33 10-09-2025

AKG

Ct. 15

WPA 20610 of 2025

DG Raj Highway Services, being a partnership firm, being represented through Shri Dadan Prasad and Geeta Devi being the Partners
Vs.
Union of India & Ors.

Mr. Saptarshi Roy,
Ms. Kakali Das Chakraborty

…for the Petitioner

Mr. Samarjit Roy Chakraborty,
Ms. Shaista Afreen

…for UOI

Mr. Jayanta Samanta,
Ms. Indumouli Banerjee

…for the State

The petitioner is a transporter who dispatched a consignment through a leased-out wagon of Eastern Railway, from Agartala to Sealdah.

The initial weighment of the consignment was conducted on July 26, 2025, which revealed an excess weight of 6,630 kg.

Subsequently, the petitioner applied for re-weighment of the consignment under Section 79 of the Railways Act, 1989, and paid the requisite incidental charges.

Pursuant to an order passed in WPA 17679 of 2025 dated August 13, 2025, the Railway Authorities conducted the re-weighment on August 15, 2025.

During this re-weighment, the net weight was recorded as 21,340 kg, which was 8,290 kg less than the initial weighment.

As a consequence, the petitioner sought a refund of the penalty amounting to Rs. 5,42,584/- from the Railway Authorities by filing the present writ petition.

Learned counsel appearing for the Eastern Railway submits that the petitioner's request is currently under consideration.

In light of the above, there is no justification to keep this writ petition pending.

The Railway Authority should issue a consequential refund order in accordance with the weighment carried out on August 15, 2025.

Accordingly, this writ petition is disposed of with a direction to respondent no. 4 to take necessary steps in accordance with law within three weeks from the date of communication of this order as a consequence of the weighment exercise conducted by the Railway Authorities on August 15, 2025.

WPA 20610 of 2025 is accordingly disposed of.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)