

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP-15930-2010 (O & M)
Date of decision: 15.09.2017**

M/s VTC Transport Pvt. Ltd.

....Petitioner(s)

V/s

Union of India and ors.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Gaurav Chopra, Advocate, for the petitioner.

Mr. Puneet Jindal, Sr. Advocate, with Mr. Varun Goyal,
Advocate, for UOI.

Rajan Gupta, J. (Oral)

Petitioner has posed a challenge to order dated April 23, 2008, Annexure P-6, whereby Rates Circular No.40/2004 was implemented. It has been urged before the court that the Circular has been enforced without providing the infrastructure contemplated therein. Prayer has also been made for direction to the respondents to provide proper facilities and infrastructure in Chandigarh Railway Station goods shed in consonance with the said requirements.

Vide order dated September 19, 2011, this court appointed a Local Commissioner to visit the site and submit a report. After considering the report, this court passed order dated October 18, 2011. It was observed that pure contractual matters would not be a subject matter of adjudication in writ proceedings. However, it would be inequitable and oppressive for a Contractor to operate with men and material in darkness. It was, thus, directed that necessary infrastructure be provided and made functional without delay. It appears thereafter, a Committee was constituted to look

into the matter and another report was submitted. Vide order dated January 14, 2014, a co-ordinate Bench appointed another Local Commissioner to submit a report.

Stand of the petitioner, however, remains that adequate facilities have not been provided at Chandigarh Railway Station till now on both sides of the Railway Station.

Keeping in view the facts and circumstances of the case, this court had directed Senior Divisional Commissioner (Commercial Manager), Ambala, to be present in court today. Mr. Jindal has sought instructions from her and submits that if there is any lack of amenities, a high-powered meeting of the Railways shall be constituted within 02 weeks from today and all necessary steps shall be taken. Various reports submitted by the Local Commissioners as well as the Committee shall be taken into consideration. Needful shall be done at the earliest, in any case, not later than 04 months.

In view of the above, this petition is disposed of. Petitioner shall, however, be at liberty to file afresh in case any cause of action subsists.

September 15, 2017
sukhpreet

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

