

GAHC010039322021



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/1539/2021

SWAPAN DUTTA

S/O- SRI AMARENDRA DUTTA, R/O- WARD NO.2, LAKHIMPUR RAILWAY
COLONY, P.O. LAKHIMPUR, PIN- 787001, DIST.- LAKHIMPUR, ASSAM

VERSUS

THE UNION OF INDIA AND 4 ORS
REP. BY THE CHIEF COMMERCIAL MANAGER, TC AND CATG.
N.F.RAILWAY, MALIGAON, GHY-11

2:THE DIVISIONAL RAILWAY MANAGER
OFFICE OF THE DIVISIONAL MANAGER
RANGIA DIVISION
RANGIA
ASSAM
PIN- 781354

3:THE DIVISIONAL COMMERCIAL MANAGER
N.F.RAILWAY
RANGIA
ASSAM
PIN- 781354

4:RAM KISHORE ROY
30 BHUBANESWARI COLONY
BHUBANESWAR KHODRA
ODDISHA
PIN- 751006

5:UNION OF INDIA
REPRESENTED BY THE GENERAL MANAGER
NF RAILWAY

MALIGAON
GUWAHATI-78101

For the Petitioner(s) : Mrs. B. Talukdar, Advocate

For the Respondent(s) : Mr. B. Sarma, SC, Railway Department

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 03.01.2024

1. The instant writ petition was filed by the Petitioner challenging the communication dated 16.03.2020 wherein the Respondent No.4 was allotted the Milk Stall at North Lakhimpur Station and for a direction upon the Respondent Authorities to allot the VIP Amul Store at North Lakhimpur Station in favour of the Petitioner.

2. It is apparent from a perusal of the affidavit-in-opposition filed by the Respondent Nos. 1, 2 and 3 that in terms with the Catering Policy of the Respondent Railways of the year 2017, an open tender was invited vide NIT No. C/56/RNY/Catg./Milk stall/2019/1 dated 06.12.2019 through www.ireps.gov.in web portal and the said tender was opened on 31.12.2019. The Petitioner did not participate in the said tender process. The Respondent Authorities after taking note of the tender of the Respondent No.4 and finding it to be suitable has awarded Letter of Acceptance/License in favour of the Respondent No.4 vide the communication dated 16.03.2020. Taking into account that the Respondent No.4 was awarded the Letter of Acceptance/License dated 16.03.2020 in pursuance to a tender process wherein the Petitioner did not participate, the question of interfering with the Letter of Acceptance/License

dated 16.03.2020 in favour of the Respondent No.4 does not arise.

3. Further to that, it is also relevant to observe that as per the Catering Policy of 2017, allotment of license can only be given by way of tender and as such the question of issuance of a direction upon the Respondent authorities to grant allotment to the Petitioner on the basis of a representation also does not arise.

4. Consequently, this Court therefore does not find any merit for which the instant writ petition stands dismissed.

JUDGE

Comparing Assistant