttar Pradesh and on the basis of said complaint, no proceedings could have been initiated against the petitioner. On this basis, it has been contended that there was no ground for the respondents to issue the impugned show cause notice.

05. Having regard to the submissions made and the material placed on record, it appears that a *prima facie*, case has been made out for grant of the interim relief in favour of the petitioner.

06. Accordingly, it is directed that till next date of hearing and subject to the objections from the other side, the respondents shall not take any adverse action against the petitioner on the basis of the impugned show cause notice.

07. List on 25th April 2025.

(SANJAY DHAR)
JUDGE

Jammu
12.03.2025
SUNITA/PS