

WPA 24518 of 2022

Harsh Transport Pvt. Ltd.
Vs.
Union of India & Ors.

Mr. Saptarshi Roy
Mr. A. Sengupta
Ms. Kakali Das Chakraborty ...for the petitioner.

Mr. Arabinda Sen
Mr. Falguni Bandyopadhyay
Ms. Riya Ballav ...for respondent.

Heard learned counsels for the parties.

The petitioner being a private limited company carries on business of transportation of goods of various nature and has been granted lease of 23 tonnes space in VPH for a period of five years in terms of the agreement executed by and between the parties on 6th May, 2022. In terms of the said agreement, the petitioner was allowed loading/unloading facility at intermediate stations subject to having stoppage time of train for 10 minutes or more.

By virtue of a subsequent policy issued on 13th June, 2022 the railway authority granted approval for introduction of e-auction for commercial earning and non-fare revenue contracts in terms of which the lessees in respect of parcel vans were permitted to loading/unloading at intermediate stations where train stoppage was for 5 minutes or more.

The petitioner has claimed parity with the other leaseholders who have been granted this latitude by the authority.

The petitioner submitted a representation in this regard before the concerned authority which was forwarded by the authority to the Chief Commercial Manager (FM), South Eastern Railway for permission since according to the respondents the representation made by the petitioner involves policy decision.

The petitioner prays for a direction upon the concerned authority to consider the representation submitted by the petitioner within a stipulated time frame upon granting reasonable opportunity of hearing.

It is submitted on behalf of the respondents that the earlier agreement which governs the lease of the petitioner, has not been repealed by the subsequent policy.

It is also submitted on behalf of respondents that the 3rd respondent be directed to consider the representation submitted by the petitioner, in accordance with law.

In view of the above, the writ petition is disposed of directing the 3rd respondent to consider and dispose of the representation submitted by the petitioner within three weeks from the date of communication of this order upon affording reasonable opportunity of hearing to all the interested parties including the petitioner, in accordance with law.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.

It is made clear that this Court has not gone into the merits of the case and the authority shall be at liberty to deal with the representation submitted by the petitioner independently without being influenced by any observation that may have been made in this order.

With the above observations and directions the writ petition being WPA 24518 of 2022 is disposed of.

However, there shall be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)