

D/L 07
12.03.2025
Court No.14
PRADIP

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

WPA 4503 of 2025

Nandi Enterprises & Ors.

Vs.

Union of India & Ors.

Mr. Jaydip Kar, Sr. Adv.
Mr. Tanoy Chakraborty
Mr. Shounak Mukhopadhyay
Mr. Kallol Saha
Mr. Akash Ghosh

...for the Petitioners.

Mr. Biswambhar Jha
Mr. Amal Kumar Datta

...for the Union of India.

1. Affidavit of service filed in Court today is taken on record.
2. Supplementary affidavit filed in Court today is taken on record.
3. The petitioners have an ongoing contract with the Ministry of Railways. The same is valid till September, 2025. In the midst of the contract, the railway authority is trying to implement certain conditions which were not there in the initial contract. The petitioners oppose the same.
4. The condition which is sought to be imposed currently is, the process of inspection. Initially, the inspection was done on two occasions but now, the inspection process has been sought to be changed.
5. The petitioners submit that, if the fresh condition for inspection is to be complied with, then production of the

petitioners will reduce for which the petitioners may not be able to meet up the demand as per the contract.

6. Learned counsel representing the railways submits that, the inspection is very much required for maintaining the standard of the goods supplied as the same is related to the safety and security of the general public who avail the railway service.
7. It appears that, the process inspection order of elastic railway clips was issued on 6th January, 2025 and the same has been directed to be implemented immediately in the existing contract by an order dated 27th January, 2025.
8. As an apprehension has been raised with regard to maintaining the safety and security of the general public if regular inspection is not conducted, accordingly, the Court permits the respondent authority to conduct inspection of the items prepared by the petitioners and, if the same meets the requisite standard, the items will be used by the railways. If the items prepared by the petitioners fail to meet the required standard, it will be open for the railways not to accept the same.
9. The railway authority is directed to file a report by way of an affidavit disclosing its stand with regard to the incorporation of new condition in the midst of the contract.
10. Let a copy of the affidavit be prepared and circulated by 21st March, 2025.
11. Relist the matter on 25th March, 2025 under the heading '**Urgent Motion**'.

(Amrita Sinha, J.)