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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Judgment delivered on: 15th April, 2015

+ **W.P.(C) 6239/2013 & CM Nos.13648/2013, 2330/2014**

PALOGIX INFRASTRUCTURE PVT. LTD & ANR..... Petitioners

Represented by: Mr. Rajiv Nayar,
Sr. Adv. with Mr. Prateek Jain, Adv.

versus

UNION OF INDIA MINISTRY OF
RAILWAY & ORS.

.... Respondents

Represented by: Mr. Shivanshu Bajpai,
Adv.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

SURESH KAIT, J. (Oral)

1. Mr. Rajiv Nayar, Learned Sr. Counsel appearing on behalf of the petitioners submits that on 04.09.2014, Mr. Jagjit Singh, learned counsel appeared on behalf of the respondents and conceded that Circular bearing No.TCR/1078/2013/07 dated 22.03.2013 is not applicable to the petitioners pursuant to the right granted to them vide Railway Board Policy dated 23.04.2012 and 31.05.2010. Accordingly, this Court directed the above named counsel to file affidavit in this regard.

2. Accordingly, on 19.09.2014, the respondents have filed the affidavit whereby stated that what had already stated in reply to the petition, it is clarified that the aforesaid Circular is not applicable to the petitioner.

3. By the said Circular, the Ministry of Railways has already disband the practice of levying terminal charge in case of freight traffic handled at Railway owned goods sheds/terminals.
4. The said circular will not affect the rights granted to the petitioners as per the Railway Board Policy dated 23.04.2012 and 31.05.2010 and other rights available to the petitioners and the respondents pursuant to the Agreement executed by the parties.
5. Mr. Nayar submits that in view of the statement made by counsel for the respondents on 04.09.2014 and affidavit dated 19.09.2014, the relief sought by the petitioners is satisfied.
6. In view of the above, this Court directs that Circular bearing No.TCR/1078/2013/07 dated 22.03.2013 shall not be applicable to the petitioners.
7. The respondents shall issue necessary directions to all concerned authorities that the above-mentioned Circular is inapplicable to the private freight terminal of the petitioners in their entirety.
8. In view of the above directions, the petition is allowed with no order as to costs.
9. Pending applications are disposed of accordingly.

SURESH KAIT, J.

APRIL 15, 2015/sn/jg