

FAO-507-1997

1.

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**109 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

FAO-507-1997

Date of decision : 23.12.2025

PUNJAB SMALL INDUSTRIES & EXPORT CORPORATION LTD.

....Appellant

Versuss

UNION OF INDIA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Sanjeev Sharma, Advocate (through V.C.)
for the appellant.

Mr. Alisha Arora, Advocate for the respondents.

PANKAJ JAIN, J. (ORAL)

Appellant is aggrieved of order dated 14.11.1996 passed by
Railway Claims Tribunal, Chandigarh Bench, Chandigarh.

2. A consignment of Pig Iron in 35 wagons was booked by the
appellant vide R.R. No.322598 to 332632 (Ex-Bokaro to Goraya in Punjab)
on 17.06.1988. The consignment arrived at Goraya Railway Station on
23.06.1988 but the same as per appellant was in a damaged condition. As
per the claimant, theft was suspected. Request was made to the railway
authorities for delivery after re-weighment. Request was not accepted.
Appellant accepted the delivery under protest and got the consignment
reweighed in presence of four persons. On re-weighment, the total weight of
consignment was found to be 1997.005 MT as against invoice/R.R. weight

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of consignment of 2023.770 MT. As per the claimant/appellant there was a shortage of 26.99 MT which was worth Rs.87,442.40/-.

3. Claim petition was filed with the railway authorities under Section 78-B of the Railways Act.

4. Having received no response, the appellant preferred claim petition before Railway Claims Tribunal, Chandigarh seeking compensation of Rs.87,442.40/- i.e., the cost of goods along with interest @ 18% per annum commencing from the date of booking till the date of actual realization.

5. Claim petition has been dismissed by the Tribunal holding that the railways is not bound by the re-weighment effectuated by the appellant/corporation.

6. Counsel for the appellant submits that the precise issue was dealt by this Court in bunch of matters including **FAO No.1177 of 1996** titled as **Punjab Small Ind. & Exprt. Corp. vs. Union of India**, decided vide order dated on 16.01.2025, observing as under:

12. In para No.7(a) of the claim application, the claimant claimed that the claim was filed with the Railways. However, the same was responded to by the Railways only asserting that since the claim is not traceable thus lodging thereof is denied. Apart therefrom, the claimant appended copy of the notice sent to Railways by way of registered post on 11.12.1991. The pleading was supported by affidavit of Regional Manager Legal of the Corporation. No evidence was adduced to rebut the same.

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13. In view of above, the finding w.r.t. non-compliance of provision as contained under section 106 of the Railways Act also needs to be reversed.

14. Coming on to the merits of the case, Railways does not dispute that original railway receipt was produced by the claimant. It is also not disputed that the claimant made request for reweighment of the consignment.

15. In para No.6 of the written statement, it has been claimed by the Railway Administration that the request of the party was unjustified and uncalled for and was rightly and correctly turned down by the competent authority. It needs to be noticed that section 79 of the Railways Act deals with weighment of consignment on request of the consignee or endorsee. The statute itself facilitates allowing the request made by consignee though subject to such conditions and on payment of charges as may be prescribed. The provision itself provides for where the weighment has to be disallowed.xxx”

7. Counsel for the respondent is not in a position to dispute that the case of the appellant does not fall within the exceptions carved out under Section 79 as the goods are neither perishable nor likely to lose weight in transit. She also does not dispute that it is not a case where weighment is not feasible due to congestion in the yard.

8. In view of above, this Court finds that the issue is squarely covered by the ratio of law laid down by this Court in **FAO No.1177 of 1996** *ibid.*

9. Accordingly, the findings recorded by the Tribunal cannot be sustained and are hereby set aside.



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| December 23, 2025 | | (Pankaj Jain) |
| Dpr | | Judge |
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable | : | Yes/No |