



2026:CGHC:27334-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 3411 of 2026**

M/s Current Crafts, Through Its Proprietor Smt. Payal, Patel W/o Nilesh Patel, Aged About 30 Years R/o Village Tendua, Post Deorbija, District-Bemetara (C.G.)

... Petitioner(s)**versus**

1. Chhattisgarh State Power Distribution Company Limited, Through The Managing Director, Chhattisgarh State Power Distribution Company Campus, Danganiya Raipur, District- Raipur (C.G.)
2. Superintending Engineer Chhattisgarh State Power Distribution Company Limited, Circle Durg District- Durg (C.G.)
3. Executive Engineer Chhattisgarh State Power Distribution Company Limited (O And M) Division Saja, District- Bemetara (C.G.)

...Respondent(s)

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. Ankush Borkar, Advocate.
For Respondent/State	:	Mr. Shashwat Rai, Advocate.

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

Per Ramesh Sinha, Chief Justice

03.07.2026

1. Heard Mr. Ankush Borkar, learned counsel for the petitioner. Also heard Mr. Shashwat Rai, learned counsel, appearing for the respondents.
2. The present petition has been filed by the petitioner under Article 226 of the Constitution of India, seeking following reliefs :-

“10.1 That, this Hon’ble Court may kindly be pleased to issue a writ in the nature of Certiorari or any other appropriate writ, order or direction, quashing the impugned letter dated 11.06.2026 (Annexure P/1) issued by the respondent No. 3.

10.2 That, this Hon’ble Court may kindly be pleased to issue a writ in the nature of Mandamus or any other appropriate writ, order or direction, commanding the respondents to allow the petitioner to participate in Tender Nos. 423, 424 and 425 and to consider and evaluate the bids of the petitioner strictly in accordance with law, without giving any effect to the impugned disqualification.

10.3 That, this Hon’ble Court may kindly be pleased to issue a writ in the nature of Mandamus or any other appropriate writ, order or direction, commanding the respondents to ensure transparency and fairness in the tender process and to not take any coercive or adverse action against the petitioner on the basis of the impugned letter.

10.4 That, this Hon'ble Court may kindly be pleased to grant any other relief or reliefs which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

3. Learned counsel for the petitioner submits that the petitioner is a proprietorship firm engaged in the business of contractorship and is duly registered under the GST Act. It is submitted that the respondent—Chhattisgarh State Power Distribution Company Limited invited bids under Tender Nos. 423, 424 and 425, the last date for submission whereof was 08.06.2026. The petitioner, being eligible, participated in the tender process by submitting her bids.

4. It is further submitted by the learned counsel for the petitioner that on the last date of submission of bids, the petitioner noticed certain irregularities and lack of transparency in the tender process being conducted by respondent No.3 and accordingly raised oral objections before the concerned authority. However, instead of considering the grievances raised by the petitioner, respondent No.3, acting with malafide and retaliatory intent, issued the impugned communication dated 11.06.2026 whereby the petitioner was disqualified from participating in Tender Nos. 423, 424 and 425 on the allegation that she had entered the Divisional Office, Saja on 25.05.2026 and misbehaved with the officials.

5. Learned counsel for the petitioner further contended that the impugned action is wholly arbitrary, illegal and violative of Articles 14 and 21 of the Constitution of India. It is also contended that before

passing the impugned order, neither any show-cause notice was issued nor any opportunity of hearing was afforded to the petitioner. No enquiry whatsoever was conducted into the alleged incident and the petitioner was never called upon to explain her stand. Thus, the impugned action has been taken in complete violation of the principles of natural justice. He further argued that the allegation of misbehaviour is vague, unsubstantiated and unsupported by any contemporaneous complaint or other material. The alleged incident dated 25.05.2026 was never brought to the notice of the petitioner prior to issuance of the impugned communication and surfaced only after the petitioner questioned the transparency of the tender process. According to learned counsel, this clearly indicates that the impugned action is actuated by malafides and has been taken only to exclude the petitioner from the bidding process.

6. Learned counsel for the petitioner further stated that the impugned communication is a non-speaking order passed without application of mind, as it neither discloses the material on the basis of which the petitioner has been disqualified nor records any reasons justifying such drastic action. It is also contended that disqualifying the petitioner from all three tenders, without following the prescribed procedure and without establishing any nexus between the alleged conduct and the petitioner's eligibility to participate in the tenders, is wholly disproportionate and arbitrary. He also submitted that the petitioner's husband had earlier challenged a tender process relating to Tender No. 10-30/2025-26/PUR/5313 by filing WPC No. 1749 of 2026, which came to be dismissed by this Court vide order dated 16.04.2026. According to

learned counsel, the present action of the respondents is also required to be appreciated in the aforesaid factual background.

7. On the aforesaid submissions, learned counsel for the petitioner prays that the impugned communication dated 11.06.2026 disqualifying the petitioner from Tender Nos. 423, 424 and 425 be quashed and the respondents be directed to consider the petitioner's bids on their own merits in accordance with law.

