

AD -3
Ct No.16
10.04.2026
(SSS)

WPA 177 of 2024
with
CAN 1 of 2025

M/s. A.H. Wheeler & Co. (Pvt.) Ltd.
Vs.
Indian Railways and Ors.

Ms. Sonal Shah,
Mr. Kushagra Shah,
Ms. Rittwika Banerjee
.....For the writ petitioner/respondent.

Mr. Sahashranshu Bhattacharya,
Ms. Sayani Roy Chowdhury

...For the applicant/Railways.

1. Learned counsel appearing for the applicant in the modification application, that is, the respondent in the writ petition submits that by the interim order dated January 5, 2024 passed in WPA 177 of 2024, this Court had directed stay of operation of the impugned claim dated November 9, 2023 (Annexure P-6 at Page 44 of the writ petition) as well as the communication dated December 13, 2023 (Annexure P-9 at Page 53 of the writ petition) till a particular period.

2. Learned counsel submits that by dint of the said order, despite the subsequent expiry of the tenure of the license granted to the writ petitioner,

the respondent authorities (present applicants) are precluded from taking any action in accordance therewith.

3. Learned counsel appearing for the writ petitioner (respondent herein) submits that certain incorrect averments have been made in the application for modification.

4. Be that as it may, insofar as the allegations made in the modification application pertaining to the merits of the writ petition are concerned, there is no scope of entering into the same at this juncture, since affidavits have already been directed to be filed in the writ petition.

5. Inasmuch as the apprehension of the present applicants, to the effect that the stay order granted by this Court would preclude the applicants from taking steps on subsequent cause of action, is concerned, such apprehension is misplaced, since by the impugned order, only the claim dated November 9, 2023 made by the present applicants was stayed as well as the consequential communication dated December 13, 2023, which was a fallout of the self-same claim.

6. In the first place, the order dated January 5, 2024 did not preclude the present applicants from taking recourse to law in the event any subsequent cause of action arises. Hence, there is

no scope of modification of the impugned order on such misplaced apprehension.

7. Accordingly, CAN 1 of 2025 is disposed of in the light of the above observations.

8. It is reiterated and further clarified that nothing in the order dated January 5, 2024 precludes the present applicants from taking steps in accordance with law in respect of any subsequent cause of action which may arise against the writ petitioners vis-à-vis the stalls in question.

(Sabyasachi Bhattacharyya, J.)