

S/L 9
15.06.2026
Court. No. 25
suvayan

WPA 12068 of 2026

M/s Sarada Construction
Vs.
Union of India & Ors.

Mr. Partha Pratim Roy
Mr. Sarbananda Sanyal
Mr. Samrat Chakraborty
Mr. Akash Kr. Ghosh
Ms. Priyanka Banerjee

...for the petitioner.

Mr. Sukanta Chakrabarty
Mr. Partha Sarathi Mondal

...for U.O.I.

1. Though the petitioner has filed the present writ application challenging the termination of the contract.
2. At the very outset, learned advocate appearing for the respondent authorities raised the preliminary objection with regard to the maintainability of the writ application and submits that as per the standard general conditions of contract there is an arbitration clause, if the petitioner is having disputes with regard to the termination, the petitioner has to approach the appropriate authority for arbitration but instead of taking the benefit of Clause 63, the petitioner has filed the present writ application.
3. Learned counsel for the petitioner submits that after the termination of the contract, the petitioner has made a representation to the Senior Divisional Engineer on April 18, 2026 but the same has not yet been considered. The Senior Divisional Engineer ought to have referred the matter to the Chief Engineer for consideration but the same has not been done.

4. Considered the submission made by the learned counsel for the respective parties.
5. Without going into the merit of the matter, the writ petition is disposed of by directing the Senior Divisional Engineer, South Metro Railway, Kolkata to refer the representation submitted by the petitioner on April 18, 2026 to the Chief Engineer or Divisional Railway Manager as the case may be and the said authority shall decide the representation in accordance with law.
6. WPA 12068 of 2026 is disposed of.
7. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Krishna Rao, J.)