$~8

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\# **CNR No. DLHC010468132026**

\+ W.P.(C) 14378/2026, CM APPL. 67432/2026

SARITA FORGINGS LIMITED .....Petitioner

Through: Dr Anil K Aggarwal, Mr. BN Sharma, Advs. (9871228998)

versus

UNION OF INDIA .....Respondent

Through: Mr. Piyush Beriwal and Ms. Ruchita Srivastava, Advs. (9910396352)

CORAM:
HON'BLE MR. JUSTICE SAURABH BANERJEE

O R D E R

% 02.11.2026

1. By virtue of the present petition under *Article 226* of the Constitution of India, the petitioner seeks following reliefs:

> *"a) ISSUE a Writ of Mandamus or any other appropriate writ, directing Respondent to immediately refund the wrongfully and illegally deducted amount of Rs.84,08,484.48 to the Petitioner;*
>
> *b) DIRECT Respondent to pay interest at the rate of 18% per annum on the illegally withheld amount from the dates of respective wrongful deductions until the date of actual payment, ISSUE a Writ of Prohibition directing Respondent and all its units, zones, and paying authorities to cease and desist from making any further unauthorized recoveries from the Petitioner's pending or future bills related to its independent direct supply contracts;*

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 04/11/2026 at 11:47:11

c) DECLARE the actions of Respondent in making cross-contractual recoveries for third-party defaults as arbitrary, unconstitutional, and ultra vires;

d) Pass any other order(s) as this Hon'ble Court may deem fit and proper in the interest of justice."

2. At the outset, learned counsel for the petitioner submits that the petitioner has had a long lasting and independent relation with the respondent, i.e. Indian Railways. He submits that the petitioner had supplied certain materials to a third party from time to time which were utilized to fulfil its own independent supply contracts and due to an alleged rejection of the products supplied thereof, the respondent, arbitrarily, without following the due process of law, has wrongly deducted a cumulative amount of Rs.84,08,484.48/- *qua* pending Bills of various Purchase/ Work Orders.

3. Based thereon, learned counsel submits since there was no privity of contract *inter-se* the third party and the petitioner herein, the deduction of the said amounts is unjustified, illegal and arbitrary. Thus, the present petition is liable to be allowed and the amounts deducted ought to be refunded to the petitioner with interest.

4. Issue notice.

5. Learned counsel for the respondent accepts notice. He submits that the present petition is *per se* not maintainable since the same is bereft of any material particulars, particularly, since neither the Bills nor the Purchase/ Work Orders pertaining to the various transactions which have been pleaded/ included by the petitioner herein have been filed herewith.

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 04/11/2026 at 11:47:11

6. He further submits that, even otherwise since the present petition only pertains to deductions made by different entities/ authorities from all across the country, therefore the present petition has nothing to do with any transactions within the jurisdiction of this Court.

7. Heard and perused.

8. After hearing the learned counsel for the parties at considerable length, this Court is of the considered opinion that based on the assertions made, grounds raised and the reliefs sought by the petitioner herein, there is no doubt in the mind of this Court that the present proceedings involve disputed question of facts, more so, since the petitioner seeks to recover herein the alleged (disputed) amount(s) *qua* various transactions as also documents executed *inter se* the petitioner and different entities from time to time, who have, *admittedly*, not been impleaded herein.

9. Moreover, the petitioner cannot be allowed to collate all the amounts, and that too involving different/ third/ independent parties and involving different cause(s) of action(s) together in the present writ petition. The aforesaid assumes more significance as they all pertain to different jurisdictions spanning across the country involving different incumbent authorities who have made the said deductions arising from various pending Bills *qua* different Purchase/ Work Order(s).

10. It is to be kept in mind that the present writ petition is not a recovery proceeding, and the same for simplicitor recovery of money, and that too which is disputed is *per se* not maintainable in the eyes of law and/ or on facts as well.

11. In any event, the petitioner has failed to adduce any of the specific Purchase/ Work Order(s), pending Bill(s) and/ or any such material(s) *qua*

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 04/11/2026 at 11:47:11

which the deductions have been made making the present petition bereft of material/ germane particulars. The petitioner is just seeking to rely upon some chart/ printouts generated from some source, which require due adjudication and trial before a civil Court of law.

12. It is these facts and circumstances, which certainly require due and proper adjudication after a full-fledged trial, for which the present petition under *Article 226* of the Constitution of India cannot be used as a substitute/ alternative. More so, since this Court while adjudicating the present writ petition is not sitting as a fact-finding authority who can traverse into the issues sought to be raised by the petitioner herein.

13. Lastly, considering that neither the assertions made, nor the grounds raised and/ or the reliefs sought are such reflect that there has been any violation of any fundamental right(s) of the petitioner herein, there is nothing to inspire confidence in this Court to exercise its jurisdiction vested under *Article 226* of the Constitution of India.

14. As such, in view of the aforesaid, the present petition, alongwith the pending application, is dismissed.

SAURABH BANERJEE, J

NOVEMBER 2, 2026/So

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 04/11/2026 at 11:47:11