

**RITES Ltd./Contract Policy Cell/Gurgaon**

No. RITES/CPC/OM/2023/99

Dated: 18.10.2023

**OFFICE MEMORANDUM-CPC/OM-99/23**

**Subject: Debarment of M/s Webfil Limited, Kolkata – 700001, from participating in procurement of Ministry of Railways and it's attached/ subordinate offices, Autonomous bodies, CPSEs etc. for a period of Six (06) months.**

Railway Board letter No. 2023/Tele/Complaint Redressal-PMI (3420420) dated 03.03.2023 was uploaded on website of RITES under list of "Banned & Suspended Vendors" on 20.03.2023 regarding "Debarment of M/s Webfil from participating in procurement of Ministry of Railways and it's attached/ subordinate offices, Autonomous bodies, CPSEs etc." for a period of Six (06) months from the date of issue of above letter dated 03.03.2023.

Further, in this regard, the following Office Memorandums were issued by Contract Policy Cell (CPC), which are uploaded on portal ESS/CPC Documents & also on RITES website under list of "Banned & Suspended Vendors"

- a) Office Memorandum-CPC/OM-23/23 dated 25.04.2023 alongwith the Hon'ble Calcutta High Court' Order dated 17.03.2023
- b) Office Memorandum-CPC/OM-25/23 dated 01.05.2023 alongwith the Hon'ble Calcutta High Court' Order dated 28.04.2023
- c) Office Memorandum-CPC/OM-32/23 dated 23.05.2023 alongwith the Hon'ble Calcutta High Court' Order dated 17.05.2023
- d) Office Memorandum-CPC/OM-55/23 dated 28.06.2023 alongwith the Hon'ble Calcutta High Court' Order dated 23.06.2023
- e) Office Memorandum-CPC/OM-81/23 dated 21.08.2023 alongwith the Railway Board' letter dated 17.08.2023
- f) Office Memorandum-CPC/OM-83/23 dated 28.08.2023 alongwith the Hon'ble Calcutta High Court' Order dated 21.08.2023

Now, the Hon'ble Calcutta High Court passed order dated 26.09.2023 stating that "WPA No. 6526 of 2023 along with CAN 1 of 2023 are disposed of, thereby setting aside the impugned debarment of the petitioners and all consequential orders and steps taken in terms thereof."

The copy of the Hon'ble Calcutta High Court' Order dated 26.09.2023 regarding the subject matter is enclosed herewith for information and compliance of all concerned.

This OM is issued with the approval of the Competent Authority.

  
18/10/2023  
(Murali Krishna Krovvidi)  
GM/CPC

Copy to:

1. Secy. to CMD/DP/DT/DF for kind information please.
2. All Country Heads, Vertical Heads, Regional Heads, PU/SUB-Unit/RIO Heads.
3. CVO for kind information please.
4. JGM/IT for getting uploaded on portal ESS/CPC Documents and also on RITES website under the list of "Banned & Suspended Vendors"

D/L. 4.  
September 26, 2023.  
MNS.

WPA No. 6526 of 2023  
+  
CAN 1 of 2023

M/s. Webfil Limited and another  
Vs.  
Union of India and others

Mr. S. N. Mookherjee,  
Mr. Soumya Majumder,  
Ms. Sharmistha Ghosh,  
Mr. Subhrojyoti Mookherjee

... for the petitioners.

Mr. Swatarup Banerjee,  
Mr. Sukanta Ghosh

...for the respondent nos. 2 to 7.

1. Learned Advocate General appearing for the petitioners submits that, in the meantime, pursuant to the purported legal opinion obtained by the respondent authorities, work orders have been issued to the petitioners.
2. It is submitted that by virtue of such issuance; the impugned debarment and all consequential orders go.
3. Learned counsel for the respondent authorities agrees to such proposition. However, it is submitted that in future, the right of the respondent authorities to debar the petitioners, if occasion so arises, upon

complying with due formalities and principles of natural justice, including service of prior notice, may not be effected by the disposal of the present writ petition.

