

11.09.2024
ct. 6/SI. No.31
tkm

MAT 1790 of 2024
CAN 1 of 2024
Mohammad Akram
Vs.
Union of India & Ors.

Mr. Debrup Bhattacharjee
Ms. S Pramanick

...for the appellant

1. Appellant has assailed fixation of price in the contract no. 18045-18046-VP-2-SHM-HYB dated 16th August 2024 with regard to transportation of goods in East coast Express.
2. Learned counsel for the appellants contends the price fixed in the impugned tender is below the reserved price prescribed under circular issued by the railway authorities. He further contends the said price is lower than the price fixed in another tender with regard to transportation of goods in the same train.
3. Admittedly, appellant has not been awarded contracts for transportation of goods in East Coast Express. He has been awarded contract for transportation of goods in Falaknuma Express whose route substantially overlaps with East Coast Express. Railway circular relied upon by the appellant deals with the contracts awarded in respect of the same train and cannot regulate

contract awarded for trains running in similar routes.

4. In view of the aforesaid, Hon'ble Single Judge was right to decline interim relief to the appellant. That apart, nature of relief sought for, if granted, would have resulted in grant of final relief at the interim stage.
5. Grant of injunction is governed by well-established principles namely, existence of prima facie case, balance of convenience and irretrievable injustice which cannot be monetarily compensated. As the appellant had not been awarded contract in the same train, he cannot claim to be a person aggrieved with regard to price fixation in alleged railway circular. Hence, he has failed to make out a prima facie case in his favour. Moreover, work order has already been issued in favour of a third party and injuncting its continuance would cause unnecessary complications.
6. For these reasons we do not find any merit in the appeal and the same is dismissed.
7. We make it clear it shall be open to the Hon'ble Single Judge to decide the writ petition independently and in accordance with law.
8. Liberty to pray for early hearing.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)