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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 14630/2025, CM APPL. 59981/2025 & CM APPL.
59982/2025

ORIENTAL FOUNDRY PVT. LTD.Petitioner
Through: Mr. Dayan Krishnan, Sr. Advocate
with Mr. R. Sudhinder, Mr. Ashish
Mukhi, Mr. Sanidhya Sonthalia and
Mr. Kanishk Pandey, Advocates.
Mob. No.8979556020

versus

UNION OF INDIA THROUGH MINISTRY OF RAILWAY
.....Respondent
Through:

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

% **ORDER**
22.09.2025

1. The present writ petition has been filed against the respondent on the ground that the respondent has acted in an unfair and discriminatory manner against the petitioner herein, as the petitioner has been singled out amongst the other suppliers of the BCNAHSM1 wagons.
2. Learned Senior Counsel appearing for the petitioner draws the attention of this Court to the letter dated 25th February, 2025, issued by the Ministry of Railways, Government of India, wherein, the petitioner herein was granted extension of the delivery period under the Contract till 31st August, 2025.
3. Learned Senior Counsel submits that while the petitioner has been



granted extension only till 31st August, 2025, other contractors have been granted extension till February, 2026.

4. Learned Senior Counsel draws the attention of this Court to a letter dated 25th November, 2024, wherein, with respect to another entity, i.e. M/s Texmaco Rail & Engg. Ltd., the initial extension of delivery period was till 30th November, 2025, which has subsequently been extended *vide* letter dated 13th February 2025, to 28th February, 2026. The letter dated 13th February, 2025, issued by the Ministry of Railways, Government of India, in favour of the said entity, i.e. M/s Texmaco Rail & Engg. Ltd., is reproduced as under.



भारत सरकार / GOVERNMENT OF INDIA
रेल मंत्रालय / MINISTRY OF RAILWAYS
(रेलवे बोर्ड / RAILWAY BOARD)

No. 2022/RS(I)/954/160/1893

Dated:13.02.2025

M/s. Texmaco Rail & Engg. Ltd.,
Belgharia,
Kolkata- 700056.

Amendment No. VII

Sub: Contract No. 2022/RS(I)/954/160/1893 dated 30.05.2022 for manufacture and supply of BOBRN and BCNAHSM1 Wagons.

1. It has been decided with the approval of Board (Member/T&RS), to re-fix the delivery period of the subject contract for manufacture and supply of BOBRN and BCNAHSM1 wagons as under:-

Quantity	Existing Delivery Period upto	Revised Delivery Period upto
5 th Tranche of 3,344 Nos. Wagons	28.05.2025	28.08.2025
6 th Tranche of 3,344 Nos. Wagons	30.11.2025	28.02.2026

2. This issues with concurrence of the Finance (Stores) Directorate of Ministry of Railways.
3. All other terms and conditions of the subject contract remains unchanged.
4. Please convey your unconditional acceptance addressed to the President of India through Principal Executive Director, Railway Stores (Steel) Ministry of Railways (Railway Board), Rail Bhavan, New Delhi within 5 days from the date of issue of this Amendment.

13/2/2025

Yours faithfully,

Amit Kumar
(Amit Kumar) 13/2/25

Director, Railway Stores(W)
For & on behalf of the President of India



5. Learned Senior Counsel appearing for the petitioner also draws the attention of this Court to another document, wherein, with respect to another entity, i.e., M/s Titagarh Wagons Ltd., extension has been granted till 28th February, 2026. The said document is reproduced as under:

M/s.Titagarh Wagons Ltd. 2022/RS(I)/954/166/1899 dated 30.05.2022									
1	Item	Order Qty			Original Dp	MA III- 06.09.2024	MA VI- 25.11.2024	MA VII- 13.02.2025	
	BCXNHL	4323	1	4030	28-02-2023	1472-31/01/2024			
			2	4030	31-08-2023				
			3	4030	29-02-2024				
2	BCNAHSM1	19854	4	4029	31-08-2024				
			5	4029	28-02-2025		28-05-2025	28-08-2025	
			6	4029	31-08-2025		30-11-2025	28-02-2026	
	TOTAL	24177		24177					

MS. Texmaco Rail & Engg. Ltd. 2022/RS(I)/954/160/1893 dated 30.05.2022										
1	Item	Order Qty			Original Dp	MA I 17.03.2023	MA II 01.06.23	MA II- 08.06.23	MA VI- 25.11.2024	MA VII- 13.02.2025
	BOBRN	1017	1	3345	28-02-2023	1414-31/05/23	10-07-2023			
			2	3345	31-08-2023					
			3	3345	29-02-2024					
2	BCNAHSM1	19050	4	3344	31-08-2024					
			5	3344	28-02-2025		28-05-2025		28-05-2025	28-08-2025
			6	3344	31-08-2025		30-11-2025		30-11-2025	28-02-2026
	TOTAL	20067		20067						

6. Thus, it is submitted that the petitioner is also entitled for such an extension, and he cannot be treated arbitrarily.

7. Learned Senior Counsel appearing for the petitioner submits that a representation dated 30th August, 2025, has been given by the petitioner to the respondent in this regard.

8. Considering the submissions made before this Court, and without expressing any opinion on the merits of the case of the petitioner, the respondent is directed to consider the representation dated 30th August, 2025, submitted by the petitioner. Let the representation of the petitioner be decided in a time bound manner, preferably, within a period of four weeks, from today.



9. At the time of considering the representation of the petitioner, the authorized representative of the petitioner shall also be granted a personal hearing.
10. It is again clarified that this Court has not expressed any opinion on the merits of the case.
11. Rights and contentions of all the parties are left open.
12. With the aforesaid directions, the present writ petition, along with the pending applications, is accordingly disposed of.
13. *Dasti* under the signature of the Court Master.

MINI PUSHKARNA, J

SEPTEMBER 22, 2025

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