4. It will be premature at this juncture to contemplate a situation when further debarment would be necessary.
5. However, obviously, the present dispute only pertains to the debarment which has been challenged in the writ petition.
6. In view of the work orders having now been issued in favour of the petitioners, nothing remains in the impugned debarment and all consequential orders to sustain the writ petition further.
7. Accordingly, WPA No. 6526 of 2023 along with CAN 1 of 2023 are disposed of, thereby setting aside the impugned debarment of the petitioners and all consequential orders and steps taken in terms thereof.
8. There will be no order as to costs.
9. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)

**RITES Ltd./Contract Policy Cell/Gurgaon**

No. RITES/CPC/OM/2023/83

Dated: 28.08.2023

**OFFICE MEMORANDUM-CPC/OM-83/23**

**Subject: Debarment of M/s Webfil Limited, Kolkata – 700001, from participating in procurement of Ministry of Railways and it's attached/ subordinate offices, Autonomous bodies, CPSEs etc. for a period of Six (06) months.**

Railway Board letter No. 2023/Tele/Complaint Redressal-PMI (3420420) dated 03.03.2023 was uploaded on website of RITES under list of "Banned & Suspended Vendors" on 20.03.2023 regarding "Debarment of M/s Webfil from participating in procurement of Ministry of Railways and it's attached/ subordinate offices, Autonomous bodies, CPSEs etc." for a period of Six (06) months from the date of issue of above letter dated 03.03.2023.

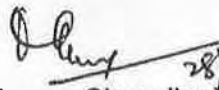
Further, in this regard, the following Office Memorandums were issued by Contract Policy Cell (CPC), which are uploaded on portal ESS/CPC Documents & also on RITES website under list of "Banned & Suspended Vendors"

- a) Office Memorandum-CPC/OM-23/23 dated 25.04.2023 alongwith the Hon'ble Calcutta High Court' Order dated 17.03.2023
- b) Office Memorandum-CPC/OM-25/23 dated 01.05.2023 alongwith the Hon'ble Calcutta High Court' Order dated 28.04.2023
- c) Office Memorandum-CPC/OM-32/23 dated 23.05.2023 alongwith the Hon'ble Calcutta High Court' Order dated 17.05.2023
- d) Office Memorandum-CPC/OM-55/23 dated 28.06.2023 alongwith the Hon'ble Calcutta High Court' Order dated 23.06.2023
- e) Office Memorandum-CPC/OM-81/23 dated 21.08.2023 alongwith the Railway Board' letter dated 17.08.2023

Now, the Hon'ble Calcutta High Court passed order dated 21.08.2023 that the interim order granted earlier is extended till 19.10.2023, or until further order, whichever is earlier.

The copy of the Hon'ble Calcutta High Court' Order dated 21.08.2023 regarding the subject matter is enclosed herewith for information and compliance of all concerned.

This OM is issued with the approval of the Competent Authority.

  
(Pawan Chowdhry) 28/8/23  
ED/B&A and Head CPC

Copy to:

1. Secy. to CMD/DP/DT/DF for kind information please.
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3. CVO for kind information please.
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02  
21.08.2023  
mb

IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE

W.P.A. No. 6526 of 2023  
with  
IA No. C.A.N. 1 of 2023

M/s. Webfil Limited & Anr.  
Vs.  
Union of India & Ors.

Mr. Soumya Majumder,  
Mr. Subhrajyoti Mookherjee,  
Ms. Sharmistha Ghosh,  
Mr. Amit Ghosh,  
Mr. Victor Chatterjee  
...for the petitioners

Mr. Swatarup Banerjee,  
Mr. Sukanta Ghosh  
...for the respondent nos. 2 to 7

Affidavit-of-service filed in Court today be kept  
on record.

Learned counsel for the petitioners submits that during pendency of the matter and subsistence of the interim order passed herein, the case was apparently examined by the legal cell of the respondent-authorities, which opined that in view of the interim order passed by this Court, the petitioners have got the same rights and responsibilities as other bidders/tenderers and the Railways cannot infringe their right by not

considering their tender and not awarding tender if they become L-1 bidder.

It is submitted by learned counsel that although such legal opinion is apparently in favour of the petitioners, permitting work order to be issued in favour of the petitioners in the event the petitioners emerge successful, the petitioners do not want to take a chance in the event such opinion is not adhered to by the respondents.

