

Sl No. 14
10.03.2023.
SB-II
AGM

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

WPA 572 of 2023

**Bablu Halder
-versus
The Union of India & Ors.**

Mr. Kaushik Chatterjee, ... For the petitioner.

Mr. Sudipto Kumar Mazumdar, Ld. DSGI
Mr. Ajoy Kumar Singhania, ... For the NF Railway.

The petitioner filed the writ petition seeking for a direction upon the respondent authorities to accept payment of the tender value after reassessment as per the physical measurement of the area of the executive lounge.

According to the petitioner, the total area of the executive lounge which was put to contract is 1032.69 Sq ft. The petitioner alleges that the aforesaid area was not handed over to the petitioner. A far lesser area was provided to the petitioner.

On repeated occasions representations were made for providing the area as mentioned in the contract. A meeting was also conducted, but the fate of the meeting was never communicated to the petitioner.

The learned Counsel representing the Railways submits. upon instruction that, the present writ petition has become infructuous as the contract of the

petitioner has already been cancelled with effect from 10th March, 2023 and the earnest money deposit has been forfeited.

The learned advocate for the petitioner denies that the contract has been cancelled. The petitioner is yet to be served with the copy of the cancellation order.

Let a copy of the same be handed over to the learned advocate representing the petitioner in Court.

As it appears that the cause of action for which the petition was filed has substantially changed with the alleged cancellation of the contract of the petitioner with effect from today, accordingly, it will be open for the petitioner to take necessary steps for challenging the said cancellation by filing fresh petition, if so advised.

In view of the above, no relief can be granted to the petitioner in the present writ petition.

The writ petition stands disposed of.

The document showing cancellation of the contract with effect from 10th March, 2023 by the Indian Railways be retained with the records.

Affidavit-of-service filed today in Court be kept with the records.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)