



2026:AHC-LKO:47572-DB

A.F.R.

HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW

WRIT - C No. - 6335 of 2026

M/S Calcutta Springs Limited Thru. Authorized Signatory
Nirmal Kumar Gope

.....Petitioner(s)

Versus

U.O.I. Thru. Its Secy. Ministry Of Railways New Delhi And
Another

.....Respondent(s)

Counsel for Petitioner(s)	:	Ram Nath Pandey
Counsel for Respondent(s)	:	A.S.G.I.

Court No. - 3

HON'BLE SHEKHAR B. SARAF, J.
HON'BLE ABDHESH KUMAR CHAUDHARY, J.

1. Heard Shri Uday Gupta, learned Senior Advocate assisted by Shri Ram Nath Pandey, learned counsel appearing on behalf of the petitioner as well as Shri S.B. Pandey, learned Senior Advocate & DSGI assisted by Shri Varun Pandey, learned counsel appearing on behalf of the respondents and perused the record.

2. This is a writ petition under Article 226 of the Constitution of India, wherein the writ petitioner has sought for the following substantial reliefs:-

"(i) Issue an appropriate writ, order or direction in the nature of mandamus, directing Respondent No. 2 to process and issue the approval / provisional approval of the Concrete Sleeper Plant (CSP) of the Petitioner Company situated at Village Pendari, P.O. Sakri, Bilaspur, Chhattisgarh 495003 forthwith in terms of the policy dated 19.02.2021 read with the instructions dated 29.09.2023; alternatively;

(ii) Issue an appropriate writ, order or direction in the nature of mandamus, directing Respondent No. 2 to process and issue the

approval of the Concrete Sleeper Plant (CSP) of the Petitioner Company situated at Village Pendari, P.O. Sakri, Bilaspur, Chhattisgarh 495003 forthwith in terms of the policy dated 19.02.2021 read with the instructions dated 29.09.2023 subject to the Petitioner Company filing an Undertaking that it shall commission the siding within the timeframe granted by the Respondent No. 2 to similarly placed Concrete Sleeper Plants in terms of the instructions dated 22.05.2026;

(iii) Issue an appropriate writ, order or direction directing the Respondents to permit the Petitioner Company to participate in the tender processes which are published /issued by the Respondent No. 1 and to accept the technical and financial bid of the Petitioner - Company, subject to grant of formal approval by Respondent No. 2;

(iv) Call for the records maintained by the Respondent No. 2 regarding the application submitted by the Petitioner Company with Respondent No. 2 to verify the reasons for delay in grant of approval to the Petitioner - Company for its Concrete Sleeper Plant situated at Village - Pendari, P.O. Sakri, Bilaspur, Chhattisgarh - 495003."

3. Learned Senior Counsel appearing on behalf of the petitioner submits that the petitioner made an application for setting up a new Concrete Sleeper Plant (CSP) on 01.04.2025 and has virtually completed all the requisite formalities. However, approval has not yet been granted to the petitioner.

4. He further submits that all the requisite documents from the petitioner's end were furnished to the Railways by March, 2026. He further submits that, subsequently, the Government of India, Ministry of Railways, Research Designs and Standards Organization (RDSO), issued a letter introducing certain new guidelines for fresh applicants seeking to set up new Concrete Sleeper Plants (CSPs). The relevant portion of the said guidelines, applicable to the petitioner, is reproduced below:-

"(I) For CSPs already approved with Revised policy dated 19.02.2021:

Those CSPs which are Stabilized till date under the Railway Board policy issued vide letter no. 2004/TK-II/22/11/5(Shifting) dated 19.02.2021 but failed to ensure commissioning of siding as per assurance by the firm/CSP according to approved layout plan, shall be given one time opportunity to commission the siding latest by 31.12.2026 as per extant approvals of Zonal Railways. The firms, which have been granted Development status can be stabilized provided they submit undertaking to commission the siding latest by 31.12.2026. The firms, which have not been granted Development status will be strictly governed by instructions in Annexure.