It transpires that it would be premature to decide the interim application at this juncture, since apparently the legal opinion of the respondents' legal cell is for the present in favour of the petitioners.

Be that as it may, the decision on the application is also dependent on the adjudication of the main writ petition.

Accordingly, C.A.N. 1 of 2023 shall be listed for hearing along with W.P.A. No. 6526 of 2023 on September 15, 2023, fairly at the top of the list.

The interim order granted earlier is extended till October 19, 2023 or until further order, whichever is earlier.

(Sabyasachi Bhattacharyya, J.)

**RITES Ltd./Contract Policy Cell/Gurgaon**

No. RITES/CPC/OM/2023/81

Dated: 21.08.2023

**OFFICE MEMORANDUM-CPC/OM-81/23**

**Subject: Debarment of M/s Webfil Limited, Kolkata – 700001, from participating in procurement of Ministry of Railways and it's attached/ subordinate offices, Autonomous bodies, CPSEs etc. for a period of Six (06) months.**

Railway Board letter No. 2023/Tele/Complaint Redressal-PMI (3420420) dated 03.03.2023 was uploaded on website of RITES under list of "Banned & Suspended Vendors" on 20.03.2023 regarding "Debarment of M/s Webfil from participating in procurement of Ministry of Railways and it's attached/ subordinate offices, Autonomous bodies, CPSEs etc." for a period of Six (06) months from the date of issue of above letter dated 03.03.2023.

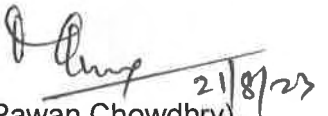
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- b) Office Memorandum-CPC/OM-25/23 dated 01.05.2023 alongwith the Hon'ble Calcutta High Court' Order dated 28.04.2023
- c) Office Memorandum-CPC/OM-32/23 dated 23.05.2023 alongwith the Hon'ble Calcutta High Court' Order dated 17.05.2023
- d) Office Memorandum-CPC/OM-55/23 dated 28.06.2023 alongwith the Hon'ble Calcutta High Court' Order dated 23.06.2023

Now, Railway Board has circulated letter No. 2023/Tele/15(5)/3 (3436765) dated 17.08.2023 regarding the subject matter.

The copy of the Railway Board dated 17.08.2023 regarding the subject matter is enclosed herewith for information and compliance of all concerned.

This OM is issued with the approval of the Competent Authority.

  
(Pawan Chowdhry)  
ED/B&A and Head CPC

Copy to:

1. Secy. to CMD/DP/DT/DF for kind information please.
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3. CVO for kind information please.
4. AGM/IT for getting uploaded on portal ESS/CPC Documents and also on RITES website under the list of "Banned & Suspended Vendors"



भारत सरकार Government of India  
रेल मंत्रालय Ministry of Railways  
रेलवे बोर्ड (Railway Board)



सं.2023/Tele/15(5)/3(3436765)

नई दिल्ली, दिनांक: 17.08.2023

**The General Manager**  
All Indian Railways, PUs & CORE

**The Director General**  
RDSO, NAIR & all CTIs

**Sub. Debarment of M/s Webfil Limited from participating in procurement of**  
**Ministry of Railways and its attached/subordinate offices, Autonomous bodies,**  
**CPSEs etc.**

**Ref. Board's letter No.2023/Tele/Complaint-Redressal-PMI(3420420) dated**  
**: 03.03.2023**

Attention is invited to this office letter referred to above vide which order for debarment of M/s Webfil Limited from participating in the procurement process of Ministry of Railways and its attached/subordinate offices, autonomous bodies, Central Public Sector Enterprises etc. for a period of six months from 03.03.2023 was communicated.

2. Subsequently, M/s Webfil Limited filed a Writ Petition, being WPA No.6526 of 2023; M/s Webfil Limited and Another Vs. Union of India and Others, against the debarment order of Ministry of Railways in the High Court at Calcutta. The Hon'ble High Court in its interim order dated 17.03.2023 in the matter has ordered as under:

*"Being prima facie satisfied that the petitioners have strong grounds for hearing of the writ petition on merits, the operation of the impugned blacklisting dated March 3, 2023 is stayed till April 30, 2023 or until further orders, whichever is earlier.*

*That apart, the respondents shall be restrained by an order of injunction from taking any further action on the notice of re-tender issued for the same job as the present one also till April 30, 2023 or until further orders, whichever is earlier."*

3. The above stay order has been extended from time to time by the Hon'ble High Court and is presently extended up to 31.08.2023.

