

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14524 of 2010

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M/S R.K. Trading Co. through Raju Kumar Gupta, S/O Sri Janardhan Prasad, R/O Mohalla- Anantpur, P.S. Mufassil And Distt.- Begusarai having its office at Power House Road, At P.S. And Distt.- Begusarai

.... Petitioner/s

Versus

1. The East Central Railway through the Chief Material Manager (Sales), Hajipur, Distt.- Vaishali
2. The Deputy Chief Material Manager (Depot) East Central Railway, Samastipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Sinha, Sr.Adv.
Mr.Bhola Kumar
Mr.Ashish Sinha
For the Respondent/s : Mr. Parashuram Singh

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 02-04-2015 Heard the parties.

The petitioner is aggrieved by the orders dated 22.12.2009 issued by the respondent no.2, as contained in Annexure-3, 3/1 and 3/2 respectively, whereby auction sale of the railway scrap made in favour of the petitioner on 24.09.2009 has been cancelled on account of non-payment of bid amount and the earnest money deposited by the petitioner has been forfeited.

Learned senior counsel appearing on behalf of the petitioner, though has argued the matter at some length, but he has not been able to point out any illegality or irregularity with respect to the impugned orders dated 22.12.2009 (Annexure-3 series).

Learned counsel appearing on behalf of the respondents, on the other hand, has supported the impugned orders by referring to the averments made in the counter affidavit filed on their behalf. He has pointed out that, in the light of the provisions

contained in Standard Conditions of Auction Sales issued by the North Eastern Railway (Annexure-3), the earnest money of the petitioner has been forfeited in terms of Clause 3.4 of the aforesaid Standard Conditions of Auction Sales and, therefore, according to him, the impugned action of the respondents cannot be legally faulted.

Learned counsel appearing on behalf of the respondents appears to be correct.

After having heard the parties and for the reasons recorded above, this Court does not find any good ground to interfere with the impugned orders, as contained in Annexure-3 series.

The writ petition is devoid of merit and is, accordingly, dismissed. However, the parties are left to bear their own costs.

(Birendra Prasad Verma, J)

Arvind/-

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