

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1093 of 2023

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1. Padam Chand Jain S/o Late Mohan Lala Jain, r/o Plot No. 20, Behind Tanishq Showroom, P.O. and P.S. Chandrashekharapur, Town, Bhubaneswar, District - Khurda, Pin - 751016.
 2. M/S Jai Jalram Constructions, Address - Bombay Hotel Building, Juns Patna, P.O. - College Square, P.S. - Malgodown, Pin - 753000, District - Cuttack, State - Odisha through its authorized representative Saurabh Jain, aged about 39 years (Male), S/o Padam Chand Jain, r/o Plot No. 20, Behind Tanishq Showroom, P.O. and P.S.- Chandrashekharapur, Town, Bhubaneswar, District - Khurda, Pin - 751016.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary Ministry of Railways, New Delhi.
2. The Chairman and CEO, Railway Board, Ministry of Railways, New Delhi.
3. The Union of India through the General Manager, East Central Railway, Hajipur, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Naresh Dixit, Advocate
For the Respondent/s : Ms. Kalpana, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

3 24-02-2023 In the instant petition, petitioners have prayed for the following relief(s):-

“1. (i) Issuance of a direction, order, or writ, including writ in the nature of mandamus declaring that the Indian Railways Standard General Conditions of Contract, 2022 shall not be applied retrospectively.

(ii) Issuance of a direction, order, or writ, including writ in the nature of mandamus commanding the respondents that the firm namely M/S Jai Jalram Constructions shall be excluded from the ambit of clause 07 of the Indian Railways Standard General Conditions of Contract, 2022 while deciding their credentials.

(iii) Any other relief/reliefs that



the petitioners may be found to be entitled to in the facts and circumstances of the present case.”

Learned counsel for the petitioner submitted that Railways Authorities while issuing various tenders’ notification after 27.04.2022, they are implementing the clause 07 of the Indian Railway Standard General Conditions of Contract, April, 2022.

According to learned counsel for the petitioner, clause 07 is being implemented while giving it effect retrospectively. In this regard, he has not furnished any document to establish that clause 07 of the Indian Railways Standard General Conditions of Contract, April, 2022 issued on 27.04.2022 has been applied retrospectively. In the absence of any material on record and merely on statement, this Court cannot entertain the present writ petition.

Accordingly, present writ petition stands disposed of as not maintainable, reserving liberty to petitioner to file afresh petition in the event of any material information is available to him.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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