

**(2026) 02 JH CK 1819**  
**In the Jharkhand High Court**  
**Case No : Writ Petition (C) No. 602 Of 2026**

M/s A. H. Wheeler & Co. (Pvt.) Ltd

APPELLANT

Vs

Union Of India, Through Chairman Railway Board

RESPONDENT

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**Date of Decision :** 03-02-2026

**Acts Referred:**

**Citation :** (2026) 02 JH CK 1819

**Hon'ble Judges :** M.S. Sonak, CJ; Rajesh Shankar, J

**Bench :** Division Bench

**Advocate :** Sonal Shah, Gaurang Jajodia, Vipul Poddar, Prashant Pallav, Parth Jalan, Shivani Jaluka

**Final Decision :** Disposed Of

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## Judgement

Deepak Roshan, J

1. Heard the learned counsel for the parties.

2. The petitioner, by instituting this petition, seeks the following reliefs:-

a. For issuance of appropriate writ(s)/ order(s)/direction(s) in the nature of Certiorari setting aside and/or quashing the tender floated vide E-Auction Notice No. DHN-MPS-17-26 dated 19.01.2026 (Annexure-7) whereby e-auction was invited for award of contract for multi-purpose stall at A1, A, B & F category stations over Dhanbad Division for a period of five years;

b. For issuance of appropriate writ(s)/ order(s)/direction(s) in the nature of Mandamus commanding upon the respondent no. 4 to extend the contract of the petitioner for a period of 11 months being the unutilized period as under "Dies Non";

c. For issuance of appropriate writ(s)/ order(s)/direction(s) in the nature of Mandamus directing the respondent no. 4 to give effect to the letters of the Railway Board dated 21st August, 2020; 24th December, 2020 and 22nd October, 2021 and provide extension as granted to similarly placed vendors as

well as the Petitioner by various other Zones/divisions.

d. An order of injunction/stay be passed restraining the respondents either by itself or through its men, agents, servants and/or representatives from giving any effect and/or further effect or taking any steps and/or further steps in respect of E- Auction Notice No. DHN-MPS-17-26 dated 19.01.2026 issued by the respondent no. 4 and/or not in taking any coercive action against the petitioner including non-extension of its contract;

e. Pass any other Orders(s) as this Hon'ble Court may deem fit in the given facts and circumstances of the present case."

3. This petition was instituted on 21st of January, 2026 and was preceded by a representation made only two days earlier i.e. on 19th of January, 2026, seeking an extension of the contract period from the Sr. Divisional Commercial Manager, Dhanbad Division, East Central Railway. This representation is at Annexure-6 (pages-51-52 of the paper-books).

4. Ms Sonal Shah, the learned counsel for the petitioner, submits that the Railways have issued circulars embodying a policy for the grant of extensions to compensate licensees, etc., for the disruption caused by the COVID-19 lockdown period and subsequent waves of the pandemic. Learned counsel for the petitioner submits that until some decision is taken on the issue of extension, the Railways should not be allowed to proceed with their Notice Inviting Tenders published on 19th January, 2026, because this would cause immense prejudice to the petitioner. She submitted that, if an extension were granted, as it should be under the Railways policy, there would be no occasion to invite tenders.

5. Mr. Prashant Pallav, learned ASGI, submitted that as a policy decision, 90 days' extension was already granted to all licensees and he even produced on record the Ministry of Railways' communication dated 7.9.2020 addressed to the Principal Chief Commercial Managers of all Zonal Railways. He also pointed out that by further communication of 19th October, 2020, the Divisional Railway Manager, Dhanbad was directed by the Railways Board to consider providing relief in charging of license-fee after the specified dies non period to any commercial earning contract beyond 22.6.2020, with the approval of the DRM, keeping in view the local conditions and existing terms and conditions of the agreement at the divisional level with due diligence. There was a reference to the constitution of the 'Multidisciplinary Committee' to decide on the extent of relief to be given in the license fees based on factors such as location, footfall, etc.

6. Ms. Shah has disputed that any such extension was granted. In any event, even on perusal of the Railways Board's Circular dated 07.09.2020, it appears that such relaxation was in licence-fees and not to the licence period.

7. The communication dated 19.10.2020, indeed, prima facie concerns relief to be granted in respect of license fees. It does not appear to address the issue of extending the period. In any event, now that the petitioner has made a

representation on 19th of January, 2026, requesting a grant of extension for the alleged unutilised period of the contract. The Senior Divisional Commercial Manager, Dhanbad Division, to whom such representation is addressed, should at least consider such representation and dispose of it in accordance with law.

8. The Senior Divisional Commercial Manager shall also afford an opportunity of hearing to the petitioner/its representatives and thereafter, decide the representation in accordance with law on its own merits. Needless to add that the Senior Divisional Commercial Manager must consider the various circulars or policy documents that the petitioner chooses to rely upon, in deciding the representation. A reasoned decision must be communicated to the petitioner.

9. The above exercise must be completed by the Senior Divisional Commercial Manager within fifteen days from today. The representative of the petitioner agrees to appear before the Senior Divisional Commercial Manager, Dhanbad, on 10th of February, 2026, at 11:00 am, together with a compilation of supporting documents, circulars, and other materials that the petitioner seeks to rely upon. The Senior Divisional Commercial Manager should hear the representative, if possible, on the same date and dispose of the petitioner's representation in accordance with law, latest by 20th of February, 2026. This means that the Senior Divisional Commercial Manager must communicate the decision on the petitioner's representation to the petitioner, at the latest by 20th February 2026. The communication can be through e-mail, the details of which should be provided by the petitioner, or at the e-mail address which is reflected on the representation dated 19th January, 2026. All contentions of the parties, however, remain explicitly open.

10. As regards the petitioner's contention that we should stay the tender process pending consideration of the petitioner's representation, we are not inclined to grant such relief. In the first place, we had, by our order of 27.01.2026, already granted the petitioner liberty to apply for the tender without prejudice to its rights and contentions in this petition. This liberty, it appears, was not availed of by the petitioner. Secondly, notwithstanding Ms Sonal Shah's contention that the issue of extension is to be decided to come to a conclusion of the licence period, we are not convinced that this was a bar to the petitioner to apply for extension well in advance or within some reasonable period after the conclusion of the COVID pandemic.

11. As noted earlier, the representation for extension was made only on 19th January, 2026, and this petition was filed on 21st January, 2026. In such circumstances, we do not consider it appropriate to stay the entire tender process. Such a stay will deprive commuters of the facilities provided by the multipurpose stalls. If ultimately, a decision is taken to grant the petitioner's extension, it would be open to the respondent- authorities to issue consequential directions regarding the tender process.

12. We dispose of the petition in the above terms without any order for costs.

13. All concerned to act on the authenticated copy of this order.

14. We also request learned ASGI to communicate a copy of this order to the respondents for their necessary action and implementation.