

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1091 of 2022

In
Civil Writ Jurisdiction Case No.8924 of 2020

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Surya Alloy Industries Limited a Company incorporated under the Companies Act, 1956, represented through its Company Secretary, having its registered Office at 1/1, Camac Street, 3rd Floor, Kolkata 700016 through its authorized signatory Gauranga Das, aged about 49 years, Male, Son of Late Indramohan Das, Resident of Badhagachi (CT) South, P.O. Guptipara, P.S. Balagarh, District Hooghly (West Bangal).

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Railways having office at Rail Bhawan, Raisina Road, New Delhi.
2. The Principal Chief Material Manager, at 1st Floor, Stores , Stores Branch, Administrative Building, Rail Wheel Plant, Bela, P.O. Arvindnagar, District Saran, Bihar.
3. Deputy Chief Material Manager-II, Office of the Principal Chief Material Manager, 1st Floor, Stores Branch, Administrative Building, Rail Wheel Plant, Bela, P.O. Arvindnagar, District Saran, Bihar.
4. The Assistant Material Manager, (Depot), Office of the Principal Chief Material Manager, working for gain at 1st Floor, Stores Branch, Administrative Building, Rail Sheet Plant, Bela, P.O. Arvindnagar, District Saran, Bihar.
5. Eastern Railway Service through the General Manager, working for gain at 17, Netaji Subhash Road, Fairlie Place, Kolkata 700001.
6. Rites Ltd. a company incorporated under the Companies Act, 1956, Service through its Chairman and Managing Director, having its Eastern Regional Office at Central Metro Station Building, 56, C R Avenue, 2nd Floor, Kolkata 700012.

... .. Opposite Party/s

with

Civil Writ Jurisdiction Case No. 9540 of 2022

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Surya Alloy Industries Limited a Company incorporated under the Companies Act, 1956, represented through its Company Secretary, having its registered



Office at 1/1, Camac Street, 3rd Floor, Kolkata 700016, through its authorized signatory Gauranga Das, aged about 49 years, Male, son of Late Indramohan Das resident of Badhagachi (CT) South, P.O. Guptipara, P.S. - Balagarh, District Hooghly (West Bangal).

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Railways, having office at Rail Bhawan, Raisina Road, New Delhi.
2. The Principal Chief Material Manager, at 1st floor, Stores Branch, Administrative Building, Rail Wheel Plant, Bela, P.O. Arvindnagar, District Saran, Bihar.
3. Deputy Chief Material Manager-II, Office of the Principal Chief Material Manager, 1st Floor, Stores Branch, Administrative Building, Rail Wheel Plant, Bela, P.O. Arvindnagar, District Saran, Bihar.
4. The Assistant Material Manager, (Depot), Office of the Principal Chief Material Manager, working for gain at 1st floor, Stores Branch, Administrative Building, Rail Sheet Plant, Bela, P.O. Arvindnagar, District - Saran, Bihar.
5. Eastern Railway Service through the General Manager, working for gain at 17, Netaji Subhash Road, Fairlie Place, Kolkata 700001.
6. RITES Ltd. a company incorporated under the Companies Act, 1956, Service through its Chairman and Managing Director, having its Eastern Regional Office at Central Metro Station Building, 56, C R Avenue, 2nd floor, Kolkata 700012.

... .. Respondent/s

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Appearance :

(In Miscellaneous Jurisdiction Case No. 1091 of 2022)

For the Petitioner/s : Mr.Prabhat Ranjan, Adv.

For the Opposite Party/s : Mr.Anshuman Singh, C.G.C.

Mr. Ranjan Kumar, Adv.

(In Civil Writ Jurisdiction Case No. 9540 of 2022)

For the Petitioner/s : Mr.Prabhat Ranjan, Adv.

For the Respondent/s : Mr.Anshuman Singh, CGC

Mr. Ranjan Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH



ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

2 31-08-2022 The aforesaid modification petition has been filed for extending the time granted by this Court vide Judgment dated 01.02.2022 passed in CWJC No. 8924 of 2020 for filing an application before the Railway authorities for appointment of an Arbitrator.

The learned counsel for the petitioner has submitted that on account of communication gap between the parties and non-availability of the certified copy of the judgment dated 01.02.2022, the same could not be served in the office of the Respondent Railway authorities within a period of four weeks from the date of passing of the said judgment dated 01.02.2022, hence, the said time granted to the petitioner be extended by a further period of two weeks from today so that the petitioner can do the needful as per the mandate of the aforesaid order dated 01.02.2022.

Having regard to the facts and circumstances of the case, the time granted to the petitioner to file appropriate application before the Railway authorities for appointment of an Arbitrator is extended by a further period of two weeks from today and to that extent the judgment dated 01.02.2022 passed in CWJC No. 9540 of 2022 stands modified, however, the rest



of the order shall remain as it is.

In such view of the matter, the learned counsel for the petitioner submits that the aforesaid writ petition bearing CWJC No. 9540 of 2022 can also be disposed of with liberty to the petitioner to agitate his grievances in the arbitral proceedings.

Accordingly, the aforesaid two petitions stand disposed off, however, with liberty to the petitioner to agitate his grievances before the learned Arbitral Tribunal, as and when the same is constituted.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

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