

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 11TH DAY OF NOVEMBER 2015/20TH KARTHIKA, 1937

WP(C).No. 5695 of 2012 (J)

PETITIONER :

KK MARKETING COMPANY, AGED 40 YEARS,
PALLIKUNNU, KANNUR, REPRESENTED BY MANAGING PARTNER
SRI. V. AFSAL.

BY ADVS. SRI.K.R.AVINASH (KUNNATH)

RESPONDENTS :

1. UNION OF INDIA,
REPRESENTED BY SECRETARY, MINISTRY OF RAILWAYS
CENTRAL SECRETARIAT, NEW DELHI-110001.
2. THE DIVISIONAL RAILWAY MANAGER,
SOUTHERN RAILWAY PALAKKAD DT-678001.
3. THE SENIOR DIVISIONAL COMMERCIAL MANAGER,
SOUTHERN RAILWAY, PALAKKD DT-678001.
4. THE CHIEF GOODS SUPERVISOR,
SOUTHERN RAILWAY, RAILWAY GOOD SHED, VATAKARA
KOZHIKODE-673101.
5. THE CHIEF GOODS CUPERVISOR,
SOUTHERN RAILWAY, RAILWAY GOOD SHED,
VALAPATTANAM, KANNUR-670010.

*ADDL. R6 IMPEADED :

- *6. THE RAILWAY BOARD, RAIL BHAWAN
NEW DELHI - 110001 REPRESENTED Y ITS CHAIRMAN.

*ADDL. R6 IS IMPEADED AS PER ORDER DATED 23/01/2014 IN IA 1007/2014.

BY ADV. SRI.JAMES KURIAN, SC, RAILWAYS
BY SRI.C.S.DIAS,SC, RAILWAYS

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 11-11-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

bp

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APPENDIX

PETITIONER(S) EXHIBITS :

EXHIBIT P1: TRUE COPY OF THE COMMUNICATION DATED 7.2.2012.

RESPONDENTS' EXHIBITS :

EXT.R3(1): COPY OF THE CIRCULAR NO. TC-1/2005/201/2 DT 19/12/2005.

**EXT.R3(2): COPY OF THE ADVANCE RATE NOTIFICATION NO. 12/2005
(GOODS NO. 129) DT 29/12/2005.**

//TRUE COPY//

P.S. TO JUDGE

bp

A.M. SHAFFIQUE, J.

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W.P. (C) No. 5695 of 2012

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Dated this, the 11th day of November, 2015

J U D G M E N T

Learned counsel for both parties submit that in view of the judgment in WP(C) No.12296/2012, which was closed based on a Division Bench judgment in WA No.917/2014 and connected cases, this writ petition can also be disposed of with the said directions.

Accordingly, this writ petition is disposed of with the following directions;

(1) The writ petitioner is permitted to make an application for waiver before the Station Manager/Goods Supervisor within 30 (thirty) days from today giving all details along with reasons and relevant records as necessary.

(2) Station Master/Goods Supervisor shall forward the application for waiver of demurrage charges to the Divisional Officer with his remark within 15 (fifteen) days of receipt of the application.

(3) The Divisional Officer shall take a decision on the

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-:2:-

waiver application considering the reasons and circumstances given by the writ petitioner in the waiver application. Consequential orders be issued thereafter. In case the writ petitioner is aggrieved by the said decision, he can prefer appeal to the higher authority.

Sd/-
A.M. SHAFFIQUE, JUDGE

Rp
11/11/2015

//True Copy//

P.S to Judge