

**IN THE HIGH COURT AT CALCUTTA
(Constitutional Writ Jurisdiction)
APPELLATE SIDE**

Present:

The Hon'ble Justice Krishna Rao

W.P.A. No. 16204 of 2026

Jekay Wagons Limited & Anr.

Vs.

Union of India & Ors.

Mr. S.N. Mookherjee, Sr. Adv.

Mr. Mainak Bose, Sr. Adv.

Mr. Rajarshi Dutta

Mr. Vikas Baisya

Mr. Sourojit Dasgupta

Mr. Dhruv Chadda

Mr. Anshunatha Chakraborty

....For the petitioners.

Mr. Sonajit Kumar Ghosh

Ms. Sarda Sha

.... For the Union of India.

Hearing Concluded On : 20.07.2026

Judgment Delivered On : 30.07.2026

Judgment Uploaded On : 30.07.2026

Krishna Rao, J.:

1. The petitioner no. 1 is registered as a “Small Enterprises” under the Micro, Small and Medium Enterprises Development Act, 2006 and is engaged in manufacturing and supply of Wagons of diverse specifications. On 17th September, 2025, the Ultratech Cement Limited, the respondent no.5 herein, has issued a purchase order to the petitioner for supply of Wagon Model BCFC M1 type rakes 1 Rake Consisting of 59 Wagon+ 3 wagon as per latest RDSO drawing and BRAKE VAN BVCM as per RDSO latest drawing, a solar panel and modified interiors. On the basis of purchase order, the petitioner approached the respondent nos.1 and 2 for enhancement of its G-105 Certificate by inclusion of BCFCMI wagon category along with existing BVCM and BRN 22.9 categories.
2. The Audit Team of the RDSO duly conducted an assessment of the petitioners’ manufacturing facilities for BCFCM1 Wagons on 12th November 2025, 13th November 2025 and on 2nd December, 2025. The RDSO confirmed the adequacy of the said manufacturing facilities and approved the inclusion of BCFCM1 Wagon category under the petitioners’ G-105 certification.
3. The RDSO I&L Kolkata by a letter dated 6th March, 2026, granted express permission for the start of manufacturing of the prototype BCFCM1 Wagon at the petitioners’ plant. The petitioners have manufactured the prototype BCFCM1 Wagon at its plant. By a letter

dated 15th January, 2026, the respondent no.2 reconfirmed that BCFCM1 (Special Wagon) had been added under Category-II, along with BRN 22.9 (Flat Wagon) under Category-I and BVCM Break Van (Covered Wagon) under Category -III to the petitioners' existing initial G-105 certification and as per the request of the petitioners extended the time line for conducting the confirmatory audit under the G-105 Standards for further period of six months i.e. upto 22nd July, 2026 and advised the petitioners to intimate details of the prototype wagon(s).

4. On 9th March, 2026, the petitioners have applied to the Railway Board for allotment of wagon numbers for the said BCFCM1 rake and the Railway Board by a letter dated 8th April, 2026, allotted wagon numbers for 62 Nos. BCFCM1 with 01 No BVCM Wagons procured by the respondent no.5 and manufactured by the petitioners under the Liberalized Special Freight Train Operator Scheme (hereinafter referred to as "LSFTO Scheme") and the same were uploaded in the Indian Railway Wagon Management System (IRWMS). Thereafter, the petitioners requested the respondent no.2 to conduct the confirmatory audit and prototype approval inspection of the BCFCM1 Wagon. On request of the petitioners, the respondent no.2 by a letter dated 21st April, 2026, addressed to the Executive Director, Mechanical Engineering (Freight), Railway Board acknowledged that the petitioners have received an order from the respondent no.5 for manufacturing of BCFCM1 Wagons under the LSFTO Scheme and had requested for

nomination of an inspection team for inspection of the prototype wagon and conduct of the confirmatory audit under the G-105 Standards.

