

01 **28.01.
2025**

Ct. No. 08

Ab

**MAT 121 of 2025
IA No. CAN 1 of 2025**

**Bhanu Saha
Vs.
Union of India and others.**

**Mr. Rabindranath Mahato,
Mr. Bipul Kumar Mondal,
Mr. Aritra Sankar Ray,
Ms. Tuli Sinha.**

... for the appellant.

**Mr. Sahasrangshu Bhattacharjee,
Mr. Sukanta Ghosh.**

... for the respondent nos. 2 to 6.

This matter was mentioned yesterday (27.01.2025) citing urgency and we directed the matter to be placed in the list today.

An order dated 14th January 2025 passed by the learned Single Judge in WPA 926 of 2025 is under challenge in this appeal.

The appellant filed a writ petition challenging the issuance of the auction notice dated 14th January 2025. The appellant claimed to the existing contractor for two wheelers parking at Nabadwip Dham Railway Station. The said contract is valid till 11th June 2027.

Mr. Rabindranath Mahato, learned Advocate appearing on behalf of the appellant, submits that if the railways are permitted to conduct the auction and to settle another parking space in favour of a third party, the appellant will suffer huge business losses as he has spent substantial sum of money on account of licence fees in respect of the contract, which is valid till 11th June 2027.

It is not in dispute that the auction is being conducted in respect of a separate space for two wheelers parking. The learned Single Judge rightly noted that only because the appellant's business will suffer,

the railway authority cannot be injuncted from proceeding with the auction process.

It is not in dispute that the impugned auction process is in respect of a different place and, therefore, the existing contract between the appellant and the railway authority does not appear to have been infringed.

For the reasons as above, the appeal and the connected application being CAN 1 of 2025 stand dismissed.

There shall, however, be no order as to costs.

(Harish Tandon, J.)

(Hiranmay Bhattacharyya, J.)