

GAHC010265362013



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

Case No. : MFA/77/2013

M/S. BHAWANI TRADING CO.
FANCY BAZAR, M.G. ROAD, GUWAHATI, ASSAM, PIN 781001

VERSUS

UNION OF INDIA
REPRESENTED BY THE GENERAL MANAGER, N.F. RAILWAY, MALIGAON,
GUWAHATI, ASSAM, PIN 781011

Advocate for the Petitioner : MR.K P MAHESWARI

Advocate for the Respondent : MR.A K SARKAR

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

Date of hearing : 11.06.2024

Date of Judgment : 14.06.2024

JUDGMENT & ORDER (CAV)

Heard Ms. M. Kalilta, learned counsel appearing for the appellant and Mrs.
U. Chakraborty, learned Senior Railway Counsel.

2. This is an appeal under Section 23 of the Railway Claims Tribunal Act, 1987 against the judgment and order dated 08.03.2013 passed by the Railway Claims Tribunal, Guwahati Bench in Original Application No.182 of 2002.

3. The appellant filed the Original Application before the Tribunal seeking refund of Rs.17,500/- for short delivery of 1750 kgs of rice @ Rs. 10 per kilogram.

4. The Tribunal agreed that there was a short delivery of 1750 kilograms of rice. The Tribunal held that the appellant did not prove the price of rice and therefore, on account of lack of evidence, the Tribunal could not arrive at a finding regarding compensation which might be payable to the appellant.

5. The learned counsel, Ms. Kalita has submitted that this appeal is based on the law as laid down under Section 127 (2) of the Railways Act, 1989.

6. The learned counsel, Ms. Chakraborty, on the other hand, has submitted that the appellant failed to prove the price of rice before the Tribunal and therefore, the Tribunal arrived at a correct finding.

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

8. I have decided to agree with the respondent. The appellant did not prove the price of rice and therefore, the Tribunal could not ascertain the value of

1750 kilograms of rice.

9. I hereby hold that the appeal is devoid of merit and therefore, the appeal stands dismissed.

Send back the LCR.

JUDGE

Comparing Assistant