5. Mr. S.N. Mookherjee, Learned Senior Advocate representing the petitioners submits that the respondent no.2 observed that while the G-105 Standards issued in June, 2011, referred to procurement under Indian Railways orders and the WIS/MWIS/LWIS Schemes, the LSFTO Scheme had been introduced subsequently and was not specifically covered by the existing G-105 Standards. On the said premises only, the respondent no.2 forwarded the proposal to the Railway Board for its approval in terms of Clause 1.6 of the G-105 Standards. He submits that the respondent no.2 did not record any deficiency on the part of the petitioners or the prototype wagon, nor disputed the petitioners' eligibility or readiness for the confirmatory audit. He submits that no inspection team was nominated, due to which the entire production of the BCFCM1 Wagons remained completely stalled though the petitioners have completed every requirement on their part.
6. Mr. Mookherjee submits that the RDSO has, at every stage, accepted and acted upon the subject procurement under the LSFTO Scheme. It verified and approved the petitioners' manufacturing facilities for BCFCM1 Wagons. Consultancy, drawing approval and inspection charges of Rs. 32,52,080/- was also duly accepted by the RDSO. The RDSO opened the inspection mother file and inspection requests, and expressly granted permission to commence manufacturing of prototype wagon. The Railway Board has also allotted wagon numbers under the

same Scheme. He submits that the respondent no.2 is estopped in law from turning around and withholding the prototype inspection and confirmatory audit on a hyper technical ground.

7. Mr. Sonajit Kumar Ghosh, Learned Advocate representing the respondent nos. 1 to 4 submits that the writ petition is not maintainable as no cause of action arose within the jurisdiction of this Court. He submits that the Office of the Railway Board is at New Delhi. The Office of the RDSO is at Lucknow and the respondent no.4 has no connection with manufacturing of wagons. He submits that the respondent no.5 has issued purchase order to the petitioners from Mumbai at the office of the petitioners at Dhanbad.
8. Mr. Ghosh submits that the petitioners have mentioned the address of the respondent no.1 at Kolkata but the office of the respondent no.1 is not at Kolkata. He submits that as no cause of action arose within the jurisdiction of this Court, thus this Court has no jurisdiction to entertain the writ petition filed by the petitioners. In support of his submissions, he has relied upon the judgment in the case of ***National Textile Corpn. Ltd. And Others Vs. Haribox Swalram and Others*** reported in ***AIR 2004 SC 1998*** and submits that merely because the writ petitioner submitted the tender and made representations from Calcutta in response to the advertisement inviting tenders could not constitute facts forming integral part of cause of action.

9. Mr. Ghosh has further relied upon the judgment in the case of ***Alchemist Ltd. and Another Vs. State Bank of Sikkim & Others*** reported in **(2007) 11 SCC 335** and submitted that all necessary facts must form an integral part of the cause of action. The fact which is neither material nor essential nor integral part of the cause of action would not constitute a part of cause of action.
10. Mr. Ghosh has relied upon the letter dated 16th April, 2026, wherein the petitioners from Jharkhand requested the respondent no.3 at Lucknow for nomination of a team for inspection of the prototype BCFCM1 Wagon along with confirmatory audit for G-105 compliance wherein it reveals that all the correspondences were also made outside of the jurisdiction of this Court.
11. Mr. Ghosh submits that the Wagon Directorate of the Railways is the competent authority for dealing with matters related to G-105 certification, including the initial audit, confirmatory audit, inspection of prototype(s) of the developmental lot, grant of G-105 certification and other associated activities. He submits that the prospective wagon builder is required to submit the prescribed application to EDSW/RDSO/ Lucknow, for conducting the initial audit as well as the confirmatory audit. He submits that QAM/RDSO/Kolkata is not authorized to process or deal with matters pertaining to the G-105 Standards certification.

