

**IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

**SATURDAY, THE TWENTY FIRST DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NO: 12199 OF 2007

Between:

Ambuja Cements Ltd., (Unit-Maratha Cement Works), Taluka Korpana, District Chandrapur (M.S). rep. by its Vice president Mr. Vilas Deshmukh.

...PETITIONER

AND

1. Union Of India, Ministry of Railways, Railway Board, Rail Bhavan, New Delhi-110 001.
2. South Central Railway, rep. by General Manager, Rail Nilayam, Secunderabad.
3. Senior Divisional commercial Manager, South Central Railway, D.R.M. Office, Commercial Branch, Sanchalam bhavan, Rail Nilayam, Secunderabad.
4. Divisional Commercial Manager, South Central Railway, DRM Office, Commercial Branch, Sanchalan Bhavan, Railway Nilayam, Secunderabad.
5. Assistant Commercial Manager, South Central Railway, DRM Office, Commercial Branch, Sanchalan Bhavan, Railway Nilayam, Secunderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to pass an order or orders or a writ more particularly one in the nature of writ of mandamus or any other appropriate Writ declaring that the demand raised by the respondents towards punitive charges vide demand letter No.C/C/419/OS/Policy/06-07, dt.04.12.2006, letter No.C/C.419/OS/Policy/06-07 dt. 09.02.2007 and letter No.C/C/419/OS/P/06-07, dt. 05.04.2007 as illegal, arbitrary and in contravention of Sec.73 of the Indian Railway Act, 1989 besides being violative to the principal of natural justice and of Article 300-A of the Constitution of India.

I.A. NO: 2 OF 2007(WPMP. NO: 15199 OF 2007)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased stay further proceedings in pursuance of demand letters i.e., letter No. C/C/419/OS/Policy/06-07, dt.04.12.2006, letter No.C/C.419/OS/Policy/06-07 dt. 09.02.2007 and letter No.C/C/419/OS/P/06-07, dt. 05.04.2007 issued by the respondents to the petitioner towards payment of punitive charges and detention charges.

I.A. NO: 1 OF 2007(WVMP. NO: 2146 OF 2007)

Between:

1. Union Of India, Ministry of Railways, Railway Board, Rail Bhavan, New Delhi-110 001.
2. South Central Railway, rep. by General Manager, Rail Nilayam, Secunderabad.
3. Senior Divisional commercial Manager, South Central Railway, D.R.M. Office, Commercial Branch, Sanchalam bhavan, Rail Nilayam, Secunderabad.
4. Divisional Commercial Manager, South Central Railway, DRM Office, Commercial Branch, Sanchalan Bhavan, Railway Nilayam, Secunderabad.
5. Assistant Commercial Manager, South Central Railway, DRM Office, Commercial Branch, Sanchalan Bhavan, Railway Nilayam, Secunderabad.

...RESPONDENTS

AND

Ambuja Cements Ltd., (Unit-Maratha Cement Works), Taluka Korpana, District Chandrapur (M.S), rep. by its Vice president Mr. Vilas Deshmukh.

...PETITIONER

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased vacate the interim stay granted on 14-6-2007 vide WPMP No.15199/2007 in WP No.12199/2007.

Counsel for the Petitioner : SRI CHALLA GUNARANJAN

Counsel for the Respondents: SRI B.H.R.CHOWDARY

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION No.12199 OF 2007

ORDER:

This writ petition is filed seeking following relief:

"....to pass an order or orders or a writ more particularly one in the nature of writ of mandamus or any other appropriate Writ declaring that the demand raised by the respondents towards punitive charges vide demand letter No.C/C/419/OS/Policy/0607 dated 04.12.2006, letter No.C/C/419/OS/Policy/0607 dated 09.02.2007 and letter No.C/C/419/OS/P/0607 dated 05.04.2007 as illegal, arbitrary and in contravention of Sec 73 of the Indian Railway Act 1989 besides being violative to the principles of natural justice and of Article 300A of by the Constitution of India.."

2. The petitioner herein is a company incorporated under the provisions of the Companies Act, 1956, and is engaged in the business of manufacture and sale of cement. The case of the petitioner is that in pursuance of its commercial transactions and commencement of rail movement for transporting bauxite and gypsum, the suppliers started hiring the services of Indian Railways and dispatching the consignments from different destinations and during the said transactions, when disputes arose with regard to the payment of amounts, the respondents have issued the impugned letters dated 04.12.2006, 09.02.2007 and 05.04.2007 demanding to pay punitive charges.

3. Learned counsel for the petitioner submitted that pending adjudication of this writ petition, the petitioner company has been taken over/purchased by the Adani Group of Companies and he is not in a position to submit the present status of the petitioner company.

4. In view of the said submissions, this writ petition is dismissed as infructuous. However, the petitioner is at liberty to file an application seeking revival of the writ petition, if any cause survives. No order as to costs.

Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

SD/- K. SREE RAMA MURTHY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to SRI.CHALLA GUNARANJAN, Advocate. [OPUC]
2. One CC to SRI B.H.R.CHOWDARY, SC FOR RAILWAYS. [OPUC]
3. Two CD Copies.

BSK

LS

[Signature]

HIGH COURT

DATED:21/09/2024



ORDER

WP.No.12199 of 2007

**DISMISSING THE WRIT PETITION
WITHOUT COSTS**

560 pces
4/12/24