



2026:AHC:57068-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 8120 of 2026

Swastik Infratech And 2 Others

.....Petitioner(s)

Versus

State Of Up And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ashutosh Ganguli, Pranab Kumar Ganguli, Utsav Singh
Counsel for Respondent(s)	:	C.S.C.

Court No. - 2

**HON'BLE ATUL SREEDHARAN, J.
HON'BLE SIDDHARTH NANDAN, J.**

1. Heard learned counsel for the petitioner and Shri Abhishek Kumar Srivastava, learned Additional Chief Standing Counsel for the State-respondents.

2. The present petition has been filed by the petitioner who is aggrieved by the order dated 06.02.2026 passed by the respondent no.2 by which the petitioner has been debarred with immediate effect for one year in participating in the tenders of the PWD.

3. The brief facts of the case are as follows:

That on 23.12.2025, the petitioner was issued a work order bearing no. CB- No. 190/EE/2025-26 for special repair work of Malaun Crossing to Karbala Pond Link Road in Kanpur. It is the case of the petitioner that on 26.11.2026, he submitted a representation to the Chief Minister through the IGRS portal supported by an affidavit dated 19.01.2026 allegedly exposing the irregularities and influence of outsiders in the tendering process.

It is thereafter alleged by the petitioner that the so-called whistle blowing activity of the petitioner annoyed the local MLA and other contractors associated with the local MLA and who had threatened and attacked Ayush Tiwari, the son of the petitioner due to which an F.I.R. was registered by the son of the petitioner on 26.01.2026 at P.S. Chaubeypur.

It is further the case of the petitioner that it was on account of the pressure brought to bear upon the respondents by the MLA of Bilhaur that a counterblast F.I.R. was registered against the petitioner on 27.01.2026 by the Junior Engineer. On the same day, the Executive Engineer, Provincial Division (PWD, Kanpur issued a show-cause notice pursuant to his inspection on 27.01.2026 that the son of the petitioner threatened the Junior Engineer and that on inspection the work was found to be substandard and not as per specifications. Thereafter, the petitioner's firm submitted its reply on 29.01.2026 purportedly giving his point wise reply and that no opportunity for hearing was provided. Thereafter, on 03.02.2026, a fresh show cause notice was issued by the Superintended Engineer of PWD, Kanpur Circle directing the proprietor of the petitioner's firm whether he had authorized his son Ayush Tiwari to file his affidavit on his behalf. The petitioner replied vide his reply dated 05.02.2026 admitting that his son was acting in the interest of the firm and was the authorized signatory to the entire correspondence.

4. Learned counsel for the petitioner has argued that the blacklisting of the petitioner for the period of one year which prohibits him from participating in any tender quoted by the PWD was malicious and was done on account of the whistle blowing activity indulged in by the petitioner wherein he had exposed, according to the learned counsel for the petitioner, the close nexus between the local MLS and other contractors. He further submits that the petitioner was assaulted by the henchmen of the MLA on account of the said complaint made by him, which led to filing of an FIR by the petitioner on 26.01.2026. He further submits that it was on the very next day i.e. 27.01.2026, that the counterblast F.I.R. was registered against his son by the Junior Engineer.

5. As regards the reason for blacklisting the petitioner which according to the respondent-State was the substandard work done by the petitioner wherein he was required to resurface the road with 5 cm whereas the inspection reveals that road layer was only 3 cm and maximum of 4 cm. Learned counsel for the petitioner has submitted that though there is no specific denial of the inspection report of the respondents, he has, by necessary implication denied the same and in his reply the petitioner has stated that if there was work that was done in contravention to the

required specification, the Junior Engineer was there to supervise the work done by the petitioner ought to have been taken to task. However, this court is unable to agree with the learned counsel for the petitioner. The presence of the Junior Engineer as a supervising agent of the PWD does not mean that the petitioner was allowed to carryout the work deficient of the specifications. The Junior Engineer is there to maintain the measurement book on the basis of which the bills of the petitioner were required to be cleared on a later date upon finding that the work executed by him were in compliance of the specifications. Therefore merely because the Junior Engineer was not proceeded against by the respondent-State/PWD, does not mean that the petitioner had executed the work which was compliant of the specifications.

6. Under the circumstances, there is no specific averment in the petition or by way of the documents annexed thereto that the contention of the PWD that the work was not in compliance of the specifications is incorrect, and there being no specific denial of the inspection report dated 27.01.2026, in the only stand taken by the learned counsel for the petitioner is that they did not wait for the lab report, to which this court is unable to agree with. The same cannot be sufficient enough to state that the blacklisting has been unjust.

7. What is required to be seen and stated herein is that there was no violation of principles of natural justice and the petitioner was given an adequate opportunity by way of two show cause notices to explain the deficiency of his service to which there was no specific denial. The process of blacklisting is the prerogative of the State which takes work out of the contractors and this court is of the opinion that the period of one year cannot be said to be excessive which could result in the commercial death of the petitioner, and is commensurate with the deficient quality of work executed by him.

8. Under the circumstances, in view of what has been argued, considered and referred to herein above, the petition stands ***dismissed***.

(Siddharth Nandan,J.) (Atul Sreedharan,J.)

March 19, 2026

Sumit K.