- 12.** Heard the Learned Counsel for the respective parties. The first issue raised by the respondents is that the writ petition is not maintainable before this Court as no cause of action arose within the jurisdiction of this Court. As per cause title of the writ petition, the address of the petitioners is mentioned at Kolkata. The office address of the respondent no.1 and the respondent no.4 is also at Kolkata. Though the main office of the respondent no.1 is at New Delhi but at Kolkata also the office of the respondent no.1 is situated.
- 13.** By a letter dated 6th March, 2026, the respondent no.4 having its office at Kolkata informed the petitioners with regard to permission for start of manufacturing prototype wagon only. In the said letter, it was also informed to the petitioners that series production should not be started till approval of prototype wagon and permission for series production from his office.
- 14.** By a letter dated 15th January, 2026, the respondent no.3 informed the petitioners at Kolkata office that the request of the petitioners for extension of timeline for manufacturing of prototype wagons was granted. The Railway Board by a letter dated 8th April, 2026, informed the petitioners at its office at Kolkata with regard to wagon number for 62 Nos. BCFCM1 with 01 No. BVCM Wagons procured by the respondent no.5 and manufactured by the petitioner no. 1 has been uploaded in the Indian Railway Wagon Management System.

15. The RDSO by a letter dated 2nd July, 2026, informed to the petitioners at its office at Kolkata that the request of the petitioners involves manufacturing of wagons under the current Long Term Special Freight Train Operator (LSFTO) Scheme which is not covered under the existing provisions of G-105 Standards, the matter has been referred to the Railway Board for consideration in terms of para 1.6 of G-105 Standards. On 9th December, 2025, the RDSO made communication with the petitioners' office at Kolkata regarding payment of drawing approval charges and inspection charges. By a letter dated 22nd December, 2025, the RDSO notified the charges for drawing approval and inspection charges to the petitioners at Kolkata office.

16. Article 226(2) of the Constitution of India reads as follows:

“226. Power of High Courts to issue certain writs

(2) The power conferred by clause (1) to issue directions, orders or writs to any Government, authority or person may also be exercised by any High Court exercising jurisdiction in relation to the territories within which the cause of action, wholly or in part, arises for the exercise of such power, notwithstanding that the seat of such Government or authority or the residence of such person is not within those territories.”

17. There is no denial that the office of the petitioners is also situated at Kolkata. It is also fact that the branch office of the Railway Board is at Kolkata. The office of the respondent no.4 is situated at Kolkata. Mr. Ghosh submits that the respondent no.4 has nothing to do in the matter but the respondent no.4 by a communication dated 6th March,

2026, informed to the petitioners about the permission for start of manufacturing prototype wagon series only. The said communication has not been denied by the respondents. The other correspondences made by the respondent authorities with the petitioners at the address of the petitioners at Kolkata. All the communications made by the respondents with the petitioners with regard to manufacturing, inspection and charges of the prototype of wagons which is the subject-matter of the present writ petition at the Kolkata address of the petitioners. The cause of action for filing of the present writ petition arose from the communication dated 2nd July, 2026, which reads as follows:

Date: 02.07.2026

No. MW/G105/Jekay Wagons Ltd./Mugma/Dhanbad/Jh

M/s Jekay Wagons Ltd.
2-Hare Street (Nicco House)
3rd Floor,
Kolkata- 700001.

Sub: *Request for inspection of prototype BCFCM1 wagon and conduct of confirmatory audit under G-105 Standards.*

Ref: (i) Your letter No. Nil dated 23.06.2026.
(ii) Your letter No. JEKAY/RDSO/G105/CONF-AUDIT/12 dated 16.04.2026.
(iii) This office letter of even no. dated 15.01.2026.

Please refer to your letters under reference regarding inspection of the prototype BCFCM1 wagon manufactured against the purchase order placed by M/s Ultratech Cement Ltd. and conduct of the confirmatory audit under G-105 Standards.

The existing provisions of G-105 Standards issued in 2011, refer to procurement under Indian Railways orders or WIS/MWIS/LWIS schemes prevailing at that time. Since, your request involves manufacturing of wagons under the current Long-Term Special Freight Train Operator (LSFTO) Scheme which is not covered under the existing provisions of G-105 Standards, and accordingly the matter has been referred to Railway Board for consideration in terms of Para 1.6 of G-105 Standards. Further action for prototype inspection and confirmatory audit shall be taken accordingly.

