

IN THE HIGH COURT OF JHARKHAND AT RANCHI
C.M.P. No. 755 of 2022

M/s. D. D. International (P) Limited Petitioner

Versus

1. General Manager, South Eastern Railway, Garden Reach, Kolkata
2. Chief Commercial Manager (FM), South Eastern Railway, Garden Reach, Kolkata
3. Senior Commercial Manager, South Eastern Railway Chakradharpur Division, Singhbhum West
4. Assistant Commercial Manager (F), South Eastern Railway, Chakradharpur Division, Singhbhum West

... Opp. Parties

CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MR. JUSTICE ARUN KUMAR RAI

For the Petitioner : Mr. Shankar Lal Agarwal, Advocate

For the Opp. Parties : Mr. Anil Kumar, ASGI

Order No. 06/Dated 05th March, 2024

1. The instant Civil Miscellaneous Petition has been filed for modification of the order dated 20.07.2022 passed in L.P.A. No. 878 of 2019.

2. It has been submitted that due to inadvertence even though the Railway Rates Tribunal has been abolished by virtue of the Finance Act, 2017 instead thereof the power has been conferred under Section 3 of the Railway Claims Tribunal Act, 1987 to act as an adjudicator to the Railway Claims Tribunal having been amended w.e.f. 26.05.2017.

3. The same could not have brought to this Court the day when the order has been passed. Therefore, the present civil miscellaneous petition.

4. For modification of the order whereby and whereunder, while holding the writ petition not maintainable on the ground of availability of remedy lying before the Railway Claims Tribunal needs to be modified by providing remedy for redressal before the Railway Claims Tribunal.

5. The counter affidavit has been filed on behalf of the concerned respondent wherein the aforesaid facts have been admitted.

6. After having heard the learned counsel for the parties and considering the Section 33 of the Railway Act, 1989 whereby and whereunder, the jurisdiction which was available to the Railway Rates Tribunal has been conferred to the Railway Claims Tribunal, therefore, the order dated 20.07.2022 needs to be modified.

7. Accordingly, the order dated 20.07.2022 is modified.

8. The petitioner is at liberty to avail the alternative remedy by approaching the Railway Claims Tribunal having its territorial jurisdiction for redressal of grievance.

9. Accordingly, the order passed by the learned Single Judge whereby and whereunder the opportunity was given to the petitioner to approach the Railway Rates Tribunal is also modified.

10. Accordingly, the Civil Miscellaneous Petition is allowed on the aforesaid modification.

(Sujit Narayan Prasad, J.)

(Arun Kumar Rai, J.)