8. *Per contra*, learned counsel appearing for the respondents opposes the writ petition and submits that the impugned communication does not suffer from any illegality warranting interference by this Court in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India. It is submitted that the petitioner has not approached this Court with clean hands and has suppressed material facts. According to the respondents, the impugned action has not been taken on account of any objection allegedly raised by the petitioner regarding the tender process, but on account of a serious incident that had taken place in the office of the respondent authorities.

9. Learned counsel for the respondents submits that on 25.05.2026, Shri Nilesh Patel, husband of the proprietor of the petitioner firm, namely, Smt. Payal Patel, along with one Vicky Patel, entered the office of the Executive Engineer, CSPDCL, Saja, and started alleging that their tender had been rejected due to the Executive Engineer. When the Executive Engineer informed them that he had no role in rejection of any tender, both the said persons allegedly started shouting, abused the

Executive Engineer and other departmental officials in filthy language and extended threats to kill them. It is submitted that the incident was witnessed by departmental employees as well as other persons present in the office.

10. Learned counsel for the respondents further submits that after obtaining instructions from the superior authorities, the Executive Engineer/respondent No.3 lodged FIR No.162/2026 dated 09.06.2026 at the Police Station Saja, District Bemetara (C.G.) against Shri Nilesh Patel and Vicky Patel in respect of the aforesaid incident. Thereafter, considering the seriousness of the allegations and the office note prepared in that regard, the competent authority issued the impugned communication dated 11.06.2026 disqualifying the petitioner from participating in Tender Nos.423, 424 and 425. It is submitted that the decision was taken in order to maintain discipline and ensure fairness in the tender process and cannot be said to be arbitrary or actuated by malafides.

11. It is further submitted by the learned counsel for the respondents that participation in a government tender is not an absolute or vested right. The tendering authority is entitled to take administrative decisions in the larger interest of maintaining the sanctity of the tender process. It is, therefore, contended that no case for interference under Article 226 of the Constitution of India is made out and the writ petition deserves to be dismissed.

12. We have heard learned counsel for the parties and perused the

material available on record.

13. The challenge in the present writ petition is to the communication dated 11.06.2026 whereby the petitioner has been disqualified from participating in Tender Nos.423, 424 and 425.

14. The principal contention advanced on behalf of the petitioner is that the impugned action is arbitrary and violative of the principles of natural justice as no show-cause notice or opportunity of hearing was afforded before passing the impugned order. It has also been contended that the action is a retaliatory measure adopted by the respondents after the petitioner raised objections regarding the transparency of the tender process.

15. On the other hand, the respondents have produced the copy of the FIR No.162/2026 came to be registered on 09.06.2026 against Shri Nilesh Patel, husband of the proprietor of the petitioner firm, Smt. Payal Patel, and one Vicky Patel, in connection with the incident dated 25.05.2026, which is taken on record. The allegations contained in the FIR disclose that both the said persons entered the office of the Executive Engineer, abused the departmental officials in obscene language and extended threats to their life. The incident is also stated to have been witnessed by departmental employees and other persons present at the office.

16. It is true that the petitioner herself is not named as an accused in the aforesaid FIR. However, the respondents have disclosed that the impugned decision was taken on the basis of the office note prepared

after the aforesaid incident. At this stage, this Court is not required to examine the correctness or otherwise of the allegations made in the FIR, as the same is a matter of investigation. The limited scope of judicial review under Article 226 is to examine the legality of the decision-making process and not to sit in appeal over the administrative decision of the competent authority.

17. It is well settled that a person participating in a government tender does not possess an indefeasible or fundamental right to be awarded or even to participate in a tender irrespective of surrounding circumstances. The scope of judicial review in contractual matters is extremely limited and unless the decision of the tendering authority is shown to be arbitrary, discriminatory, malafide or in violation of any statutory provision, the writ Court ought not to interfere. The employer is the best judge of the standards necessary for maintaining the integrity, discipline and fairness of the tender process.

18. In the present case, the respondents have assigned reasons for issuing the impugned communication and have placed reliance upon the incident which culminated in registration of the aforesaid FIR. Merely because the petitioner alleges that she had raised objections regarding the tender process, no material has been brought on record to prima facie establish that the impugned action was actuated by malafides or was taken solely on account of such objections. This Court does not find the decision-making process to be so arbitrary, irrational or perverse as to warrant interference in exercise of writ jurisdiction.

19. It also cannot be lost sight of that maintenance of discipline and decorum in public offices is of considerable importance, particularly in matters concerning public procurement. The tendering authority is expected to ensure that the tender process is conducted in a fair, transparent and orderly manner. In the facts of the present case, this Court is of the considered opinion that the impugned decision cannot be said to suffer from such illegality or arbitrariness as would justify interference under Article 226 of the Constitution of India.

20. Consequently, finding no merit in the writ petition, the same is **dismissed**. No order as to costs.

**Sd/-
(Ravindra Kumar Agrawal)
Judge**

**Sd/-
(Ramesh Sinha)
Chief Justice**