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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 6458/2011**

PALOGIX INFRASTRUCTURE PVT. LTD AND ANR.

..... Petitioner

Through: Mr. Sandeep sethi, Senior Advocate, with
Mr. Prateek Jalan, Mr. Surendra Dube, Ms.
Sonia Dube, Mr. S. Chakarborty, Mr.A.
Mishra & Ms. Kanchan Yadav, Advocates

versus

UNION OF INDIA AND ANR.

..... Respondents

Through: Mr. A.S. Singh for Mr. R.N. Singh,
Advocates

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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22.11.2011

1. Respondents had floated a scheme 'Private Freight Terminals' vide communication of 31.05.2010 (Annexure P-2) and in pursuance thereto, petitioner had applied for setting up of Greenfield Private Freight Terminal at Murad Nagar, Uttar Pradesh and along with the application had deposited the application money of ₹1 crore. The application of 15.12.2010 (Annexure P-4), submitted to the respondents, was dealt with by the SAG Screening Committee of the respondents, who had recommended as under:-

"6.0 In view of incomplete details regarding land ownership (particularly on compliance or otherwise of provisions of Section 147-A of UP Zamindari Abolition and Land Reforms Act, 1950) and infirmities noted in para 3.0 above for the proposed PFT, issue of an EQI notice to ascertain prospective applicants for PFTs and serious nature of irregularities alleged against one Director of the applicant company M/S Palogix Infrastructure Pvt. Ltd. noted above, Screening Committee recommends as under:-

- (i) No further correspondence be done with the applicant Company regarding their eligibility in terms of policy.*
- (ii) The application of the company be rejected and no business dealings be done with the company due to allegations of serious irregularities against Railways and VCC's advice to impose major penalty charge sheet on one of the Directors of the Company.*
- (iii) The matter be suitably reported to Railways Board for necessary action and advice to other Railways."*

2. Respondents while accepting the aforesaid recommendation had communicated to the petitioner on 13.07.2011 that the application of the petitioner has been considered and not found feasible for acceptance.

3. Against the said rejection letter of 13.07.2011 (Annexure P-19), petitioner moved a Representation dated 27.07.2011 (Annexure P-20) to the Adviser (FM), Railway Board, Rail Bhawan, New Delhi and learned Senior Counsel for the petitioner submits that the said Representation has not been decided till date.

4. Since the counter affidavit has been filed in this matter, therefore, it would be appropriate to permit the petitioner to make a fresh comprehensive

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Representation to meet the recommendations of the SAG Scrutiny Committee and the stand taken by the respondents in the counter affidavit and to file alongwith the Representation, the certified copies and the orders of the authorities filed by the petitioner in the present proceedings, as referred to in the supplementary affidavit of 24.10.2011, before the Adviser (FM), Railway Board, Rail Bhawan, New Delhi.

5. Learned senior counsel for the petitioner states that the comprehensive Representation would be made before the Adviser (FM), Railway Board, Rail Bhawan, New Delhi within a week.

6. If it is so done, it is expected that the Adviser (FM), Railway Board, Rail Bhawan, New Delhi would consider the Representation of the petitioner by affording an effective hearing to the authorized representative of the petitioner and thereafter, would deal with the same, while giving reasons and the needful be done within 8 weeks.

7. With directions as aforesaid, this petition stands disposed of.

8. Copy of this order be given *dasti* to counsel representing both sides.

CM No. 1292/2011 (u/S 151 CPC)

Dismissed as infructuous.


(SUNIL GAUR)
JUDGE

NOVEMBER 22, 2011

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