

GAHC010029192024



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

Case No. : WP(C)/758/2024

M/S SREE STEEL
A PARTNERSHIP FIRM REP. BY ITS PARTNER SRI DINESH PRASAD SHAH,
AGED ABOUT 50 YRS, HAVING ITS REGISTERED OFFICE AT CHAVIPOOL,
SATI JOYMATI ROAD, HOUSE NO-46, GUWAHATI-08, DIST- KAMRUP (M),
ASSAM

VERSUS

NORTH EAST FRONTIER RAILWAY AND 7 ORS
MALIGAON, GUWAHATI. REP. BY ITS GENERAL MANAGER, NF RAILWAY ,
HEADQUARTER, MALIGAON, GUWAHATI-11

2:THE CONTROLLER OF STORE
NF RAILWAY
HEADQUARTER
MALIGAON
GUWAHATI-11
KAMRUP (M)
ASSAM

3:THE PRINCIPAL CHIEF MATERIAL MANAGER
NF RAILWAY
HEADQUARTER
MALIGAON
GUWAHATI-11
KAMRUP (M)
ASSAM

4:THE DEPUTY CHIEF MATERIAL MANAGER
NF RAILWAY
HEADQUARTER
MALIGAON GUWAHATI-11
KAMRUP (M)
ASSAM

5:THE DIVISIONAL RAILWAY MANAGER RANGIA
DISTT.-KAMRUP ASSAM

6:THE SENIOR DIVISIONAL MATERIAL MANAGER
RANGIA DISTT- KAMRUP ASSAM

7:THE SENIOR DIVISIONAL MECHANICAL ENGINEER
RANGIA DIST- KAMRUP ASSAM

8:THE SENIOR SECTION ENGINEER
C AND W
IC RPAN
NF RAILWAY
RANGAPARA
NORTH ASSA

Advocate for the Petitioner : MR N PATIRI

Advocate for the Respondent : DY.S.G.I.

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

Date : 17.02.2024

Heard Mr. R. Sarmah, learned counsel for the petitioner, who submits that the petitioner is aggrieved by the respondents not taking a decision on the petitioner's representations, for extending the free delivery period of the coaches purchased by the petitioner through E-Auction Sale.

2. The petitioner's counsel submits that pursuant to the E-Auction Sale dated 22.09.2023, 23.09.2023 and 30.09.2023, the petitioner purchased (14) condemned broad-gauge (BG) coaches of the North East Frontier Railway on 22.09.2023, 23.09.2023 and 30.09.2023. The petitioner was thereafter given sale release orders dated 06.10.2023, 07.10.2023 and 17.10.2023 on payment of the balance sales value for the (14) condemned coaches that he had bought.

However, due to the (14) condemned coaches being located near the main railway station, the petitioner requested the Railway Authority to relocate the coaches to a more suitable place, to enable the petitioner to cut the coaches and take away the cut parts safely, in the interest of safety of the public. However, the petitioner's request was rejected by the respondents on 03.11.2023.

3. The respondents thereafter fixed 06.11.2023 as the date for handing-over the site of the location of the (14) condemned coaches for cutting and delivery, vide letter dated 04.11.2023 issued by the respondents. In the said letter dated 04.11.2023, 10.11.2023 and 11.11.2023 were given as the last dates for the petitioner to take delivery of the cut pieces of the (14) condemned BG coaches.

4. The petitioner's counsel submits that the petitioner prayed for being given an extended period, for delivery of the cut coaches, as they were given only 4/5 days for delivery of the cut coaches, vide letter dated 04.11.2023. He submits that though the petitioner has completed the task of cutting the coaches and the same are ready for delivery by the petitioner, the petitioner has not been able to take delivery of the cut pieces of the coaches, as the delivery period has expired. Further, the respondents have not taken a decision on the petitioner's representations for extending the free delivery period.

5. The petitioner's counsel submits that this writ petition can be disposed of, if a direction is issued to the respondent Nos. 3 and 6 to take a decision on the petitioner's representations dated 08.11.2023, 14.11.2023 and 08.01.2024, regarding the request for extending the free delivery period within a specific time frame.

6. Mr. K. Gogoi, learned Standing Counsel appearing for the Railways submits

that he has got no objection to the prayer made by the petitioner's counsel.

7. In view of the consent of the parties, this writ petition is disposed of, with a direction to the respondent Nos. 3 & 6 to take a decision on the petitioner's representations dated 08.11.2023, 14.11.2023, 16.11.2023 and 08.01.2024, within a period of 3 (three) weeks from the date of receipt of a copy of this order.

JUDGE

Comparing Assistant