

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14659 of 2023

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Mercury (International) Pvt. Ltd. having its Registered Office at No. 929, 9th Floor, IJMIMA Complex, Mind Space, Off Link Road, Malad (West Mumbai 400064, through its Technical Head and Authorized Signatory Ashwini Kumar Dwivedi, Son of Late B.D. Dwivedi, aged about 61 Years, Male, Resident of MIG-12, Surya Bihar, Khyora Nawab Ganj, P.S. Nawab Ganj, Kanpur - 208002 (U.P.).

... .. Petitioner/s

Versus

1. The Union of India through the General Manager, East Central Railway, E.C. Railway (H.Q.), Hajipur, District - Vaishali, Bihar.
2. The Principal Executive Director/Vigilance, Railway Board, Rail Bhawan, New Delhi.
3. The Divisional Railway Manager (Engineering), East Central Railway, Sonpur Division, Bihar.
4. The Divisional Engineer (Head Quarter), East Central Railway, DRM Office, Danapur, Bihar.
5. The Chief Vigilance Officer, E.C. Railway (H.Q.), Hazipur, District Vaishali, Bihar.
6. M/s. Hydrapure Technologies Pvt. Ltd., 33A, Jawahar Lal Nehru Road, 5th floor, Suit No.7, Kolkata - 700071, West Bengal.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan, Advocate

For the Respondents/Railways : Mr. Satyabir Bharti, Advocate

Ms. Kanupriya, Advocate

Mr. Abhishek Anand, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)
Date : 30-04-2025

Heard Mr. Prabhat Ranjan, the learned Advocate for the petitioner and Mr. Satyabir Bharti, the learned counsel for the respondents/Railways.

2. A peculiar prayer has been made in the writ petition.

3. In a tender floated by the respondents/Railways in 2018, the contract was awarded to the writ petitioner in the year 2019. Respondent No. 6 had also participated in the bid/tender. However, only the petitioner was chosen as the successful candidate, who was awarded the contract.

4. This writ petition has been filed in the year 2023, seeking a direction to the respondents/Railways to take action against respondent No. 6 or at least respond to the representations filed by



him by issuing an order of debarment of respondent No. 6 for having filed forged and fabricated documents regarding his eligibility for participating in the tender.

5. We fail to understand as to how it would be the look-out of the writ petitioner for him to seek such relief.

6. For the reason of respondent No. 6 having filed forged and fabricated certificates regarding his eligibility, the award was not given to him. It was for the respondents/Railways to have taken a decision with respect to taking any action against respondent No. 6. Any action against respondent No. 6 cannot be initiated at the instance of the petitioner.

7. It is a misconceived writ petition and we are of the considered opinion that cost should be imposed on the petitioner.

8. We, thus, impose a cost of Rs. 1,000/- on the petitioner, to be deposited with the Bihar State Legal Services Authority within a period of four weeks



from today.

9. The writ petition stands dismissed.

10. Interlocutory application (s), if any, also
stands disposed off.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	01.05.2025
Transmission Date	N/A

