

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**FIRST APPEAL NO. 722 OF 1998
WITH
CIVIL APPLICATION NO. 6951 OF 1998
IN
FIRST APPEAL NO. 722 OF 1998**

Union of India and ors.

.... Appellants

v/s.

The Tata Iron and Steel Co. Ltd.

.... Respondent

Mr. T.J. Pandian a/w. Dheer Sampat for the Appellants.
Mr. H.N. Vakil and Ms. S.M. Mehta i/b. Mulla and Mulla
and Craigie Blunt and Caroe for the Respondent.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 20th AUGUST, 2022.

P. C. :-

. Aggrieved by the judgment dated 04/12/1997 of the Railway Claims Tribunal in Case No.OC 9700093, the Appellant – Union of India has filed this Appeal under section 23 of the Railway Claims Tribunal Act, 1983. By the impugned judgment, the Railway Claims Tribunal allowed the Application filed by the Respondent-claimant and directed the Appellant to pay Rs.15,395/- to the Respondent-Company for the shortage of goods in transit.

2. Heard learned counsel for the Appellant and learned counsel for the Respondent. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The case set up by the Respondent was that a consignment comprising of 56.290 MTs of BP sheets were loaded in wagon No.SC 60483 for transport from Tatanagar Railway Station to Kalamboli at Railway risk. On 02/04/1992, when the consignment reached the destination station, it was found that the goods weighing of 970 kgs were in damaged condition. The Respondent claimed that the shortage and damage was due to the negligence of the Appellant. The Respondent issued notice and called upon the Appellant to make payment of the compensation for the loss. Since there was no response from the Appellant, the Respondent filed the Claim Application for compensation at Rs.15,395/- for short delivery of goods in transit.

4. The Respondent claimed that the weight mentioned in the RR was for the purpose of calculating the freight charges. The Respondent denied that there was any shortage at the destination station and claimed that it was the case of the short loading by the consignor. The Respondent denied that shortage was due to its negligence and

contended that it is not liable to pay any compensation.

5. The Forwarding Note at Exhibit - R1, Loading List Exhibit – R2 and the RR Exhibit – R3 reveal that the Respondent-claimant had booked 56.290 quintals of MTs of BP sheets. The weight of the consignment which was delivered to the Respondent was 55.320 quintals. Thus, there was shortage of 970 kgs in transit, value of which was Rs.15,395/-. There was no evidence on record to indicate that the shortage was due to improper packing of goods.

6. Under the circumstances, the findings recorded by the Claims Tribunal are based on evidence on record. Hence, there are no reasons to interfere with the impugned judgment. It is stated that the amount which has been deposited, has been withdrawn by the Respondent. Moreover, the amount awarded is very meager. In view of discussion supra, the Appeal is dismissed. Pending Civil Applications, if any, stand disposed of in view of dismissal of the Appeal. Bank guarantee furnished by the Respondent stands cancelled.

PREETI
H JAYANI

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PREETI H JAYANI
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(SMT. ANUJA PRABHUDESSAI, J.)