II. For CSPs approved earlier to Revised policy dated 19.02.2021:

RB has also emphasized that the uniformity across all CSPs, i.e. existing and new plants, is essential to the Railway requirements. Those CSPs which are at Development status including those Stabilized prior to the Railway Board policy issued vide letter no. 2004/TK-11/22/11/5(Shifting) dated 19.02.2021 but have not yet functioning with a siding, should be given one time opportunity to commission the siding latest by 31.12.2027 as per extant approvals of Zonal Railways."

5. Learned counsel argues, on the basis of the aforesaid guidelines, that the petitioner should also be permitted to set up its Concrete Sleeper Plant and be granted an extension for commissioning the railway siding up to 31st December, 2026.

6. Per contra, learned counsel appearing on behalf of the respondent-authorities submits that the petitioner has not yet been granted approval to establish a new Concrete Sleeper Plant (CSP) and, therefore, is not entitled to the benefit of the new guidelines. The learned DSGI has submitted that extension for commissioning of railway siding as per the policy is provided to only existing CSP. According to him, new entrant cannot be granted approval without an existing siding as per the extant policy.

7. This Court has given a thoughtful consideration to the submissions made by the rival parties.

8. Upon perusal of the documents and after hearing learned counsel for the parties, we are of the view that, till date, the petitioner has not been granted approval by the Railways to manufacture Concrete Sleepers at its proposed Concrete Sleeper Plant (CSP).

Consequently, the petitioner's application is still pending and, therefore, it would be governed by the new guidelines issued by the Railways. Any relief granted to the petitioner as being sought would tantamount to deemed approval by the Railway authority, which cannot be the purview of law as we understand that a robust mechanism has been provided for such approval, which operates at multiple stages, involving scrutiny of documents, verification of source materials, inspection of plant and machinery, gauge checking, mix design approval, testing of samples, and evaluation of capacity and capability of the CSP. Apparently at each of these stages a technical assessment and satisfaction of the authority is required and as such, in absence of final satisfaction of the said process, approval cannot be granted to the petitioner. This Court being bereft of any technical expertise cannot step into the shoes of the approving authority to make a technical assessment and grant approval to the petitioner. We are also clear in our mind that a writ of mandamus also cannot be issued in that regard.

9. Further, it is also clear from the new regulations that have come into effect that any person intending to establish a Concrete Sleeper Plant (CSP) must have a railway siding ready for use. The Government has merely granted a limited relaxation only to those plants that are already in operation. Since the petitioner's plant has not yet been approved, the question of granting any extension of time for creation of a railway siding does not arise in the present facts and circumstances. According to this Court, the reliance on the aforesaid guidelines for granting approval is wholly misconceived/misplaced.

10. The claim of the petitioner that approval should be granted for establishing a Concrete Sleeper Plant (CSP), along with an extension of time up to 31st December, 2026 is a far fetch argument and cannot be countenanced by us. The benefit of extension has been specifically granted only to those applicants who are already operating Concrete Sleeper Plants (CSPs) for the Railways under the policy dated 19.02.2021 or who had already been approved as CSPs prior to the issuance of the said policy. Since the petitioner has not been granted approval as a Concrete Sleeper Plant (CSP) till date and there is no concept of deemed approval, it is not entitled to the benefit of the said extension. The relief sought by the petitioner

seems to be in disguise as it tries to achieve something indirectly (i.e. the approval), which it has failed to achieve directly.

11. In view of the aforesaid observations and findings, the writ petition as being devoid of any merit is accordingly **dismissed**. However, it is made clear that we have not made any comment on the merits or otherwise, of the pending application of seeking approval of the CSP of the petitioner-company, which may be decided by the authority concerned on its own merit, in accordance with law.

July 17, 2026
Praveen

(Abdhesh Kumar Chaudhary,J.) (Shekhar B. Saraf,J.)