



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-06-2026

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THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

**WP No. 14178 of 2026
and WMP.Nos.15415 & 20807 of 2026**

Deb Paints Private Limited,
Methopara Post office,
Ganga Nagar, Kolkata - 700 132
West Bengal, India
Represented by its
Manager Technical Mr. Santu Santra

..Petitioner(s)

Vs

1. Integral Coach Factory
Rep by its General Manager,
Administrative Building,
Integral Coach Factory,
Chennai 600 038
2. RITES Limited
Rep by its Chairman and Managing Director,
Rites Bhavan, Shikhar, Plot No.01,
Sector-29, Gurugram,
Haryana – 122 001

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st Respondent in respect of the Warranty Rejection Advice Nos.20250447, 20250448, 20250449, 20250450, 20250451, 20250452, 20250453 and 20250454 all dated 09 February 2026 issued by the 1st respondent, quash the same and consequently restrain the 1st Respondent from recovering the amounts of Rs.1,04,69,550/- or any other amount pursuant to the Warranty Rejection



Advice Nos.20250447, 20250448, 20250449, 20250450, 20250451, 20250452, 20250453 and 20250454 all dated 09 February 2026 issued by the 1st respondent specified thereunder through the IREPS portal.

For Petitioner(s): Mr. Thriyambak J. Kannan

For Respondent(s): Mr.AR.L.Sundaresan
Additional Solicitor General of India
assisted by
Mr.K.Ramanamoorthy for Senior Panel Counsel
for R1

ORDER

This Writ Petition is filed challenging the Warranty Rejection Advice Nos.20250447, 20250448, 20250449, 20250450, 20250451, 20250452, 20250453 and 20250454, all dated 09.02.2026 issued by the 1st respondent only on the ground that a portion of the paint / thinner etc., supplied by petitioner has been rejected without being tested by an independent laboratory which according to petitioner is a requirement in terms of a communication / proceeding dated 28.04.2016, which sets out the following procedure for testing of samples which is extracted hereunder:

“2.1 Testing of sample:

(a) The sample will be sent for testing to an independent lab which will be either a government lab or NABL accredited lab. However, the independent lab will not be the lab where the item was earlier inspected nor will it be a lab under the control of vendor/Railways. It will be tested by the independent lab and the



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test report sent directly by the lab to the Railway unit for further action. In order to ensure neutrality of testing, the process of testing in the independent lab will not be done in the presence of vendor/railway representative.

(b) In case the test cannot be done in an government lab or in an NABL accredited lab, it can be done at an independent 3rd party lab. In order to ensure neutrality of testing, the process of testing in the independent lab will not be done in the presence of vendor/railway representative.

(c) In case when the nature of testing is such that even an independent 3rd party lab is not available, then the testing can be done in the lab at the vendor or Railway premises. In such a case, the testing will be jointly done in the presence of vendor and Railway representative.”

2. The case of the petitioner appears to be that out of 494 sets supplied by petitioner, 195 sets were rejected and consequently, a Warranty Rejection Advice was issued. Learned counsel for petitioner would submit that in the absence of having tested by an independent laboratory in terms of 2.1 of the said communication / proceeding, the Warrant Rejection Advice could not have been issued.

3. However, it is pointed out by the learned Additional Solicitor General of India appearing for the first respondent that there was a pre-inspection and on receipt of the material after applying the paint / thinner etc., inasmuch as it was



found that it was not up to the standards, the first respondent had conducted a test at Chemicals and Metallurgical Laboratory on 16.09.2025. The test report would indicate that the materials supplied were tested for different parameters and it also indicates that the materials did not satisfy the prescribed standards with regard to certain parameters.

