

Court No. 13

21.09.2020

(SL 19)
(sp)

WPA 6602 of 2020
(Old No. WP 6602 (W) of 2020)
CAN 1 of 2020
(Old No. CAN 5417 of 2020)

Surya Alloy Industries Limited & Anr.
Vs.
Union of India & Ors.

Mr. P. Bag,

Mr. Debsoumya Basak,

Mr. Viswajit Dasgupta

... for the petitioners

Mr. S.R.Roy

...for the respondent no.5

Considering the urgency pleaded by the petitioners in CAN 5417 of 2020, the instant writ petition is taken up for hearing via video conference.

Accordingly, the applications being CAN 5417 of 2020 is disposed of.

The petitioners are aggrieved by an order dated May 6, 2020 issued by the Rail Wheel Plant / Bela, Stores / Depot located at Bihar. By the said letter, a sum of Rs. 66 lacs payable to the petitioners for supply effected to the Rail Wheel Plant at Bela in Bihar was directed to be withheld. The letter was addressed by the AMM/RWP/Bela to PFA/RWP/Bela. The e Tender was floated from Bihar and supply was to be effected at Bihar. The process of e Tendering was online.

According to the petitioners, this Court would have territorial jurisdiction inasmuch as the part payment was received at Calcutta and the agreement was allegedly signed at the petitioners' office at Calcutta.

It is impossible for this Court to believe that the agreement could have been signed by the petitioners at Calcutta or that receipt of letters and purchase orders at Calcutta would constitute an integral part of the petitioners' cause of action.

Further since the petitioners only seeks cause of action and letter dated May 6, 2020 issued from outside jurisdiction, and not even jurisdiction of the petitioner, this Court sees no cause of action having jurisdiction of this Court. The law in this regard is well-settled by the Hon'ble Supreme Court in, inter alia, cases of ABC Laminart Vs. A.P. Agencies reported in (1989) 2 SCC 163 and Alchemist and Anr. Vs. State Bank of Sikkim reported in (2007) 11 SCC.

The sum and substance of the dicta laid down by the Hon'ble Supreme Court in this regard is that the cause of action to attract the territorial jurisdiction of the Court would have to substantially arise within its jurisdiction. The part of the cause of action referred to by the petitioners at paragraph 32, page 16 of the writ petition, according to this Court does not attract the territorial jurisdiction of this Court.

Hence, the writ petition being WPA 6602 of 2020 (Old No. W.P. 6602 (W) of 2020 is dismissed with liberty however reserved to the petitioners to move the Court having territorial jurisdiction for seeking appropriate relief.

There shall, however, be no order as to costs.

All the parties are to act on a server copy of this order on the usual undertaking.

(Rajasekhar Mantha, J.)