

10-03-2025
Item No.5
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.5511 of 2025
Stone India Limited & Anr.

-vs-

Union of India & Ors.

Mr. Bikash Ranjan Bhattacharya, sr. adv.
Mr. Anirban Ray, sr. adv.
Mr. Debjit Mukherjee, adv.
Mr. Sourav Ghosh, adv.
Mr. Snehashis Sen, adv. ...for the petitioners

Mr. Rabindra Nath Bag, sr. adv.
Ms. Rimi Bhattacharya, adv.
Sk. Md. Wasim Akram, adv. ...for Union of India

1. Heard respective submissions advanced on behalf of both the parties.
2. It appears that the petitioners are aggrieved by a communication made by the Joint Director Std. Wagon for Director General RDSO dated January 16, 2025 whereby the petitioners' request for being accepted for fresh vendor registration has been disallowed.
3. Order was passed by the National Company Law Tribunal (NCLT), Kolkata Bench (Court-I) on June 8, 2023 in the resolution plan of Stone India Limited in I.A.(IB) No.1387/KB/2022 and I.A.(IB) No.1335/KB/ 2022 in CP(IB) No.565/KB/2020 directing that the competent authorities including the appellate authorities may consider grant of reliefs, waivers and concessions keeping in view the spirit of the Code. The resolution plan should be consistent with the extant law and the

resolution applicant shall make necessary applications to the concerned regulatory or statutory authorities for renewal of business permits and supply of essential services, if required, and all necessary forms along with filing fees etc. and the authority shall consider the same keeping in mind the objectives of the Code, which is essentially the resolving of the insolvency of the corporate debtor.

4. For the purpose of reviving the company, request was made before the authority for reinstating the status of the company as listed approved vendor for manufacture and supply of items of RDSO. The same appears to have been disallowed relying on an order dated September 25, 2017 passed for temporary delisting of the petitioners for a period of two years.
5. On a perusal of the documents, it appears that the impugned communication has been passed without properly appreciating the spirit of the order passed by NCLT. The authority ought to have kept in mind that the very purpose of the resolution plan was for revival of the company. If the status of the petitioners is not restored as the approved vendor of RDSO, then the company will not be in a position to revive itself and the entire process of approaching the NCLT for revival will be rendered infructuous.
6. In view of the above, the instant writ petition is disposed of by directing the second respondent – the Research, Designs and Standard Organization through its Joint Director Std. Wagon, Uttar Pradesh – to reconsider the petitioners' prayer for fresh vendor registration in the light of the order passed by NCLT and the observations made

hereinabove.

7. A decision shall be taken by RDSO at the earliest but positively within four weeks from the date of communication of this order and communicate the decision to the petitioners immediately thereafter.
8. Affidavit of service is taken on record.
9. All parties are to act on the server copy of this order duly downloaded from the official website of this court.
10. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]