

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

AP-COM/705/2025

SHRI MANJEE YADAV
VS
EASTERN RAILWAY & ORS.

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date: 18th September, 2025.

*Mr. Saptarshi Roy, Adv.
Mr. Ritesh Kumar Ganguly, Adv.
Ms. Kakali Das Chakraborty, Adv.
... for the petitioner.*

*Mr. Siddhartha Bhattacharyya, Adv.
Ms. Ranjana Chatterjee, Adv.
...for the respondents.*

The Court: In view of the implementation of Clauses 13.1 and 13.2 of the Freight Marketing Circular No.11 of 2022 and the Standard Conditions of Contract, this Court is of the view that there is no scope for passing an ad interim order of injunction, by staying the order of termination of the contract. A direction for refund of the security deposit cannot be passed without affording an opportunity to the Railway authorities to file their affidavit-in-opposition. Allowing stay of the termination will amount to granting full relief to the petitioner. The disputes have to be adjudicated in an arbitration proceeding.

Let such affidavit-in-opposition be filed within two weeks after the vacation; reply thereto, if any, be filed within two weeks thereafter. Let this matter appear in the monthly list of December, 2025.

It is informed that the petitioner has already invoked arbitration. The petitioner must take steps for constitution of the Arbitral Tribunal in accordance with law.

(SHAMPA SARKAR, J.)

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