4. Board has received references from Zonal Railways seeking clarification regarding debarment stating that M/s Webfil Limited has participated in Telecom tenders and is L1 in some cases. The case was, therefore, got examined from legal cell and the legal opinion is as under:

*It is pertinent to mention that the act of temporarily stopping or postponing proceeding through the court or legal authorities is to secure the rights of a citizen. In this case the firm has got stay order given by Hon'ble High Court at Calcutta vide its interim order dated 17.03.2023, therefore, it has got the same rights and responsibilities as other bidders/tenderers. Railway cannot infringe its right by not considering its tender and not awarding tender if it becomes the L-1 bidder.*

**Signed by Rakesh Ranjan**

**Date: 17-08-2023 16:43:20**

**Reason: Approved**  
(रकेश रंजन)

कार्यकारी निदेशक (दूरसंचार विकास)

दूरभाष: 011-47843012, 030-43012

ई.मेल: edtd@rb.railnet.gov.in

Copy to: As per list overleaf



**Copy for information and necessary action to:-**

1. The Director General RDSO, Lucknow
2. The Director General, NAIR, Vadodara
3. The Chairman, All Railway Recruitment Boards
4. The Director General, IRISSET, Secunderabad
5. The Director General, IRICEN, Pune
6. The Director General, IRIEEN, Nasik
7. The Chairman & Managing Director, IRCON, New Delhi
8. The Chairman & Managing Director, RITES, New Delhi
9. The Chairman & Managing Director, CONCOR, New Delhi
10. The Chairman & Managing Director, KRCL, Mumbai
11. The Chairman & Managing Director, IRCTC, New Delhi
12. The Chairman & Managing Director, RCIL, New Delhi
13. The Managing Director, DFCCIL, New Delhi
14. The Managing Director, IRFC, New Delhi
15. The Chief Administrative Officer, DMW, Patiala
16. The Managing Director, CRIS, New Delhi
17. The Vice Chairman, RLDA, New Delhi
18. The Chairman, Railway Rates Tribunal, Chennai
19. The Principal Bench, Railway Claims Tribunal, New Delhi
20. M/s Webfil Limited, YULE House, 8, Dr. Rajendra Prasad Sarani, Kolkata-700001

**RITES Ltd./Contract Policy Cell/Gurgaon**

No. RITES/CPC/OM/2023/55

Dated: 28.06.2023

**OFFICE MEMORANDUM-CPC/OM-55/23**

**Subject: Debarment of M/s Webfil Limited, Kolkata – 700001, from participating in procurement of Ministry of Railways and it's attached/ subordinate offices, Autonomous bodies, CPSEs etc. for a period of Six (06) months.**

Railway Board letter No. 2023/Tele/Complaint Redressal-PMI (3420420) dated 03.03.2023 was uploaded on website of RITES under list of "Banned & Suspended Vendors" on 20.03.2023 regarding "Debarment of M/s Webfil from participating in procurement of Ministry of Railways and it's attached/ subordinate offices, Autonomous bodies, CPSEs etc." for a period of Six (06) months from the date of issue of above letter dated 03.03.2023.

Further, Office Memorandum-CPC/OM-23/23 vide note No. RITES/CPC/OM/2023/23 dated 25.04.2023 was uploaded alongwith Hon'ble Calcutta High Court' Order dated 17.03.2023 on portal ESS/CPC Documents & also on RITES website under list of "Banned & Suspended Vendors" on 26.04.2023 regarding the subject matter. The copy of the Office Memorandum dated 25.04.2023 is enclosed herewith.


Further, Office Memorandum-CPC/OM-25/23 vide note No. RITES/CPC/OM/2023/25 dated 01.05.2023 was uploaded alongwith Hon'ble Calcutta High Court' Order dated 28.04.2023 on portal ESS/CPC Documents & also on RITES website under list of "Banned & Suspended Vendors" on 01.05.2023 regarding the subject matter. The copy of the Office Memorandum dated 01.05.2023 is enclosed herewith.

