

S/L 10
11.08.2026
Court. No. 25
suwayan

WPA 28314 of 2025

M/s. Cemac Construction
Vs.
General manager, Eastern Railway & Ors.

Mr. Suddhastava Banerjee
Mr. Souvik Majumdar
Mr. Aurin Chakraborty
Mr. Devdas Saha

...for the petitioner.

Mr. Anil Kumar Gupta
Ms. Arushi Rathore

...for the respondents.

1. The petitioner has filed the present writ application praying for a direction upon the respondent authorities for release of the outstanding due of the petitioner. The petitioner submits that the respondent authorities have awarded the contract to the petitioner, the petitioner has executed the work but the respondent authorities have not released the payment. Subsequently, the petitioner has made representation to the respondent authorities for clearance of dues pending against the petitioner.
2. The Senior Divisional Engineer (3), Eastern Railway, Asansol by a letter dated March 10, 2025 requested the Garrison Engineer, Panagarh Military Engineering Services to immediately arrange for the deposit of Rs. 739555577.90 to enable them to clear the outstanding dues. It is also mentioned that any additional financial demands including interest or losses arising from arbitration, will be entirely the responsibility of the office of the Garrison Engineer due to the prolonged delay.

3. Today when the matter is called for, learned advocate appearing for the railway authorities submits that the writ petition is not maintainable on the ground that this Court cannot decide the money claim and in the agreement there is an arbitration clause. This Court has inquired from the learned advocate from the railway authorities with regard to the communication dated March 10, 2025 and called for to give the explanation that the railway authorities have admitted the amount of the petitioner to the tune of Rs. 739555577.90 but the learned counsel appearing for the railway authorities failed to satisfy this Court.
4. This Court finds that the respondent authorities (Eastern Railway) have admitted the amount of Rs. 739555577.90 and as such it cannot be said that with regard to the said amount there any dispute.
5. The respondent authorities have relied upon the unreported judgment in the case of ***ILEAD Foundation & Anr. vs. State of West Bengal & Anr.*** passed in ***WPA 25102 of 2022*** dated 17.11.2023 and submits that in the said judgment the co-ordinate Bench of this Court has categorically held that there is nothing palpable on the face of the materials to indicate that there was any patent arbitrariness, unreasonableness or *mala fides* or existence of such like ground calling for such interference by this writ court.
6. This Court considered the judgment relied by the respondents and found that the fact of the present case is distinguishable for the facts of the case relied by the respondents. In the judgment relied by the petitioner

there was disputed questions of fact but in the present case from the letter dated March 10, 2025 this Court finds that the railway authorities have admitted the claim of the petitioner but the amount was not paid to the petitioner because the amount was to be released by the Garrison Engineer and thus, at this stage the respondents cannot say there is a disputed question of fact.

7. Considering the above, the respondents are directed to release the amount of Rs. 739555577.90 to the petitioner within a period of four weeks from the date of receipt of this order. With regard to, if any, other claim and interest, the petitioner is at liberty to take appropriate steps in accordance with law.
8. WPA 28314 of 2025 is disposed of.
9. 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.)