This is for your information please.

(Sanjay Kumar)
Director Stds. Wagon
For Executive Director Stds. Wagon

Copy to: **EDME (Frnt.), Railway Board** - for kind information please.”

- 18.** It is settled law that all necessary facts must form an integral part of the cause of action. The fact which is neither material nor essential nor integral part of cause of action would not constitute a part of cause of action within the meaning of Clause (2) of Article 226 of the Constitution of India. But on the other hand, it is also settled proposition of law that if a small fraction of the cause of action arises within the jurisdiction of the Court, the Court would have the territorial jurisdiction to entertain suit or petition.
- 19.** Considering the above, this Court finds that several correspondences were made by the respondents with the petitioners at Kolkata office and the said correspondences are with respect to the contract work awarded to the petitioners and thus it can be safely say that the said

correspondences are the integral part of cause of action, thus this Court is having territorial jurisdiction to entertain the writ petition.

- 20.** The petitioner has received the G-105 Initial Audit compliance on 22nd January, 2025, which stipulates that the confirmatory audit was to be conducted within six months i.e. on or before 21st July, 2025. The Railway Board granted approval to the respondent no.5 for procurement of one BCFCM1 Rakes for transportation of fly ash under the LSFTO Scheme along with 4% maintenance spares and one Brake Van each to be governed by the Board's LSFTO Master Circular dated 16th March, 2020.
- 21.** The respondent no.5 issued purchase order to the petitioner on 17th September, 2025, for supply of Wagon Model BCFC M1 Type rakes 1 Rake Consisting of 59 Wagon+ 3 Wagon, as per latest RDSO drawing and Brake Van BVCM as per RDSO latest drawing a solar panel and modified interiors. As per purchase order the delivery of rake on EXW JWL, Dhanbad works basis within six months from the date of order. Wagon and Brake Van construction and supply to be made as per RDSO approved latest design applicable to BCFC-M1 Wagon type wagon and Brake Van (BVCM). The material rating and strength testing is also to be made as per RDSO approved standards. The petitioners received the G-105 Initial Audit Compliance on 22nd January, 2025, which stipulate that the confirmatory audit was to be conducted within six months i.e. on or before 21st July, 2025. Based on purchase order, the petitioners approached the respondent nos. 1 and 2 for

enhancement of its G-105 Certificate by inclusion of the BCFCM1 Wagon category along with the existing BVCM and BRN 22.9 categories. The audit team of the RDSO duly conducted an assessment of the petitioners' manufacturing facilities for BCFCMI Wagons on 12th November, 2025; 13th November, 2025 and 2nd December, 2025 and confirmed the adequacy of the manufacturing facilities and approved the inclusion of the BCFCM1 Wagon category under G-105 certification. The petitioners also deposited the entire Drawing Approval charges of Rs. 4,30,700/- and Inspection Charges of Rs. 28,21,380/- on 19th December, 2025. On 6th March, 2026, the respondent no.4 granted permission for the start of manufacturing of the prototype BCFCM1 Wagon at the petitioners' plant. The petitioners manufactured the prototype BCFCM1 Wagon at its plant and kept for inspection.

- 22.** On 15th January, 2026, the respondent no.2 reconfirmed that BCFCM1 (Special Wagon) had been added under category-II along with BRN 22.9 (Flat Wagon) under Category-I and BVCM Brake Van (Covered Wagon) under Category-III to the petitioners' existing initial G-105 certification by a letter dated 2nd December, 2025 and upon request of the petitioners, extended the time for conducting the confirmatory audit under G-105 Standards for the prototype wagons including the BCFCM1 by a further period of six months i.e. upto 22nd July, 2026 and advised the petitioners to intimate details of the prototype wagon(s) as per para 1.2.3(vii) of the G-105 Standards. The Railway Board also allotted the wagon numbers for 62 Nos. BCFCM1 with 01 No. BVCM

Wagons procured by the respondent no.5 and manufactured by the petitioners under the LSFTO Scheme and the same was also uploaded in the Indian Railway Wagon Management System. The petitioners requested the respondent no.2 to conduct the confirmatory audit and prototype approval inspection of the BCFCM1 Wagon.