Furthermore, Office Memorandum-CPC/OM-32/23 vide note No. RITES/CPC/OM/2023/32 dated 23.05.2023 was uploaded alongwith Hon'ble Calcutta High Court' Order dated 17.05.2023 on portal ESS/CPC Documents & also on RITES website under list of "Banned & Suspended Vendors" regarding the subject matter. The copy of the Office Memorandum dated 23.05.2023 is enclosed herewith.

Now, the Hon'ble Calcutta High Court passed order dated 23.06.2023 that the interim order granted earlier is extended till 31.08.2023, or until further order, whichever is earlier.

The copy of the Hon'ble Calcutta High Court' Order dated 23.06.2023 regarding the subject matter is enclosed herewith for information and compliance of all concerned.

This OM is issued with the approval of the Competent Authority.

  
(Pawan Chowdhry)  
ED/B&A and Head CPC

**Copy to:**

1. Secy. to CMD/DP/DT/DF for kind information please.
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D/L. 4.  
June 23, 2023.  
MNS.

WPA No. 6526 of 2023

M/s. Webfil Limited and another  
Vs.  
Union of India and others

Mr. Soumya Majumder,  
Ms. Sharmistha Ghosh,  
Mr. Victor Chatterjee,  
Mr. Subhyojit Mookherji

... for the petitioners.

Mr. Swatarup Banerjee,  
Mr. Sukanta Ghosh

...for the respondents.

The interim order granted earlier is extended till August 31, 2023, or until further order, whichever is earlier.

The matter shall next be listed for hearing on July 10, 2023.

(Sabyasachi Bhattacharyya, J.)

**RITES Ltd./Contract Policy Cell/Gurgaon**

No. RITES/CPC/OM/2023/32

Dated: 23.05.2023

**OFFICE MEMORANDUM-CPC/OM-32/23**

**Subject: Debarment of M/s Webfil Limited, Kolkata – 700001, from participating in procurement of Ministry of Railways and it's attached/ subordinate offices, Autonomous bodies, CPSEs etc. for a period of six (06) months.**

Railway Board letter No. 2023/Tele/Complaint Redressal-PMI (3420420) dated 03.03.2023 was uploaded on website of RITES under list of "Banned & Suspended Vendors" on 20.03.2023 regarding "Debarment of M/s Webfil from participating in procurement of Ministry of Railways and it's attached/ subordinate offices, Autonomous bodies, CPSEs etc" for a period of six (06) months from the date of issue of above letter dated 03.03.2023.


Further, Office Memorandum-CPC/OM-23/23 vide note No. RITES/CPC/OM/2023/23 dated 25.04.2023 was uploaded alongwith Hon'ble Calcutta High Court' Order dated 17.03.2023 on portal ESS/CPC Documents & also on RITES website under list of "Banned & Suspended Vendors" regarding the subject matter. The copy of the Office Memorandum dated 25.04.2023 is enclosed herewith.

Furthermore, Office Memorandum-CPC/OM-25/23 vide note No. RITES/CPC/OM/2023/25 dated 01.05.2023 was uploaded alongwith Hon'ble Calcutta High Court' Order dated 28.04.2023 on portal ESS/CPC Documents & also on RITES website under list of "Banned & Suspended Vendors" regarding the subject matter. The copy of the Office Memorandum dated 01.05.2023 is enclosed herewith.

Now, the Hon'ble Calcutta High Court passed order dated 17.05.2023 that the interim order, which is due to expire on 17.05.2023 is extended till 30.06.2023.

The copy of the Hon'ble Calcutta High Court' Order dated 17.05.2023 regarding the subject matter is enclosed herewith for information and compliance of all concerned.

This OM is issued with the approval of the Competent Authority.

  
(Pawan Chowdhry)  
ED/B&A and Head CPC

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17.05.2023

sayandeep

Sl. No. 22

Ct. No. 05

WPA 6526 of 2023

M/s. Webfil Limited & Anr.

-Versus

Union of India & Ors.