4. Learned Additional Solicitor General of India would submit that materials supplied did not comply with the quality requirement. He would then submit that as a matter of fact, petitioner was in fact called for a joint inspection and for drawing two samples, one of which was to be tested at the ACMT Lab and the other at an External lab and would draw the attention of this Court to the communication dated 02.03.2026. The relevant portion is extracted hereunder:

“A joint inspection was conducted on 25.02.2026. The Samples was taken from the Paint Shed on 02/03/2026. The Firm request to Re-inspect the material at external LAB vide ref no(1). As per Dy.CMM/FD instruction one Sample should be test at ACMT LAB and one Sample should be test at External LAB.

Accordingly, joint samples were collected in the presence of AMM/FD, AWM/Paint, ACMT/Fur, DGM/RITES, and the firm’s representative. The material samples have been retained in the ACMT Lab for re-sampling.”



5. It was pointed out by the learned Additional Solicitor General of India that though authorities from different agencies namely AMM/FD, ACMT/FUR, AWM/PAINT, DGM/RITES had signed, he would point out that petitioner's representative had not signed and therefore, they were unable to send the samples for testing to an External lab. In this regard reliance was also placed on the communication dated 31.03.2026, wherein the respondent had requested for a Joint Inspection Report from petitioner firm. In response, petitioner vide letter dated 01.04.2026 had indicated that they would depute their technical representative after the 2nd week of April 2026 for the 2nd phase of inspection and requested a suitable date that could be communicated to them. Thereafter, the respondent Authorities vide communication dated 02.04.2026, positively indicated that they were ready and willing to have the samples being tested by a third party laboratory, as would be evident from the following:

“It is further informed that three sets of samples will be drawn in the presence of AMM/FD, AWM/Paint, RITES Ltd., Gurgaon, and the firm's representative. Since the third-party testing was requested by the firm ref no (2), the presence of your representative is mandatory.

You are therefore requested to make necessary arrangements to depute your representative accordingly.”

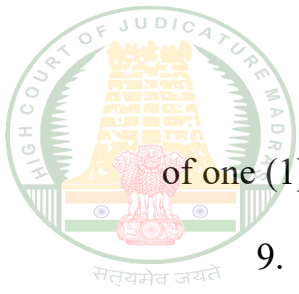
6. Learned Additional Solicitor General of India would submit that strangely after this communication, a writ petition came to be filed on



29.04.2026. He would submit that they are ready and willing even today to have the materials supplied by petitioner tested by an External laboratory, with one set of samples being tested by the External laboratory and the other set being tested by the ACMT Lab. He would submit that a substantial portion of the material has already crossed its expiry period and that the remaining material is likely to expire by the end of July 2026. Therefore, he would submit that joint inspection ought to be made for drawing of samples by the respondent in the presence of petitioner forthwith and that the samples be forwarded to ACMT lab as well as the third party laboratory within three to four days thereafter.

7. Learned counsel for petitioner as well as the learned Additional Solicitor General of India appearing for the respondent authority would submit that they are willing to participate in a joint inspection and remain present at the time of drawing two sets of samples.

8. In view of the aforesaid submissions made on either side, this Court directs petitioner as well as the respondent Authority to be present for conducting a joint inspection and for drawing of two sets of samples on 19.06.2026, one set to be sent to the ACMT lab and the other to an External laboratory in terms of the communication dated 02.03.2026. On drawing of samples, the same shall be forwarded to the respective laboratories within 72 hours. The laboratories shall endeavour to submit their reports within a period



of one (1) week thereafter.

9. It is also clarified that depending on the outcome of the laboratory reports, the respondent Authority shall proceed in accordance with the tender conditions/agreement/contract and law. If for any reason, petitioner is aggrieved, it is always open to petitioner to workout its remedies in the manner known to law.

10. In the light of the above direction, this Writ Petition stands disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

17-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

ANU

To

1. Integral Coach Factory
Rep by its General Manager,
Administrative Building,
Integral Coach Factory,
Chennai 600 038
2. RITES Limited
Rep by its Chairman and Manager,
Administrative Building,
Integral coach Factory
Chennai 600 038



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WP No. 14178 of 2



MOHAMMED SHAFFIQ, J.

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