

HIGH COURT OF SIKKIM
Record of Proceedings

WP(C) No.71 of 2025

M/S SATRA SERVICES AND SOLUTIONS PVT. LTD.

PETITIONER

VERSUS

NATIONAL HIGHWAYS AND INFRASTRUCTURE
DEVELOPMENT CO. LTD. (NHIDCL) AND OTHERS

RESPONDENTS

Date: 13.11.2025

CORAM :

THE HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE

For Petitioner	Mr. Sudesh Joshi, Advocate. Ms. Uma Shankar Sarada, Advocate.
For Respondents	
R-1	None present.
R-2	None present.
R-3 & 4	None present.

ORDER

Heard Learned Counsel for the Petitioner.

The Petitioner is aggrieved by the Debarment Notice, dated 30-09-2025, issued by the National Highways & Infrastructure Development Corporation Limited (NHIDCL), Respondent No.1. Vide the said Notice, the Joint Venture (JV) comprising of M/s. Altinok Consulting Engineering Inc. (Respondent No.3) with M/s. Satra Infrastructure Management Services Pvt. Ltd. (Petitioner) in association with MaRS Planning and Engineering Services Pvt. Ltd. (Respondent No.4), are debarred from participating in the pre-qualification for bidding for all future Projects to be undertaken by NHIDCL/National Highways Authority of India, (NHAI)/Ministry of Road Transport and Highways (MoRTH), for a period of two years.

Learned Counsel submits that the JV had entered into a contract on 14-05-2020, with the NHIDCL in terms of which they were to provide consultancy service as Authority's Engineer for (i) construction/upgradation of existing road to 2-lane with paved shoulder

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including geometric improvement from Ranipool to Pakyong from km. 0.000 to km. 16.167 of NH-717-A; and (ii) construction of 48m Bridge over Chuba Khola from km. 75 + 300 to km. 75 + 800 on NH-10.

That, the Debarment Notice *inter alia* alleges that the Authority's Engineer, i.e., JV, had time and again failed to remedy the failure in performance of their obligations as specified under various clauses of the Contract. That, the Notice has also cited and placed reliance on two Circulars, dated 07-10-2021 and 04-01-2022 of the MoRTH, which in effect would not be applicable to the JV as the Contract between the Respondent No.1 and the JV was entered into on 14-05-2020, prior in time to the issuance of the above mentioned Circulars. That, the show cause notice at Annexure P9 (colly), dated 07-01-2025, issued by the Respondent No.1 to the JV was sent only to the e-mail address of the Respondent No.3. The Debarment Notice dated 30-09-2025, was issued jointly to the JV *sans* individual Notice being given to each of the companies comprising the JV. The Petitioner had no knowledge of the show cause notice and therefore had no opportunity to respond to it, nor was the Petitioner aware of the debarment notice.

In fact, the Petitioner on 03-10-2025 while going through various Contracts that were to be issued in the website of NHIDCL came to learn of the debarment of the JV by the Respondent No.1. Consequent upon such knowledge, the Petitioner filed a representation before the Respondent No.1, NHIDCL, on 08-10-2025 [erroneously written by the Petitioner in Annexure P-15 (colly) as 08-09-2025], seeking consideration and removal of the Petitioner's name from the debarment order as it has caused severe harassment to the Petitioner. That, the failures if any were entirely attributable to the lead partner Respondent

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No.3 and the Petitioner had no hand in it. It is contended that no response to the representation of the Petitioner has been received from the Respondent No.1. It is canvassed that the non-service of show cause notice to the Petitioner depriving him of the opportunity to respond, the lack of information of debarment notice and the lack of response by Respondent No.1 to his representation, has seriously prejudiced the Petitioner and is in complete violation of the principles of natural justice. That, the acts of the Respondent No.1 has affected the livelihood of the Petitioner.

Learned Counsel for the Petitioner seeks a stay of the impugned Debarment Notice till the next date and issuance of Notice to the Respondents herein.

Having heard Learned Counsel for the Petitioner, perused the pleadings and documents annexed thereto and having given due consideration to the submissions and the facts and circumstances involved, let Notice be issued to the Respondents. In the interregnum, the Petitioner having made out a case for consideration, the impugned Debarment Notice dated 30-09-2025 is stayed till the next date.

Requisites be filed within three days.

List on 05-03-2026.

Judge
13.11.2025