Mr. Soumya Majumder

Mrs. Sharmistha Ghosh

Mr. Swabham Bhattacharya

Mr. Victor Chatterjee

Mr. Subhojit Mookherji

..... for the petitioners

Mr. Swatarup Banerjee

Mr. Sukanta Ghosh

.....for the respondents

The interim order, which is due to expire on 17<sup>th</sup> May, 2023, which is today, is extended till 30<sup>th</sup> June, 2023.

List this matter on 8<sup>th</sup> June, 2023.

Learned counsel appearing for the respondent Railways opposes the extension and submits that the Railways wish to float a new tender and hence there is urgency in the matter. Counsel also submits that the respondents do not wish to use any affidavit in the matter.

(Moushumi Bhattacharya, J.)

**RITES Ltd./Contract Policy Cell/Gurgaon**

No. RITES/CPC/OM/2023/25

Dated: 01.05.2023

**OFFICE MEMORANDUM-CPC/OM-25/23**

**Subject: Debarment of M/s Webfil Limited, Kolkata – 700001, from participating in procurement of Ministry of Railways and it's attached/ subordinate offices, Autonomous bodies, CPSEs etc. for a period of Six (06) months.**

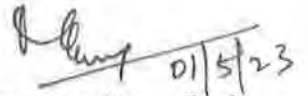
Railway Board letter No. 2023/Tele/Complaint Redressal-PMI (3420420) dated 03.03.2023 was uploaded on website of RITES under list of "Banned & Suspended Vendors" on 20.03.2023 regarding "Debarment of M/s Webfil from participating in procurement of Ministry of Railways and it's attached/ subordinate offices, Autonomous bodies, CPSEs etc."

Further, Office Memorandum-CPC/OM-23/23 vide note No. RITES/CP/OM/2023/23 dated 25.04.2023 was uploaded alongwith Hon'ble Calcutta High Court' Order dated 17.03.2023 on portal ESS/CPC Documents & also on RITES website under list of "Banned & Suspended Vendors" on 26.04.2023 regarding the subject matter. The copy of the Office Memorandum dated 25.04.2023 is enclosed herewith.

Now, the Hon'ble Calcutta High Court passed order dated 28.04.2023 that the interim order issued on 17.03.2023 is extended till 17.05.2023.

The copy of the Hon'ble Calcutta High Court' Order dated 28.04.2023 regarding the subject matter is enclosed herewith for information and compliance of all concerned.

This OM is issued with the approval of the Competent Authority.

  
(Pawan Chowdhry)  
ED/B&A and Head CPC

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**28.04.2023**

**sayandeep**

**Sl. No. 05**

**Ct. No. 05**

**WPA 6562 of 2023**

**M/s. Webfil Limited & Anr.**

**-Versus-**

**Union of India & Ors.**

Mr. S.N. Mookherjee

Mr. Soumya Majumder

Mrs. Sharmistha Ghosh

Mr. S. Bhattacharya

Mr. Victor Chatterjee

Mr. Subhajyoti Mookherjee

..... for the petitioner

Mr. Swatarup Banerjee

Mr. Sukanta Ghosh

.....for the respondents

The affidavit-of-service is kept on record.

An interim order which was passed on 17<sup>th</sup> March, 2023 is due to expire on 30.04.2023. The interim order was passed by co-ordinate Bench and is before this Court for the first time today. The interim order prevented the respondent Railway Board from acting on a Notice for blacklisting the petitioner No. 1 till 30<sup>th</sup> April, 2023.

The respondent Railway Board is represented.

The learned Advocate General submits that a supplementary affidavit has been prepared on the basis of certain events subsequent to the passing of the interim order. A copy of the supplementary affidavit shall be made over to the respondents in the course of the day.

**BITES Ltd./Contract Policy Cell/Gurgaon**

No. BITES/CPC/OM/2023/23

Dated: 25.04.2023

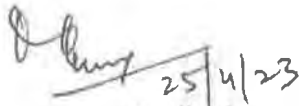
**OFFICE MEMORANDUM-CPC/OM-23/23**

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(Pawan Chowdhry)  
ED/B&A and Head CPC

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4. AGM/IT for getting uploaded on portal ESS/CPC Documents and also on BITES website under the list of "Banned & Suspended Vendors"



S/L. 1.  
March 17, 2023.  
MNS.

