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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 1776/2025 & CM APPL. 8537/2025**
SHIVA BUILD TECH PVT LTDPetitioner
Through: **Mr.Ramesh Kumar, Advocate**

versus

NORTHERN RAILWAYRespondent
Through: **Mr.Bhagwan Swarup Shukla, CGSC**
with Mr.Sarvan Kumar, Advocate for
UOI.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

22.04.2025

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1. Heard learned counsel for the parties.
2. The Court on 28.02.2025, had passed the following order:

“W.P.(C) 1776/2025 & CM APPL. 8537/2025

3. From a perusal of the order dated 18.11.2024 passed by the Chief Engineer/Const/Spl., which has been enclosed as Annexure P-1, it is apparent from its bare reading that other than mentioning the case of the Railways, the reply submitted by the petitioner has neither been discussed nor has it been considered.

4. The Court while disposing of the earlier writ petition filed by the petitioner bearing W.P.(C)14951/2024 has clearly directed the respondent to decide the petitioner's response to the letter dated 04.09.2024 by way of passing a speaking order.

5. It was thus expected from the authority concerned who has passed the order impugned in this writ petition that he ought to have considered the response submitted by the petitioner to the letter dated 04.09.2024. Consideration of any submission made by the petitioner would necessarily involve the process of noticing and thereafter applying mind on such submissions. However, the impugned order apparently is bereft of any such



consideration. The same prime facie suffers from the vice of non-application of mind.

6. In the aforesaid view of the matter, we require the learned counsel representing the respondent to seek instructions as to whether the impugned order can be re-visited by the authority concerned.

7. List on 22.04.2025 to be placed high on board.”

3. Pursuant to the said order, learned counsel representing the respondent, on instructions, states that the impugned order which is under challenge herein shall be revisited by the authority concerned. Accordingly, the order dated 18.11.2024 impugned in this petition passed by the Chief Engineer/Const/Spl, is hereby quashed and the authority concerned is directed to reconsider the entire matter and take a decision afresh after considering all the relevant aspects of the matter including the pleas taken by the petitioner.
4. The decision under this order shall be taken by the authority concerned within a fortnight from today.
5. Learned counsel representing the respondent is directed to communicate this order to the authority concerned forthwith.
6. The writ petition along with accompanying application stands disposed of in the aforesaid terms.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

APRIL 22, 2025/SV