

Item no.26
15.06.2023
Saswata

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

**MAT 52 of 2023
with
IA no. CAN 2 of 2023**

**R.B.Enterprise & anr.
-versus
The Ministry of Finance, Union of India & Ors.**

Mr. Jagriti Mishra,
Mr. D.K.Agarwal
Mr. Debayan Goswami
Mr. Reshab Kumar
Mr. Raj Kumar Mitra
Ms. Ananya Bhattacharya
Ms. Mrinmoyee Das

...For the appellants

Mr. Sudipto Kumar Mazumdar, Ld. DSGI
Mr. Sourab Kar

...For the Union of India

Mr. Hirak Barman
Mr. Momenur Rahman

...For the State

1. The dispute is with regard to allotment of iodized salt in railway rakes to the appellants who were directed to collect the allotment from the North zone.
2. It appears, the Learned Single Judge observed that during pendency of the writ petition, it would be open for the writ petitioners to apply before the appropriate authority requesting change in the loading zone.
3. Learned Counsel for the appellants submits that the representation of the appellants was disposed of by a cryptic order without considering the Office memorandum dated 17th January 2006 issued by the Government of India (*Bharat Sarkar*), Ministry of Railways (*Rail Mantralaya*).

4. It appears from the circular dated 17th January 2006 that there would be no requirement of issue of any Zonal Scheme for movement of salt or sponsorship of salt traffic by the salt Commissioner's Office to the Railway Board. The said notification appears not to have been considered by the Director, NCEC.
5. Having regard to the issues involved, we expected a more detailed order from the authority concerned rather than a cryptic one. The authority must be alive to the fact that the order passed by the said authority is open to judicial review and the mind of the authority concerned should be clearly discernable from the order.
6. The said order of the Director, NCEC dated 27th march 2023 has been brought on record and forms part of the stay petition. In the stay petition it has been stated categorically that the State has not taken into consideration the said circular dated 17th January 2006.
7. Under such circumstances, we dispose of the appeal and the connected application by the directing the Director, NCEC to reconsider the matter in the light of relevant documents including the circular dated 17th January, 2006 and pass a fresh reasoned order within one week from the date of communication of this order after giving reasonable opportunity of hearing to the parties concerned.

8. The appeal and the connected application are disposed of.
9. There shall be no order as to costs.
10. Since, we have not called for any affidavits, the allegations are deemed not to have been admitted.
11. Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis upon completion of requisite formalities.

(Soumen Sen, J.)

(Raja Basu Chowdhury, J.)