GAHC010173802020

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

Case No. : WP(C)/5224/2020

M/S GSR VENTURES PVT. LTD.
A COMPANY HAVING REGD. OFFICE AT 103 SRINIVASA TOWERS 6-3-1187, BEGUMPET, HYDERABAD- 500016, ANDHRA PRADESH, INDIA, REP. BY IT AUTHORIZED SIGNATORY KOVELAKUNTLA MOHAMMED RAFI, S/O- K.C.IMAM SAHEB, AGED ABOUT 41 YEARS, R/O- 519, A-BLOCK, MAY FLOWER HEIGHTS, MALLAPUR, HYDERABAD- 500076, DIST.- K.V.RANGAREDDY, TELANGANA

VERSUS

THE UNION OF INDIA AND 2 ORS.
REP. BY THE GENERAL MANAGER, CONSTRUCTION, N.F.RAILWAY, MALIGAON, GHY-11, DIST.- KAMRUP (M), ASSAM

2:THE CHIEF ENGINEER
CONST-2
N.F.RAILWAY
MALIGAON
GHY-11
DIST.- KAMRUP (M)
ASSAM

3:THE DY. CHIEF ENGINEER
C-1
BHRB
N F RAILWAY BAIRABI SAIRANG CONSTRUCTION OFFICE
AIZAWL
MIZORAM
PIN- 79601

Advocate for the Petitioner : MR. B PATHAK

Advocate for the Respondent : SC, RAILWAY

Linked Case : WP(C)/5249/2020

M/S GSR VENTURES PVT. LTD.
A COMPANY HAVING REGISTERED OFFICE AT 103 SRINIVAS TOWERS 6-3-1187
BEGUMPET
HYDERABAD
500016
ANDHRA PRADESH
INDIA
REPRESENTED BY ITS AUTHORISED SIGNATORY KOVELAKUNTIA MOHAMMAD RAFI
SON OF KC IMAM SAHEB
AGED ABOUT 41 YEARS
RESIDENT OF 519
A BLOCK. MAY FLOWER HEIGHTS
MALLAPUR
HYDERABAD
500076
DIST K V RANGAREDDY
TELANGANA

VERSUS

THE UNION OF INDIA AND 2 ORS.
REPRESENTED BY THE GENERAL MANAGER
CONSTRUCTION
NF RAILWAY
MALIGAON
GUWAHATI 781011
DIST KAMRUP M ASSAM

2:THE CHIEF ENGINEER

CONSTRUCTION 2
NR RAILWAY MALIGAON
GUWAHATI 781011
KAMRUP M ASSAM
3:THE DEPUTY CHIEF ENGINEER.
C1
BHRB

NF RAILWAY BAIRABI SAIRANG CONSTRUCTION OFFICE
TARAPUR
SILCHAR
788003
DIST CACHAR
ASSAM

Advocate for : MR. B PATHAK
Advocate for : SC
RAILWAY appearing for THE UNION OF INDIA AND 2 ORS.

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 16-12-2020

Heard Mr. B. Pathak, learned counsel for the writ petitioner in both these writ petitions. Also heard Mr. Brijesh Sarma, learned standing counsel, N.F. Railway appearing for the official respondents.

The writ petitioner herein was awarded two separate contracts for execution of certain works under the N.F. Railway authority. According to the petitioner, while executing the work, it had faced certain un-surmountable difficulties, as a result of which, the petitioner had informed the N.F. Railway authority that it would not be possible to proceed with the execution of the work. However, despite receipt of such information, neither the contract has been terminated till date nor has the respondent carried out final measurement so as to settle the dues of the petitioner. Under such circumstances, the petitioner has approached this Court by filing these writ petitions seeking a direction upon the respondents.

Based on the order dated 09-12-2020 passed by this Court, Mr. Sarma has obtained instruction and placed the same before this Court.

I have perused the written instruction dated 15-12-2020, which goes to show that, steps for closure of the contract has already been initiated by the railway authority by following proper procedure. According to Mr. Sarma the question of settlement of final bill would arise only after the contract is closed.

Mr. Pathak submits that his client would be satisfied if the action, as proposed by the railway authority, is initiated without any further delay, to which the learned standing counsel has also agreed.

In view of the above and as agreed to by the learned counsel for the parties, without expressing any comment on the merit of the claims and counter claims of the parties, I dispose of this writ petition by providing that the process as indicated in the written instruction dated 15-12-2020, be carried out expeditiously so as to close the contracts.

Copy of the instruction dated 15-12-2020 be retained in the record.

Writ petitions stand disposed of accordingly.

JUDGE

GS

Comparing Assistant