WPA No. 6526 of 2023

M/s. Webfil Limited and another  
Vs.  
Union of India and others

Mr. S. N. Mookherjee,  
Mr. Sournya Mazumder,  
Ms. Sharmistha Ghosh,  
Mr. S. Bhattacharyya,  
Mr. Victor Chatterjee,  
Mr. Subhrojyoti Mookherjee

... for the petitioners.

The Learned Advocate General contends that the impugned blacklisting dated March 3, 2023 of the petitioners is entirely *de hors* the law and principles of Natural Justice.

First, no show cause notice was issued at all before the said blacklisting, thereby violating the principle of *Audi Alteram Partem*.

Secondly, it is well settled that the possible consequence of blacklisting has to be intimated in the show cause notice itself, which was not complied with in the present case, since no show cause notice was issued at all. Even in the clarification sought by the petitioners, no such consequence was even indicated by the respondent authorities.

That apart, it is contended that there is a written procedure for show cause governing tenders like the present, which was not complied with at all.

Over and above, it is contended that mere 50% of the origin of the products-in-question has to be local (made in India) for the purpose of satisfying the eligibility criteria of participating in the tender process. The petitioner no. 1-company was the L1 bidder. But, in view of the blacklisting impugned herein, such position has been automatically cancelled and a re-tender has been issued (Annexure P-23 at page 145 of the present writ petition).

In view of the extreme urgency involved, since a re-tender notice has already been issued and the impugned blacklisting has several adverse consequences inasmuch as the functioning of the petitioners are concerned, leave is granted to move the writ petition without any prior notice.

Being *prima facie* satisfied that the petitioners have strong grounds for hearing of the writ petition on merits, the operation of the impugned blacklisting dated March 3, 2023 (Annexure P-20 at page 135 of the writ petition) is

stayed till April 30, 2023 or until further orders, whichever is earlier.

That apart, the respondents shall be restrained by an order of injunction from taking any further action on the notice of re-tender issued for the same job as the present one, which is annexed as Annexure P-23 at page 145 of the writ petition, also till April 30, 2023 or until further orders, whichever is earlier.

Liberty to the parties to mention the matter for inclusion before the regular Bench having determination as a 'Listed Motion'.

(Sabyasachi Bhattacharyya, J.)



भारत सरकार Government of India  
रेल मंत्रालय Ministry of Railways  
रेलवे बोर्ड (Railway Board)



No. 2023/Tele/Complaint Redressal-PMI (3420420)

New Delhi Dated: 03.03.2023

M/s Webfil Limited,  
YULE House,  
8, Dr. Rajendra Prasad Sarani,  
Kolkata - 700001

**Sub:** Debarment of M/s Webfil from participating in procurement of Ministry of Railways and its attached/ subordinate offices, Autonomous bodies, CPSEs etc.

**Ref:** DoT DO No. 16-09/2018-IP-Part-3 dated 19<sup>th</sup> Jan. 2023.

Vide above reference from DoT to Ministry of Railways, it has been informed that in Railway's Tender No. KOTA/SNT/Tele/2021/06R1 and NCRPU-TELE-IPEXCH-2022, M/s Webfil is L1 and is supplying Chinese product labeled "Made in India". The complaint is to be investigated at Railway Board level as per Note No. 2020/RS(G)/779/2 dated 20.01.2023 wherein EDs/PEDs of Technical department have been nominated competent authority for examining references received in relation with DPIIT PPP-MII orders and for disposing off references received pertaining to them.

2. In this context an online virtual meeting was called on 02.02.2023 wherein representatives from M/s Webfil, North Central Railway and West Central Railway participated. During the meeting, M/s Webfil was given an opportunity to explain about the material that they proposed to supply against the Railways tender No. KOTA/SNT/Tele/2021/06R1 and NCRPU-TELE-IPEXCH-2022.

3. In case of the NCR tender No. NCRPU-TELE-IPEXCH-2022, M/s Webfil has informed that the local content of their bid is 65%. They have also indicated that while filling the online tender document they have by mistake shown the local content as 100% indicating that it was a typographical mistake. Material from M/s Astecs is proposed to be supplied. M/s Webfil indicated that the local content of M/s Astecs portions of the work is 65% (M/s. Webfil letter No. DS/MKT/NCR/PRYJ dated 03.02.2023 to NCR along with the undertaking from M/s Astecs regarding the local content).

