**04.** **10.04.2026.**
**Court No.07.**

**(Pritam)**

**Calcutta High Court**
**In the Circuit Bench at Jalpaiguri**
**Appellate Side.**

**MAT 22 of 2026**
**with**
**CAN 1 of 2026.**

**Union of India & Ors.**
**-Vs.-**
**M/s. Patel Engineering & Ors.**

Mr. Sudipto Kumar Mazumdar, Ld. DSGI.,
Mr. Ajoy Kumar Singhania.
.....for the appellants.

Mr. Amales Ray, Sr. Adv.,
Ms. M. Chakraborty,
Ms. Akshita Chhetri.
.....for the respondents.

1. The respondents before the writ court have preferred the present intra-court appeal assailing an interim order of stay dated 6th February, 2026 passed in WPA 140 of 2026 in favour of the writ petitioners.
2. Heard the learned D.S.G.I appearing for the appellants and the learned advocate representing the writ petitioners/respondents.
3. The writ petitioners are MES enlisted contractor with the respondents. He was served with a show-cause notice on 19th June, 2025 on account of his implication in a case instituted by the Central

Bureau of Investigation (CBI). Pursuant to the notice and reply, the business dealing with the petitioners has been suspended by the order dated 19th July, 2026. Being aggrieved by the suspension, the writ petitioners have approached the writ court.

4. The Single Judge Bench by an order darted 6th February, 2026 has stayed the suspension in the following terms;

> *".....The impugned order does not reveals on which contract has been awarded by the Subedar Ibrahim Ali to the petitioner by taking the advantage of illegal bribe. The respondent authorities in the impugned order have stated that prima facie the authorities have found guilty of the petitioner for adopting unethical practices. This Court finds that the CBI only initiated the case and is pending before the appropriate court of law unless and until it is not decided whether the officer concerned and the petitioner are involved in the criminal conspiracy for getting the award by way of illegal manner, it cannot be said that the petitioner is guilty for the alleged offence.*
>
> *8. Considering the above, this Court finds that the prima facie opinion made by the authorities on the basis of the which the impugned suspension order is issued against the petitioner is liable to be stayed and the same is stayed for the period of six weeks from date. The respondent authorities are directed to file affidavit-in-opposition within a period of four weeks from date. Reply, if any, thereto be filed within two weeks thereafter.*
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> *9. List this matter on March 24, 2026 under the heading "Adjourned Motion"."*

5. The learned D.S.G.I. submits that the authorities have proceeded after issuing a show-cause notice. Steps have been taken in view of the discretion

vested with the authorities under Clause 9 of the Enlistment Order, wherein such action is permitted, under 3 circumstances;

(i) on account of submission of non-bona fide tenders,

(ii) on account of technical,

(iii) or on account of other delinquencies.

6. The suspension order, therefore, requires no interference and the stay order should be set aside so as to enable consideration of the writ petition without any stay.

7. The learned D.S.G.I. also referred to a decision of the Hon'ble Apex Court in the case ***State of Odisha vs. Panda Infraproject Ltd.,*** reported in ***(2022) 4 SCC 393***.

8. The learned writ petitioners/respondents are represented. The learned senior advocate submits that the finding of the Hon'ble Single Judge is based on a prima facie appreciation of the material. He further submits that this morning the writ petition was mentioned with a view to its consideration for extension of the interim order, and the same was fixed for consideration on 13th April, 2026.

9. The prima facie finding recorded by the Hon'ble Single Judge, extracted above, in our view was

sufficient for passing the interim order. We do not propose to comment on the merits of the matter with reference to the judgment in the case of ***State of Odisha*** *(Supra)* relied upon by the learned D.S.G.I. as the merits of the matter is yet to considered by the learned Single Judge Bench. No other grounds have been urged.

10. Since the matter is fixed just two days from now and in view of the nature of the order passed by the learned Single Judge extracted above, we find no reason to interfere with the same, at this stage.

11. We refrain from making any further observation with respect to the merits of the matter. Since the interim order is based on a prima facie consideration, which it is needless to say, is subject to a consideration of the matter after exchange of pleadings, with a view to a final adjudication of the writ petition on merits.

12. We are informed that pleadings have already been exchanged. We therefore, would allow the learned advocates representing the parties that when the matter is taken up next on 13th April, 2026, for consideration for extension of the interim order, they may request the learned Single Judge

to proceed for final consideration of the writ petition.

13. We, therefore, dispose of the appeal and the connected application in the above terms.

14. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all formalities.

**(Madhuresh Prasad, J.)**

**(Prasenjit Biswas, J.)**