- 23.** The respondent no.2 observed that while the G-105 Standards issued in June, 2011, referred to procurement under Indian Railways orders and the WIS/MWIS/LWIS Schemes, the LSFTO Scheme had been introduced subsequently and was not specifically covered by the existing G-105 Standards. The respondent no.2 forwarded the proposal to the Railway Board for its approval in terms of Clause 1.6 of the G-105 Standards. In spite of the said reference of the respondent no.2, neither the Railway Board nor the respondent no.2 communicated any decision to the petitioners.
- 24.** Clause 1.6 of G-105 Standards of Infrastructure, Manufacturing, Testing and Quality Assurance Systems to qualify as Railway Wagon Builder, reads as follows:

“1.6 Amendment to G 105 and migration to the amended standard

The amendment to this standard, if any, in the future shall be serially numbered. Normally 18 months time shall be given to the wagon builders to migrate to the amended Standard which shall normally be checked through Annual Verification Audits and Revalidation audits. All new certifications will only be done to the prevailing current version of the G-105 Standards. Amendments to the standard shall be issued after approval of Railway Board.”

- 25.** The G-105 Standards covers the norms for objective evaluation of the Infrastructure, Manufacturing, Testing and Quality Assurance Requirements for manufacture and supply of Railway wagons. It also incorporates a regime of certification to this Standard, including registration, initial audit, conformity audit, grant of certificate, annual verification audit, periodic re-validation and withdrawal of certification.
- 26.** The respondent no.2 referred to WIS/MWIS/LWIS Schemes but the respondents have neither produced any such scheme nor in G-105 Standards mentioned any such scheme. On the other hand, the petitioners have produced a letter dated 16th July, 2026 wherein the Director ME (Freight), Railway Board informed to the RDSO which reads as follows:

“Wagon Directorate

Note

No. MW/G105/JEKAY Wagons Ltd./MUGMA/DHANDBAD/JH **Date** 16/07/2026

**Sub: The case of G-105 Certification of Ms Jekay Wagons Ltd
in reference to his writ at Kolkata High Court 14 07 2026**

- 1) The Wagon Directorate is the competent authority for dealing with matters related to G-105 certification, including the initial audit, confirmatory audit, inspection of prototype(s) of the development lot, grant of G-105 certification, and other associated activities.
- 2) The Prospective wagon builder is required to submit the prescribed application to EDSW/RDSO/Lucknow, for conducting the initial audit as well as the confirmatory audit. The prescribed application forms are available on the RDSO website.

3) QAM/RDSO/Kolkata is not authorized to process or deal with matters pertaining to the G-105 standards certification.

(Sanjay Kumar)
Director Stds Wagon
RDSO/Lucknow

Law Officer.”

- 27.** This Court finds that the observation made by the respondent no. 2 that LSFTO Scheme was not specifically covered by G-105 Standards is not correct. The letter dated 16th July, 2026, clarified that the Wagon Directorate is the competent authority for dealing with the matters related to G-105 Standards.
- 28.** Considering the above, the respondent nos. 2 and 3 are directed to complete the prototype inspection and confirmatory audit of the BCFCM1 Wagon as per the request made by the petitioners dated 11th April, 2026 and 16th April, 2026, within a period of two (2) weeks from the date of receipt of this judgment.
- 29. WPA No. 16204 of 2026 is thus allowed.**

Parties shall be entitled to act on the basis of a server copy of the Judgment placed on the official website of the Court.

Urgent Xerox certified photocopies of this judgment, if applied for, be given to the parties upon compliance of the requisite formalities.

(Krishna Rao, J.)