

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 21861 of 2018

Along with

Interlocutory Application No. 1 of 2020

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M/s Ganga Carriers Private Limited, a company incorporated under the Companies Act, 1956 having its office at 309, Ashiana towers, Exhibition Road, Patna-800001 through its authorized Signatory, Ankit Choudhary Son of Shri Sanjeev Choudhary, resident of Seventh Floor, Kataruka Niwas, South Gandhi Maidan, Patna- 800001.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Railways, Government of India, New Delhi.
2. The General Manager, East Central Railway, Hajipur.
3. The Chief Commercial Manager, East Central Railway, Hajipur.
4. The Divisional Railway Manager (Commercial), Samastipur.
5. The Goods Superintendent, East Central Railway, Laheriasarai, Darbhanga.
6. The Goods Superintendent, East Central Railway, Darbhanga, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Gautam Kumar Kejriwal, Advocate
For the State	:	Mr. D K Sinha, Sr. Advocate
		Mr. Amaresh Kumar Sinha, Advocate

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 22-06-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Gautam Kumar Kejriwal, learned counsel for the petitioner and Mr. D K Sinha, learned senior counsel along with Mr. Amaresh Kumar Sinha, learned counsel for the Railways.

3. The petitioner has moved the Court for the following reliefs:

“(i) For issuance of a writ in the nature of certiorari for quashing of the letter of demand



issued upon the principal company of the petitioner through letter bearing reference number C/484/2014/G/vividh/bhag-1 dated 01.10.2018 dealing with a demand for a sum of Rs. 31,73,120/- and Rs. 45,36,087/- respectively which is in teeth of principles of nature justice;

(ii) For issuance of a writ or order or direction upon the respondents specially the respondent number 5 and 6 to provide a detailed breakup/statement of account pertaining to the letter of demand of demurrage charges as well as wharfage charges issued upon the principal company through letter bearing reference number C/484/2014/G/vividh/bhag-1 dated 01.10.2018 dealing with a demand for a sum of Rs. 31,73,120/- and Rs. 45,36,087/- respectively;

(iii) For issuance of an appropriate order or direction upon the respondents specially the respondent number 3 to 6 to first provide the detailed breakup of the demand sought to be imposed upon the petitioner and grant adequate opportunity to the petitioner to submit its objection against such demand and after hearing the petitioner decide the objections so raised by the petitioner by a speaking order;

(iv) For issuance of a writ in the nature of prohibition restraining the respondents from enforcing in any manner any of the demands of demurrage or/and wharfage charges against the petitioner till the petitioner is provided the detailed breakup of the demands and the objection to be submitted by the petitioner is heard and finally decided by the competent authority as against such demands;

(v) For holding and a declaration that in absence of any prior opportunity afforded to the petitioner by the respondents of contesting any such proposed demand of demurrage and wharfage charges any such impugned letters of demand issued upon the petitioner and the principal employer is illegal, invalid and unsustainable in the eye of law for being violative of principles of natural justice;



(vi) For grant of any other relief(s) to which the petitioner is found entitled in the facts and circumstances of the present case.”

4. Though Interlocutory Application No. 1 of 2020 has been filed, but it is common ground that now the same is not required to be pressed. Accordingly, the same stands disposed off.

5. Learned counsel for the petitioner submitted that the issue involved is similar to the issue involved in CWJC No. 18846 of 2013 (M/s NPD Corporation vs. The Union of India & Ors.), which has been disposed off by order dated 22.06.2016 by which the demand has been set aside and the matter remanded to the authorities to consider afresh after giving notice to the petitioner. It was submitted that the present case be also disposed off in similar terms.

6. Learned counsel for the Railways submitted that they also accept that the present issue is similar to CWJC No. 18846 of 2013, and that the writ petition be disposed off in similar terms.

7. In view thereof, on the joint stand of the parties, the writ application stands disposed off with similar direction as has been issued in order dated 22.06.2016 passed in CWJC No. 18846 of 2013. As a consequence, the demand notices as contained in Annexure 3 (pages 23 and 24 of the writ application) stand



quashed. The authorities, in the present case also, shall act in terms of the directions issued in the aforesaid writ petition.

(Ahsanuddin Amanullah, J.)

P. Kumar/Anand Kr.

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