

01.08.2025
Item No.43
AGM

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No. 11144 of 2025

M/s. The Incoda
-vs-
The Union of India & Ors.

Mr. Tanmoy Mukherjee.
Mr. Rishav Singh.
Mr. Sagar Kumar Mishra.
Mr. Soumalya Dutta.
Mr. Rounak Makhi.

...for the petitioner

Mr. Riju Dutta.
Ms. Tarushree Ghosh.

...for the respondents.

1. Affidavit-of-service filed in Court today be retained with the records.
2. The petitioner seeks payment in respect of certain works performed in terms with the contract issued by the Metro Railway.
3. A legal representation on behalf of the petitioner before the General Manager, Metro Railway is pending consideration.
4. Learned advocate representing the Metro Railway submits, upon instruction that, there is a provision for arbitration in the contract itself. The petitioner ought to have taken steps in terms of the contract.
5. Be that as it may, as a representation on behalf of the petitioner is pending consideration at the end of the General Manager, Metro Railway, accordingly, without going into the merits of the

allegation and counter allegation of the parties, the instant writ petition is disposed of by directing the General Manager, Metro Railway to consider the representation filed on behalf of the petitioner in accordance with law after giving reasonable opportunity of hearing to all the necessary parties by passing a reasoned order. If the claim of the petitioner is allowed, then necessary consequential steps shall be taken.

6. Steps shall be taken at the earliest but positively within a period of twelve weeks from the date of communication of this order.
7. It is made abundantly clear that the Court has not entered into the merits of the claim of the petitioner and it will be open for the aforesaid respondent to take a decision upon consideration of the representation.
8. Learned advocate for the petitioner is directed to forward a copy of the legal representation to the aforesaid respondent at the time of communicating the order of the Court.
9. The writ petition stands disposed of.
10. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

