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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 12115/2016**

M/S GLOBAL CARRYING INDIA Petitioner
Through: Mr. Ashish Mohan, Mr. Shashwat
Panda and Mr. Akshit Mago, Advs.

versus

UNION OF INDIA AND ORS Respondents
Through: Mr. Ashok Singh, Adv.

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER
% **23.05.2019**

This writ petition has been filed by the petitioner with the following prayers:

“It is, therefore, most respectfully prayed that this Hon’ble Court may kindly be pleased to:-

- a) Issue an appropriate writ, order or direction in the nature of mandamus directing the Respondents to implement the letter dated 27.01.2016 for charging of freight of all such VPs indented / demand parcel vans (non-leased) for mixed goods traffic at ‘P’ scale and refund the amount charged in excess of prescribed freight for the bookings made by the petitioner, in that behalf;*
- b) pass such other or further order (s) as this Hon’ble Court may deem fit and proper in the facts and circumstances of the case.”*

Mr. Ashish Mohan, learned counsel appearing for the petitioner states, the benefit that is being claimed in this petition is for the period post 2013. He concedes to the fact that, petitioner had earlier filed a claim before

the Railways Claim Tribunal for the period 2008-2013, which was rejected on the ground of limitation.

An objection of maintainability of the petition has been taken by the learned counsel for the respondent on the ground that it is the Railways Claim Tribunal which shall have the jurisdiction to entertain a petition of this nature.

Noting the objection taken by the counsel for the respondent and the fact that the petitioner had earlier approached the Railways Claim Tribunal, appropriate for the petitioner is to approach the Railways Claim Tribunal once again for the claim post 2013.

As this petition has been filed by the petitioner in the year 2016 and has been pending till date, i.e., 2019, petitioner shall be entitled to the benefit of Section 14 of the Limitation Act, 1963 if an issue of limitation is being raised by the Tribunal or by the respondent.

Noting the above, granting liberty to the petitioner to file a claim before the Railways Claim Tribunal under Section 13 of the Railways Claim Tribunal Act, 1987 on or before July 31, 2019, the petition is disposed of.

V. KAMESWAR RAO, J

MAY 23, 2019/jg