

IN THE HIGH COURT OF JHARKHAND, RANCHI
W.P.(C) No. 5037 of 2023

GIRINATH SINGH AGED ABOUT 69 YEARS SON OF LATE GOPI NATH SINGH,
R/O HOUSE NO H 9 ARGORA PO ASHOK NAGAR PS ARGORA DIST RANCHI

.... Petitioner

-- Versus --

- 1) UNION OF INDIA THROUGH MINISTRY OF RAILWAYS, HAVING ITS OFFICE AT RAIL BHAWAN RAFI MARGH PO PS NEW DELHI,
- 2) THE CHIEF COMMERCIAL MANAGER, EASTERN RAILWAY, HAZIPUR, PO PS HAZIPUR DIST HAZIPUR BIHAR
- 3) SENIOR DIVISIONAL COMMERCIAL SUPERINTENDENT , EASTERN RAILWAY, DHANBAD, PO PS DIST DHANBAD JHARKHAND
- 4) FOOD CORPORATION OF INDIA, A GOVERNMENT OF INDIA UNDERTAKING, HAVING ITS HEAD OFFICE 16 - 20 BARAKHAMBA LANE PO PS BARAKHAMBA NEW DELHI 110001
- 5) THE DISTRICT MANAGER, FOOD CORPORATION OF INDIA, 12 PURULIA ROAD PO GPO PS LOWER BAZAR DIST RANCHI 834001
- 6) THE ASSISTANT MANAGER, FOOD CORPORATION OF INDIA , DALTONGANJ, PO PS DALTONGANJ DIST DALTONGANJ
- 7) DIVISIONAL RAILWAY MANAGER, SOUTH EASTERN RAILWAY, DHANBAD, DHANBAD PO PS DIST DHANBAD JHARKHAND

.... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner	:-	Mr. P.A.S. Pati, Advocate Mr. Akshay Kumar, Advocate
For the UOI/Railways	:-	Mr. Vikas Kishore, Advocate
For the Resp.F.C.I.	:-	Mr. Shubham Sinha, Advocate

6/13.08.2024 The dispute in this petition is with regard to 100 % waiver of demurge/ wharfage charge.

2. The learned counsel for the petitioner submits that Food Corporation of India (FCI) has deducted demurge/ wharfage from the bills of the petitioner who happened to be the contractor of the FCI.

3. Learned counsel for Railways submits that arrangement is between the respondent Railway and the FCI and the FCI has deducted the amount from the bills of the petitioner and in view of that the dispute is with regard to demurge and wharfage charge which is contractual in nature.

4. In view of the above, it transpires that the disputed question of facts are involved and the petitioner is having alternative remedy to move before the competent court of civil jurisdiction.

5. Learned counsel for the Railway and FCI also submit that the petitioner may move before the competent court.

6. In view of above, this petition is disposed of with liberty to the petitioner to avail alternative remedy.

(Sanjay Kumar Dwivedi, J.)

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