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

+ W.P.(C) 2989/2019 & CM APPL. 13843/2019

KISHAN FREIGHT FORWARDERS THROUGH ITS

PROPRIETOR MR. KISHAN KUMAR KUKREJA Petitioner

Through Mr.Ashish Mohan and Mr.Shashwat
Panda, Advocates with petitioner in
person

versus

UNION OF INDIA AND ORS. Respondents

Through Mr.Jagjit Singh, Sr.Standing Counsel
with Mr.Preet Singh, Adv. alongwith
Sh.Rajender Kumar, ADFM, DRM
Office, Northern Railway, New Delhi.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **17.01.2020**

1. This writ petition is filed seeking following relief:

“2. Pass a writ, order or direction in the nature of mandamus directing the Respondents to release the amount of Rs.2,42,372/- deposited as freight charges, in respect of train Nos.2560 Ex. NDLS to BSB, 2013 Ex. NDLS to ASR and train No.2394 Ex. NDLS to PNBE along with interest at the rate of 12% p.a. from the dates of refund of the amounts of excess freight security deposits to the petitioner.”

2. The learned counsel for the petitioner points out that this amount is due and payable and this is apparent from the various acknowledgments placed on record. Reliance is also placed on the communication dated 12.05.2010 where it is clearly stated that an amount of Rs.2,42,372/- has been collected by CPS NDLS in excess.

3. Relevant part of the communication dated 12.05.2010 reads as

follows:

“The same has been verified by Sr. TIA / NDLS /PO that Rs.2,42,372/- has been collected by CPS NDLS in excess (copy enclosed).

In view of the above, kindly arrange to refund the amount of Rs.2,42,372/- to M/s Kishan Freight Forwarders, at 3A/57 W.E.A. Karol Bagh, New Delhi-110005.”

4. Hence, clearly, the concerned officer of the Northern Railway has acknowledged the excess amount of Rs.2,42,372/- and stated that the said sum should be refunded to the petitioner. There are various other such communications placed on record.
5. On the last date of hearing no counter affidavit had been filed. This court had directed the personal presence of Sr.DFM, DRM Office, Northern Railway, New Delhi.
6. Today, Sh.Rajender Kumar, ADFM, DRM Office, Northern Railway, New Delhi is present in person. He states that as far as their office is concerned, this amount is due and payable to the petitioner.
7. The learned counsel for the respondents states that in fact the Divisional Commercial Manager Freight, New Delhi has been writing to Dy.COA/T, Traffic Account Office, State Entry Road, New Delhi to this effect for quite some time.
8. The aforementioned fact clearly shows that the said sum of Rs.2,42,372/- is due and outstanding since long to the petitioner. Accordingly, the writ petition is allowed. The respondents are directed to ensure the refund of the said sum within four weeks from today. In case, the refund is not made within eight weeks, the petitioner shall be entitled to interest @ 10% per

annum w.e.f. the date of filing of the present petition. All pending applications, if any, are also disposed off.

JAYANT NATH, J.

JANUARY 17, 2020/v