

GAHC010005882012



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : MFA/53/2012

UNION OF INDIA
REPRESENTED BY THE GENERAL MANAGER, N.F. RAILWAY, MALIGAON,
GUWAHATI-11, ASSAM.

VERSUS

M/S AMBA TRADERS
CHABOTI, NORTH LAKHIMPUR, ASSAM.

Advocate for the Petitioner : SC, NF RLY

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

Date of hearing : 05.06.2024

Date of Judgment : 14.06.2024

JUDGMENT & ORDER (CAV)

Heard Mrs. U. Chakraborty, learned Senior Counsel appearing for the

Railways and Ms. M. Sharma, learned counsel appearing for the respondent.

2. This is an appeal under Section 23 of the Railway Claims Tribunal Act, 1987 challenging the judgment dated 13.03.2012 passed by the Railway Claims Tribunal, Guwahati Bench in O.A. 60/2008 (Old), OA-III/GHY/60/2008 (New).

3. The respondent filed the Original Application before the Tribunal seeking refund of Rs.2,49,882/-, which was earlier charged by the appellant as terminal charges. The respondent submitted that on the basis of a certain notification, the appellant/Railways cannot charge terminal charges in this case.

4. The Railway Claims Tribunal held that the subject, whether the Railways can claim terminal charges, is sub-judice before this Court. Therefore, the Tribunal refused to interfere into the matter.

5. Aggrieved by the aforesaid judgment of the Tribunal, the Railways filed this appeal.

6. I have considered the submissions made by the learned counsel of both sides.

7. The Tribunal has not passed any judgment against the Railways. The Tribunal simply held that the matter relating to realization of terminal charges by the Railways is pending before this Court and therefore, the Railway Claims Tribunal did not allow the prayer of the respondent for refund of terminal

charges which was claimed by the respondent.

8. An appeal is a remedial concept determined as an individual's right to seek justice against an unjust decree or order by referring it to a superior Court.

9. I am of the considered opinion that the appellant has unnecessarily filed this appeal because no adverse order was passed against the Railways.

10. For the aforesaid reasons, I find that this appeal is devoid of merit and stands dismissed accordingly.

Send back the LCR.

JUDGE

Comparing Assistant