

**In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

**20.12.2024
SL 16
Court No. 14
BP/AGM**

WPA 30141 of 2024

**M/s. A. H. Wheeler & Co. (Pvt.) Ltd.
vs.
Indian Railways & Ors.**

**Ms. Sonal Shah.
Mr. Kushagra Shah.
Ms. Ritturika Banerjee.
... For the petitioner.**

**Mr. Ashok Bhowmick.
Mr. A. Raha.
... For the respondent nos. 1 to 5.**

1. The petitioner is aggrieved by the reasoned order dated 20th September, 2024 passed by the Senior Divisional Commercial Manager, Eastern Railway, Sealdah clearly mentioning that the contract of the petitioner will expire on 20th December, 2024 and before expiry of the contract e-auction will be done for awarding fresh contract and the petitioner may participate in the same.
2. The said order was passed in compliance of the direction passed by the Court on 01.08.2024 in WPA 18759 of 2024. In the said order, the Court records the contention of the petitioner that the petitioner may be allowed 141 days more, over and above the time already allowed to the petitioner to continue with the shop. The authority has allowed the extra 141 days. Now the petitioner prays for more days to be allowed.

3. It has been submitted that the representation which was considered by the authority prayed for 434 days extra to be allowed to the petitioner. The authority has arrived at a finding that since 11.11.2020 the stalls opened but full strength of passengers could not be resumed after reopening. It has been submitted that the other stall owners under the same division are being allowed more days of contract but in case of the petitioner, the authority has restricted it to only 141 days.
4. Prayer has been made to permit the petitioner to continue business for the entire period of 434 days.
5. Prayer of the petitioner is opposed by the learned advocate representing the Railways. It has been submitted that the petitioner made specific submission before the Court that 141 more days to be allowed. The authority considered such prayer and has allowed the same.
6. It has been submitted that repeated communications were made by the petitioner on 9th October, 2023 and 31st January, 2024 requesting time till December 2024 for extension of the contract period.
7. The authority has accepted the prayer of the petitioner and permitted time till 20th December, 2024. No further time can be extended. It has further been submitted that it will be open for the petitioner to participate in the fresh auction to be conducted.
8. Upon hearing the parties and upon perusal of the materials on record, it appears that the petitioner once prayed before the authority for

extension of the contract period till December 2024. The same has been allowed by the authority. Presently, the petitioner prays for more time.

9. The authority has already considered the prayer of the petitioner. The Court is not inclined to interfere with the impugned order which was passed way back in the month of September, 2024 and the petitioner has approached this Court at the very last moment seeking extension of the contract period.
10. The writ petition accordingly fails and is hereby dismissed.
11. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)