

Ct. 21.9
No. 26
2022

W.P.A. 30513 of 2014
(Assigned)

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M/s. Samadhan
-Versus-
The General Manager, Eastern Railway & Ors.

Mr. Asok Chakraborty
Ms. Soma Roy Chowdhury ...For Respondent Nos. 1 to 6

Mr. Amritam Mandal **...For Respondent No. 8**

This matter has appeared at the instance of the Railway Authorities.

It is to be noted that the petitioner is enjoying an interim order since 2015. By way of this interim order the Railway Authorities have been restrained from negotiating with any other bidder in respect of the tender Notice No. 1 of 2015 (serial No. 3 dated February 13, 2015).

Learned Counsel appearing on behalf of the Railways has submitted that the railway authorities are willing to issue a fresh tender wherein all parties can participate including the petitioner. I find this to be a fair submission.

It is to be further noted that the parties were directed to file their notes of argument on several occasions by this Court. While, the Railway Authorities has filed its notes of argument, the petitioners have chosen not to file any notes of argument even till date.

The Hon'ble Apex Court, in Asian Resurfacing of Road Agency Private Limited and Another v. Central Bureau of Investigation (2018) 16 SCC 289, held that stay on criminal or civil proceedings will automatically come to an end after six months, unless extended under exceptional circumstances. While it was with regards to stay of civil and criminal proceedings, the underpinning reasoning that the

Apex Court expounds upon is the paramountcy of expeditious and finality of disposals. Interim orders are passed for a time bound period only. They should not be extended for the mere reason of causing prejudice to another side for no fault of theirs and on the basis of deliberate dilatory tactics by the petitioner. Rule of law abhors unjustness and inequity. Therefore, I am of the view that the interim order passed on March 19, 2015 should not subsist any longer.

In the light of the same, the interim order passed on March 19, 2015 stands vacated and the Railway Authorities are directed to issue a fresh tender notice.

I make it clear that the petitioners shall be entitled to participate in the said tender, if they desire to do so.

I further make it clear that in case Railways have been holding the security deposit from the petitioner and/or other respondents, the Railways shall forthwith refund the same in accordance with law.

With the aforesaid observations, the writ petition is disposed of along with other connected applications, if any.

Urgent photostat certified copy of the order, if applied for, be supplied to the parties on priority basis on compliance of all necessary formalities.

(Shekhar B. Saraf, J.)