

OD-2

ORDER SHEET

WPO No.663 of 2025
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

FABRO FORGE
-VS-
UNION OF INDIA & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 11th September, 2025.

Appearance:
Mr. Suddhastva Banerjee Adv.
Mr. Sourojit Dasgupta, Adv.
Mr. Aasish Choudhury, Adv.
Ms. Uma Bagree, Adv.
...for the Petitioner.

Mrs. Aparna Banerjee, Adv.
Mr. Srikumar Chakraborty, Adv.
...for the Union of India.

1. The petitioner refers to page 90 of the writ petition and seeks for a direction upon the railways to return the defective goods so that the petitioner can replace the same.
2. The primary relief sought for by the petitioner is quashing the temporary delisting order dated 27th November, 2024 and the warranty rejection advice dated 27th June, 2025.
3. It appears that the petitioner stood delisted because of the sub standard quality of the goods delivered by it. The petitioner by communication dated 22nd January, 2025 annexed at page 79 of the writ petition accepted that the materials delivered to the railways were of sub standard quality.

4. As an interim measure, the petitioner prays for returning the defective materials so that the petitioner can replace the same with proper materials.
5. Learned advocate representing the railways relies upon the terms and conditions of the Purchase Order wherefrom it appears that a specific time period is mentioned within which the supplier is required to take back the goods in case the same is found to be defective. The time period within which the goods were to be taken back has expired. The Purchase Order requires certain payment to be made by the supplier, if the supplier intends to take back the goods after the expiry of the stipulated period.
6. Upon hearing the parties it appears that the entire dispute arises out of a commercial contract between the parties. The parties are bound by the terms and conditions of the contract. It will be not be proper for the writ Court to entertain and adjudicate such issues.
7. In view of the above, the Court is not inclined to exercise jurisdiction in the matter. The writ petition fails and is hereby dismissed.
8. Dismissal of the writ petition will, however, not stand in the way of the petitioner from approaching the competent forum for adjudication of the dispute in accordance with law, if so advised.
9. Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all legal formalities.

(AMRITA SINHA, J.)