

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20254 of 2014

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M/s Ankit Smelters and Scrap Trading Pvt. Ltd. 18-D(2) Pokharpur Lal Bungalow
Jajmau Kanpur through its Director Sharwan Kumar Jaiswal @ Sharwan Kumar
son of Badri Prasad Jaiswal, Resident of 239 Pardevanpur Lal Bungalow, Police
Station- Chakeri Kanpur Nagar, District- Kanpur (U.P.)

.... Petitioner

Versus

1. The Union of India through its Secretary, Ministry of Railway, Government of India, New Delhi
2. The General Manager, East Central Railway, Hazipur, District- Vaishali
3. The Controller of Store, East Central Railway, Hazipur
4. The Senior Deputy General Manager, East Central Railway, Hazipur, District- Vaishali at Hazipur
5. The Divisional Rail Manager, East Central Railway, Samastipur, District- Samastipur
6. The Deputy/Assistant Chief Material Manager/Depo East Central Railway, Samastipur, District- Samastipur
7. The Senior Section Engineer (C & W), Incharge, East Central Railway, Patratu under the East Central Railway, Hazipur, District- Vaishali

.... Respondents

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Appearance :

For the Petitioner : Mr. Anil Kumar Tiwary, Advocate

For the Respondents: Mr. Naresh Dixit, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 09-02-2016

The present writ petition has been filed for direction to the respondents to consider and decide the representations of the petitioner dated 23.11.2013, 27.11.2013 and 02.06.2014 which were submitted for return/payment of Rs. 10,98,870 with interest of 17% expeditiously.

2. It is submitted on behalf of the petitioner that despite having been the successful bidder in E-auction held on 18.10.2013 and having been granted auction delivery order dated 11.22.2013 for

cutting Cond. accidental 8 wheeler wagon with all excluded fittings as available except wheel Axle, Roller vide Lot No. 700141212, the petitioner was restrained from the cutting work in terms of the order dated 22.11.2013 (Annexure-7) by respondent no. 5. It is submitted that despite representations filed in this regard, the matter has not yet been resolved despite respondents having admitted that the delay was being caused in order to sort out the inadvertent omission in the context of excluded fittings.

3. Learned counsel for the Railways appears and has been heard.

4. Having regard to the nature of the grievances of the petitioner and in view of the averments made in the counter affidavit, the present writ petition is disposed of with a direction to the General Manager, East Central Railway, Hajipur to consider and dispose of the petitioner's representation dated 02.06.2014 (Annexure-10), if not already disposed, in accordance with law and after grant of opportunity of being heard to the petitioner expeditiously, and preferably within a period of eight weeks from the date of receipt/production of a copy of this judgment.

(Vikash Jain, J)

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