4. In case of the WCR tender No. KOTA/SNT/Tele/2021/06/R1, M/s Webfil has informed that material of M/s Astecs is proposed to be supplied. It was further informed along with the undertaking from M/s Astecs that their local content is 65% and the local contents of the total work of M/s Webfil's bid is 80%. (The same has been confirmed vide M/s Webfil's letter No. DS/MKT/WCR/Kota dated 03.02.2023).

5. Another complaint was received by Ministry of Railways directly from M/s Coral Telecom vide its letter No. nil dated 08.02.2023 regarding tender No. SNT-PROJ-JP-2022-23-07 of NWR wherein it has been alleged that M/s Webfil has given a false declaration of local content as 100% in its offer. A confirmation from NWR was obtained and NWR has confirmed vide its letter No. SNT/HQ/VoIP/letter

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dated 16.02.2023 that the local content declaration given by M/s Webfil in their said tender is 100%. M/s Webfil was asked to give clarification vide Board's letter of even No. dated 20.02.2023. M/s Webfil vide its letter No. DS/MKT/NWR-JP/VoIP/LTR dated 21.02.2022 has informed that M/s Webfil's method of calculation of local content was flawed and not in line with how it actually has to be computed for a System Integrator in a Works Contract. M/s Webfil admits that there has been an error of understating and computation on their part. M/s Webfil has also given in writing that it would ensure proper computation of "Percentage of Local Content" in all the upcoming tenders.

6. A personal hearing was arranged on 01.03.2023 for discussing all such tenders with the representative of M/s Webfil. It was again stated by M/s Webfil that the mistake has been because of error in understanding the methodology of the local content computation of the bid. No new information was provided.

7. From this it is seen that M/s Webfil has shown the local content in their bid as 100% in two Tenders of Indian Railways i.e. NCR tender No. NCRPU-TELE-IPEXCH-2022 and NWR tender No. SNT-PROJ-JP-2022-23-07. Typographical error and ignorance of rules for the wrong declaration is not acceptable. It is established that the local content in both these tenders have been wrongly declared.

8. After having considered all the above facts, M/s Webfil Limited is hereby debarred from participating in the procurement process of Ministry of Railways and its attached/subordinate offices, autonomous bodies, Central Public Sector Enterprises etc. for a period of six months from the date of issue of this Order for false declaration of local content which is a breach of code of integrity under Rule 175(1)(i)(h) of the GFR and in terms of para 9(f) of DPIIT PPP-MII order dated 16.09.2020.

9. Since M/s Webfil is an RDSO approved source for other railway products like PDMux, UFSBI etc., this debarment is not applicable on these products. Products manufactured by M/s. Webfil for Railways and approved by RDSO can be quoted by other system integrators.

10. This debarment shall come into effect from the date of issue of this notification. Any contracts concluded before the date of debarment should not get affected by this debarment in terms of board's letter No. 2021/RS(6)/779/17(E 3380016) dated 09.11.2022.

**Signed by Rakesh Ranjan**

**Date: 03-03-2023 20:29:38**

**Reason: Approved**

(राकेश रंजन)

कार्यकारी निदेशक (दूरसंचार विकास)

रेल मंत्रालय

011-47843012

E-mail id [edtd@rb.railnet.gov.in](mailto:edtd@rb.railnet.gov.in)

Room No. 103-A, First Floor

**Copy to: As per list attached.**

2023/Tele/ComplaintRedressal-PMI

3062605/2023

No. 2023/Tele/Complaint Redressal-PMI (3420420)

New Delhi Dated: 03.03.2023

Copy forwarded for information to:

1. The General Managers, All Indian Railways Including Production Units
2. The Director General RDSO, Lucknow
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4. The Chairman, All Railway Recruitment Boards.
5. The Director General, IRISER, Secunderabad
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17. The Managing Director, CRIS, New Delhi
18. The Vice Chairman, RLDA, New Delhi
19. The Chairman, Railway Rates Tribunal, Chennai
20. The Principal Bench, Railway Claims Tribunal, New Delhi
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