

08.12.2023
(D/L-01)
Ct.-36
(S.B & S.M)

W.P.C.R.C 197 of 2023

C.P.A.N. 773 of 2023

Sigma Rail Systems Private Limited & Anr.

-Vs-

Shri Sanjib Vutani & Ors.

I.A. No. CAN 1 of 2023

I.A. No. CAN 2 of 2023

I.A. No. CAN 3 of 2023

In

W.P.A. 1050 of 2023

Mr. Jishnu Saha, Sr. Adv.

Mr. Soorjya Ganguli,

Ms. Somdutta Bhattacharyya,

Mr. Dhruv Chaddha,

Ms. Devanshi Prasad,

.... For the petitioners.

Mr. Pramit Kumar Ray,

Ms. Amrita Pandey,

.... For the alleged contemnors.

The supplementary affidavit filed on behalf of the alleged contemnor no.3, who is the Executive Director (S & T/QA), RDSO, Ministry of Railways, with his office at 17, N. S. Road, Kolkata 700001 in Court today be kept with the record.

Learned Counsel appearing for the alleged contemnors seeks to file supplementary affidavit to show, at least, partial compliance of the orders passed by this Court.

Counsel further submits that the alleged contemnor no. 1A, 2A and 3 are present in

Court today in compliance with the Rule issued by the Court on 18th October , 2023. The alleged contemnor no.2A, being the Secretary, Railway Board, Ministry of Railways, is present on virtual mode.

Counsel further submits that the RDSO, Lucknow has taken steps to comply with the direction passed not only by this Court but also by the Division Bench in the orders dated 26th July, 2023 and 4th October, 2023.

Learned Counsel appearing for the petitioners submits that the RDSO, Lucknow has inspected one of the 5 offered Lots of the equipment of the petitioners and has given an Inspection Certificate in respect of one of the offered Lots.

Counsel further submits that the RDSO, Lucknow may be directed to complete the inspection for the remaining Lots which have been offered by the petitioners.

Counsel further submits that by an order dated 9th June, 2023 in the contempt proceeding, the Court had restrained the alleged contemnors from taking any step which could have prejudicial effect on the orders placed by at least 5 of the Railway Zones on the petitioners. The Zonal Railways were accordingly directed to

extend the date for delivery of the products till the contempt proceeding is heard out.

Counsel submits that all the other Railways have complied with this direction save and except Eastern Railway. Counsel hands up a chart in support of his contention.

Considering the submissions made on behalf of the petitioners and the alleged contemnors, the RDSO Lucknow is directed to complete inspection of the remaining offered Lots within seven days from date. The Eastern Railway is also directed to extend the delivery periods in relation to the orders placed on the petitioners for the signaling equipment till four months from today.

Needless to say, RDSO Lucknow will also carry out and complete the inspection of all the equipments which are presently part of the offers/orders of the petitioners.

Since nothing further remains of the contempt proceedings, WPCRC 197 of 2023 is disposed of. All the connected applications are disposed of accordingly.

Personal appearance of alleged contemnors is dispensed with.

(Moushumi Bhattacharya, J.)