

**IN THE HIGH COURT OF JUDICATURE AT
PATNA**

Civil Writ Jurisdiction Case No.18846 of 2013

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1. M/S Npd Corporation, Near Madhuri Market, Pappu Dhaba, Pahari, Patna
Through Its Proprietor Anand Vardhan S/O Late Narayan Prasad Dalmia, R/O 53,
B-Narmada Apartment, Exhibition Road, Patna

.... Petitioner/s

Versus

1. The Union Of India, Through Divisional Railway Manager (Commercial)
Northeast Frontier Railway, Katihar
2. The Station Manager-Cum-Chief Goods Superintendent, Northeast Frontier
Railway, Katihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. GAUTAM KUMAR KEJRIWAL

For the Railways Mr. Abhimanyu Dev

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT

Date: 22-06-2016

Heard Mr. Prabhat Ranjan for the petitioner and the counsel for the
respondent Railways.

The petitioner is aggrieved by the demand notice issued by the
respondent Railways (Annexure-2). It is stated that without issuing any notice and
thereby providing an opportunity to explain the impugned demand was raised.
Relevant pleadings in this regard has been made in paragraph 17 of the writ
application. It is stated that identical issue was raised in CWJC No. 14780 of
2011 wherein this Court by a proceeding dated 13.10.2011 (Annexure-3) set aside
the demand notice on the ground that the same violates the rule of equity and
natural justice and observed as under in paragraph 10:-

“In the aforesaid facts and circumstances, the
impugned order of the authority concerned dated
20.08.2011 (Annexure-3) is hereby quashed with a

liberty to the authority concerned to take fresh step after issuing notice to the petitioner and giving reasonable opportunity for a pre-decisional hearing and thereafter pass a speaking order in the matter in accordance with law.”

Seen thus, the application is allowed. The impugned notice is quashed.

The respondent Railways shall, however, be at liberty to take fresh steps for charging demurrage against the petitioner but after issuing notice to him and providing a reasonable opportunity of filing a show cause in the matter.

(Kishore Kumar Mandal, J)

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