

25.06.2026
Court No.25
D/L No.6
S. Gayen

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 11499 of 2025

Eastern Track Udyog Private Limited & Anr.
Versus
Union of India & Ors.

Mr. Mainak Bose, Sr. Adv.
Mr. Aasish Choudhury
Ms. Uma Bagree
Mr. Sourajit Dasgupta

...for the Petitioners

Mr. Kalyan Kumar Chakraborty
Mr. Pralay Bhattacharya

...for the Union of India

1. By an order dated June 22, 2026 this Court has fixed the matter on August 21, 2026 at 2 pm as a 'Specially Fixed Matter'. Learned counsel for the petitioners has mentioned the matter upon notice to the learned counsel for the Union of India. Accordingly, the matter is listed today as 'To Be Mentioned'.
2. Mr. Mainak Bose, learned senior counsel appearing for the petitioners submits that the main grievance of the petitioners in the present writ application is that there is a delay for supply of 307 units in sets with regard to supply of 10125 mm curved switches with Zu-1-60 Thick Web Grade 880 class A tongue rails and UIC 60kg/m Grade-880, class A/Class B prime quality stock rails with elastic fasteners and spring operated setting device out of the total quantity of 740.

3. Now the respondents are ready and willing to accept the balance quantity of 307 units in sets but subject to levied of liquidated damages.
4. Learned counsel for the petitioners is also ready and willing to supply the balance 307 units in sets to the respondents but he is disputing with regard to the imposition of the liquidated damages.
5. The learned counsel for the respective parties submit that whether the imposition of the liquidated damages is in terms of the contract or not is the matter of arbitration. As such, both parties upon consent submits that the writ petition can be disposed of by allowing the petitioners to supply the remaining materials i.e., 307 units in sets to the respondent authorities subject to final decision of liquidated damages by the arbitrator. Learned counsel for both the parties have consented to appoint of the arbitrator to decide the dispute between the parties including the imposition of the liquidated damages.
6. Accordingly, the writ petition is disposed of by directing the petitioners to supply the balance 307 units of sets to the respondent authorities. With regard to the imposition of liquidated damages whether the respondent authorities are entitled to impose the penalty of liquidated damages or the petitioners are liable to pay the liquidated damages including other disputes, if any, between the parties, shall be decided by the Arbitrator. Hon'ble Retired Justice Subrata Talukdar is appointed as Arbitrator to decide the

issues raised by the parties including the liquidated damages.

7. The interim order passed by this Court by an order dated on June 23, 2025 which is extended from time to time shall continue for four weeks from date.
8. Accordingly, **WPA 11499 of 2025** stands **disposed of**.
9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.
10. Urgent Photostat certified copy, if applied for, be given to the parties upon compliance with all formalities.

(Krishna Rao, J.)