

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side**

53 30.1.2025
Sc Ct. no. 2

WPA 240 OF 2025
(WPA 30860 OF 2024)

Railtel Corporation of India Limited

Vs.

The Union of India & Ors.

Mr. Dyutimay Paul
Mr. Vikas Vaisya
Ms. Ranjana Seal
Ms. Rishita Chakraborty
Mr. Satyajit Paul.

....For the Petitioner

Mr. Sudipto Kumar Mazumder, DSGI
Mr. Tridip Saha
Mr. Sourab Kar.

....For the Respondents

Mr. Dyutimay Paul, learned Advocate appears for the petitioner through virtual mode with Mr. Satyajit Paul, learned Advocate.

Mr. Sudipto Kumar Mazumder, learned Deputy Solicitor General appears for the respondents.

The petitioner submits that, its bid under the subject tender process was rejected by a communication dated **December 17, 2024, Annexure-P3** at **page 63** to the writ petition without any reason. The petitioner immediately on **December 18, 2024** submitted its representation, **Annexure-P5** at **page 65** to the writ petition. The same has not yet been

considered. The petitioner submits that, financial bid has already been opened in respect of the other tenderers, who have submitted their offers and qualified up to that stage but since the petitioner was not qualified, its financial bid has not been opened.

Mr. Sudipto Kumar Mazumder, learned Deputy Solicitor General submits that, sufficient reasons are there on record. He submits that, the petitioner could not complete the earlier tender with the Railways within the stipulated time, hence, the work order issued in favour of the petitioner was terminated.

After considering the rival contentions of the parties and upon perusal of the materials on record, at the outset it appears to this Court that, the subject tender was floated for carrying out the work relating to the ***Electronic Signaling of the Railways***. The nature of work shows that, the same cannot be withheld which is otherwise an emergency work for the interest of the public at large and of national importance for the Railway services. Hence, there shall be no interim order.

Learned Advocate for the petitioner submits that, the respondent no.2 is the appropriate authority to consider the said representation of the petitioner dated ***December 18, 2024***.

Accordingly, the respondent no.2 is directed, upon issuing a prior hearing notice of at least **three days** to the petitioner fixing the time and venue for hearing and after affording an opportunity of hearing to the petitioner to dispose of the said representation dated **December 18, 2024, Annexure-P5** at **page 65** to the writ petition by passing a reasoned order in accordance with law.

This exercise shall be carried out and completed by the respondent no.2 positively within a period of **two weeks** from the date of communication of this order and the reasoned order shall be communicated to the petitioner immediately within **72 working hours** from the date of the said reasoned order to be passed.

It is made clear that, this Court has not gone into the merits of the claim of the petitioner and the petitioner shall be at liberty to urge whatever points it wishes to urge by relying upon whatever records and documents it wishes to rely upon before the respondent no.2.

In the event the petitioner succeeds before the respondent no.2, the petitioner shall be at liberty to submit its price bid and the same shall be considered along with others in the prevailing tender process.

It is made clear that, this order shall not create any right or equity in favour of the petitioner if the

petitioner does not succeed to its claim before the respondent no.2 strictly in accordance with law.

Depending upon the result of the reasoned decision, the petitioner shall be at liberty to initiate appropriate proceeding in accordance with law, if the petitioner then shall be eligible to do so in law.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions this writ petition, ***WPA 240 of 2025 (WPA 30860 of 2024)*** stands ***disposed of***, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)