

Item No.14
29.07.2026
Court. No. 11
GB/gc

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION*

FMA 73 of 2026
With
CAN 2 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. Bikramaditya Ghosh,
Mr. Mayank Bhandari,
Mr. Ved Rai,
Mr. Vivek Saha,
Mr. Binayak Bandopadhyay,
Mr. H.A. Ghosh*

...for the Respondent No.1.

1. The appeal arises out of an order dated April 13, 2026, passed by a learned Single Judge. By the order impugned, the learned Judge quashed the order of suspension of business of the writ petitioner/respondent no.1 which was issued by the Maj. Gen. Chief Engineer dated July 19, 2025.
2. His Lordship held that, based upon a, prima facie, opinion that the firm had indulged in unethical practice, the business could not be suspended. According to His Lordship, the case against the writ petitioner/respondent no.1 was being investigated and a charge-sheet in this regard had not been filed.
3. Under such circumstances, the decision amounted to pre-judging the issue and, as such, could not be sustained. His

Lordship also observed that the show-cause notice, which was issued by the appellants, did not spell out the exact nature of the guilt of the writ petitioner.

4. We find that the suspension of business was for a year and the said period has lapsed.
5. Learned DSGI has submitted a document which indicates that the investigation by the CBI is over, but a sanction for prosecution is awaited. The charge-sheet is likely to be filed soon, upon receipt of such sanction. It is submitted by learned DSGI that, involvement of the writ petitioner is available in the records of the investigation.
6. At this stage, we are not inclined to deal with the alleged incriminating materials against the petitioner. However, we are of the view that the appeal has since become infructuous, as the period of suspension is also over. The decision of His Lordship was based on the reason that, during the pendency of the investigation, the writ petitioner should not be held to be guilty of the offence. Thus, the observations of His Lordship will not affect any future course of action that may be taken by the appellants on the basis of findings of the investigating agency, in the event there are materials against the writ petitioner.
7. Accordingly, the appeal and the application are disposed of.
8. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)

(Smita Das De, J.)