

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1057 of 2018**

- Nova Iron And Steel Ltd. Having Its Registered Office And Works At Nova Nagar, Village Dagori, Tahsil Belha, District Bilaspur Chhattisgarh., Through Its Authorized Signatory Mr. Anil Kumar Sharma Factory Manager Authorised Signatory, R/o Registered Office And Works, At Nova Nagar, Village Dagori, Tahsil Belha, District Bilaspur Chhattisgarh.

---- Petitioner**Versus**

1. South Eastern Central Railway Through Its Chief Commercial Manager, South Eastern Central Railway, Bilaspur Chhattisgarh.
2. General Manager, South Eastern Central Railway, Bilaspur Chhattisgarh.

---- Respondents**WPC No. 1079 of 2018**

1. Jai Balaji Industries Limited A Company Under The Companies Act, 1956, Having Its Registered Office At 5, Bentinck Street, Kolkata 700 001,
2. Mr. Sandeep Nair S/o Shri K.N. Nair, Aged About 48 Years R/o Borai Industrial Growth Centre, Village And P.O. Rasmada, District Durg Chhattisgarh.

---- Petitioners**Versus**

1. Union of India Service Through The Secretary, Ministry Of Railways, Having Its Office At Railway Bhavan, New Delhi 110001
2. The General Manager, South East Central Railway, Having His Office At Bilaspur,
3. The Chief Commercial Manager, South East Central Railway, Having His Office At General Manager Office, New Building, Bilaspur,
4. The Chief Operations Manager, South East Central Railway, Having His Office At Bilaspur,
5. The Divisional Railway Manager, South East Central Railway, Having Its Office At Railway Colony, Bilaspur Chhattisgarh
6. The Senior Divisional Engineer (East), Nagpur, South East Central Railway, Having His Office At Nagpur 440001, Maharashtra

---- Respondents**WPC No. 1164 of 2018**

- Crest Steels And Power Private Limited (The Holding And Subsidiary Of Topworth Group Of Companies) Having Its Registered Office At 206, Raheja Centre, 214, Free Press Journal Marg, Nariman Point, Mumbai - 21, Works At Jora Tarai, Village Mangatta, Rajnandgaon Chhattisgarh Through Its Aughorised Singnatoury Mr. Jai Thomas., District : Rajnandgaon, Chhattisgarh

---- Petitioner**Versus**

1. Union Of India Through Its Secretary, Ministry Of Railways, Rail Bhavan, 1, Raisina Road, New Delhi - 01.
2. South Eastern Central Railway, Through Its Chief Commercial Manager, South Eastern Central Railway, Bilaspur, Chhattisgarh.

3. General Manager, South Eastern Central Railway, South Eastern Central Railway, Bilaspur, Chhattisgarh.

---- Respondents

For Petitioners in WPC 1057 & 1079 of 2018	: Shri Rajeev Shrivastava and Shri Ankit Pandey, Advocates
For Petitioner in WPC 1164 of 2018	: Shri Kishore Bhaduri and Smt. Astha Shukla, Advocates
For Railways in WPC 1057 of 2018	: Shri H.S. Ahluwalia and Shri Vivek Shrivastava, Advocates
For Railways in WPC 1079 & 1164 of 2018	: Shri Abhishek Sinha, Advocate

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Justice Pritinker Diwaker

Order on Board

Per, Ajay Kumar Tripathi, Chief Justice

12.07.2018

1. The batch of writ applications are now required to be disposed of in view of the subsequent developments which have taken place after the Railway Board decided not to extend the contract with regard to the Siding Agreements which had been entered into by various Petitioners, vide order or communication dated 07.04.2018.
2. The General Manager, South Eastern Central Railway made certain communications with the Railway Board where argument in favour of continuance of the agreement and arrangement was put forward. The Railway Board, after examining the matter at their level, has made a communication with the General Manager, South Eastern Central Railway, Bilaspur under the signature of Executive Director, Freight and Marketing. The communication is dated 09.05.2018, a copy of which has been brought on record as Annexure – A of I.A. No.3 of 2018.
3. The sum essence of the communication reads as under :

“In reference to the above mentioned letters, the matter has been examined in consultation with Land and Amenities Directorate of Railway Board and accordingly it is advised that in individual cases final view / decision may be taken by the General Manager based on provisions of Siding Agreement, the policy circular under which approval of private siding was granted, extant rules, policy instructions and court's order, if any.”

4. Keeping in view that the Railway Board has put the onus and responsibility of taking a call in relation to the private siding operating in the railway line upon the General Manager, South Eastern Central Railways, Court desires that a decision be taken by the General Manager preferably within a period of four weeks from the date of production of a copy this order.
5. Certain counsels for the Petitioners have urged before us that they may be given opportunity to place their side of the case before the General Manager before he decides on the issue to which this Court has no objection. But, since from 1st April, 2018 the usage of the siding have been stopped and both the Railways as well as the Petitioners are suffering in one manner or the other, it will be in their interest to place their case at the earliest to facilitate an early decision at the level of the General Manager.
6. All the writ petitions stand disposed off in terms of the above.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Pritinker Diwaker)
Judge