

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P. (C.) No.1883/2008**

% **Date of Decision: 02.12.2009**

Mr.S.N.Murthi & Ors Petitioners

Through Mr.D.K.Garg, Advocate.

Versus

Union of India & Ors Respondents

Through Ms.Rajdipa Behura, Advocate.

CORAM:

HON'BLE MR. JUSTICE ANIL KUMAR

HON'BLE MR. JUSTICE VIPIN SANGHI

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| 1. | Whether reporters of Local papers may be allowed to see the judgment? | YES |
| 2. | To be referred to the reporter or not? | NO |
| 3. | Whether the judgment should be reported in the Digest? | NO |

ANIL KUMAR, J. (ORAL)

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The petitioners are the commission vendors and the dispute is about non payment of commission charges for the period 1st March, 2004 upto 28th February, 2005. The learned counsel for the respondent Railways on instructions states that commission has been paid to some of the petitioners who are the commission vendors and in case the commission has not been paid for the period 1st March, 2004 upto 28th February, 2005, the Railways shall pay the commission in accordance with rules and regulations and on petitioners making appropriate applications before the appropriate authorities.

The learned counsel for the petitioners on instructions also gives up the claim on behalf of the petitioners for interest at the rate of 18% or any other rate on the commission amount due to them from the Railways.

In the circumstances, on the basis of the statements of the learned counsel for the parties, the writ petition is disposed of with a direction to the Railways to pay the commission to the petitioners, if already not paid for the period 1st March, 2004 upto 28th February, 2005 in accordance with rules on petitioners making appropriate applications before the appropriate authorities. The petitioners shall make the appropriate applications claiming the arrears of commission from 1st March, 2004 upto 28th February, 2005 within one week. The amount of commission payable shall be determined and paid to the petitioners by the respondents within eight weeks.

The writ petition is disposed of in terms hereof. Parties are left to bear their own cost. All the pending applications are also disposed of.

ANIL KUMAR, J.

DECEMBER 02, 2009
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VIPIN SANGHI, J.