

OCD-1

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
(COMMERCIAL DIVISION)
ORIGINAL SIDE

AP-COM/380/2026

SURYA ALLOY INDUSTRIES LIMITED
VS
SOUTH EASTERN RAILWAY AND ORS.

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date : 25th June, 2026.

Appearance:

Mr. Joydip Kar, Sr. Adv.

Mr. Tanoy Chakraborty, Adv.

Mr. Siddharth Shroff, Adv.

... for the petitioner.

Mr. Prithu Dudhuria, Adv.

...for respondents.

The Court: Affidavit of service filed in Court today is taken on record. Supplementary affidavit filed on behalf of the petitioner is also taken on record.

It is the case of the petitioner that under a tender process being tender no.60240003 (hereinafter referred to as 'the said tender') held by the South Eastern Railways having their office at 11, Garden Reach Road, Kolkata – 700 043 the petitioner was the successful bidder, pursuant to which the petitioner was permitted to supply an aggregate quantity of 208000 pieces of Elastic Railway Clips MK-V (hereinafter referred to as 'the said goods') as per the terms and conditions forming part of the said tender.

The goods were supplied after being approved by RDSO, being the approving agency on 12th July, 2024, 14th July, 2024 and 7th September, 2024. In terms of the tender conditions the goods carried a warranty for 30 months after the date of delivery.

The principal grievance of the petitioner is that the goods have been rejected by issuing three Warranty Rejection Advices all dated 1st May, 2026 without even offering joint inspection. It is the further case of the petitioner that after filing of this application under Section 9 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the 1996 Act') the Railway Authorities have invited joint inspection by issuing a letter dated 22nd May, 2026. This letter has been annexed at page 12 of the supplementary affidavit filed by the petitioner in Court today.

In the aforesaid facts and circumstances, the matter is adjourned till 29th June, 2026 to enable the learned Senior Advocate/Advocates appearing for the parties to take instructions from their respective clients as to three dates for holding the joint inspection.

In order to avoid multiplicity of judicial proceedings and on the basis of the prima facie case made out by the petitioner as also considering the balance of convenience and inconvenience, the three Warranty Rejection Advices all dated 1st May, 2026 appearing at pages 63, 65 and 67 of the application shall not be given effect to or further effect to until the joint inspection dates are fixed and is held.

(ARINDAM MUKHERJEE, J.)