

09-04-2025
Item No.4
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.7598 of 2025
Sunrise Movers and Carriers LLP & Anr.

-vs-

Union of India & Ors.

Mr. Sudhasatva Banerjee
Mr. Aurin Chakraborty
Mr. Amal Saha
Mr. Ireah Paul
Mr. Shivam Debnath ...for the petitioners

Mr. Shiv Chandra Prasad ...for the respondents

1. The petitioners are aggrieved by the communication made by the Senior Divisional Commercial Manager, Eastern Railway, Asansol dated March 26, 2025 addressed to the Senior Divisional Commercial Manager, South Eastern Railway, Chakradharpur (Annexure P10, p.37) directing the addressee to realize the sum of Rs.9,87,660/- + GST from the petitioners on account of demurrage charges.
2. According to the learned counsel for the petitioners, the petitioners are not liable to pay demurrage charges. The sum of Rs.10,37,043/- which was mistakenly paid by the petitioners has been sought to be refunded.
3. During the pendency of the representations filed by the petitioners requesting refund of the charges clearly mentioning that the petitioners will not be liable for payment of the demurrage and wharfage charges, the Senior Divisional Commercial Manager, Eastern Railway, Asansol Division has passed the impugned order for

realization of the said amount.

4. It appears that the grievance of the petitioner is pending consideration before the respondent authority. Instead of deciding the writ petition on merits at this stage, the Court intends to revert the matter to the authority for disposal of the petitioner's representation.
5. It has been submitted that because of the impugned communication the petitioners' business has come to a standstill. The instant writ petition is, accordingly, disposed of by directing the General Manager (Operation), Eastern Railway, the second respondent herein, to consider the petitioners' representations in accordance with law after giving reasonable opportunity of hearing to the petitioners to defend their stand at the earliest, but positively within a fortnight from the date of communication of this order. A reasoned decision shall be passed and communicated to the petitioners immediately thereafter.
6. Learned advocate for the petitioners is directed to forward the subject representations along with all supporting documents to the aforesaid respondent at the time of communicating the order of the Court.
7. All parties are to act on the server copy of this order duly downloaded from the official website of this court.
8. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

