

WPO 297 of 2020
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

NARAYANI POLYPIPES
VERSUS
RESEARCH DESIGNS AND STANDARD ORGANISATION (RDSO) AND ORS.

BEFORE:

The Hon'ble JUSTICE RAJASEKHAR MANTHA

Date: 15th October, 2020.

APPEARANCE:
Mr. Naresh Balodia, Adv.
Mr. Rajib Mullick, Adv.

Mr. Arijit Dey, Adv.
Mr. Deepak Kumar Singh, Adv.

The Court:- The cause of action of the petitioner is wholly suspect apart from being untenable. Territorial jurisdiction is equally suspect. The sum and substance of the argument of the petitioner is that there was certain safety products that were required to be procured by the railways only from a set of registered vendors. The petitioner was one of such

registered vendor. As a policy decision, by a communication dated 24th March, 2020, issued by the Director General, Railway Board at New Delhi and addressed to the RDSO, Manak Nagar, Lucknow, the products being manufactured by the petitioner, i.e. 'Permanently Relocated HDPE Duct', was declared as procurable from the general market since the same was commercially available. The vendors' list for this product, in which the petitioner featured was directed to be discontinued. As a consequence of this decision taken entirely outside the jurisdiction of this Court, a communication was issued to the petitioner on the 22nd of May, 2020 informing him of the same.

This Court is of the clear view that the petitioner cannot claim any vested right to compel the railways to purchase any product from him. It is a policy decision of the railways as to whether they wish to purchase goods and spare parts and items, from registered vendors or from the general market by any other process or source.

The petitioner can at best claim legitimate expectation which, in the instant case, is also not applicable. Since territorial jurisdiction is completely absent, and a substantial part of any alleged or illusory cause of action of the petitioner has arisen entirely at Lucknow and New Delhi, the writ petition shall stand dismissed.

However, in the facts and circumstances of the case, there shall be no order as to costs.

(RAJASEKHAR MANTHA, J.)