



FAO-3307-1999 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CM-17290-CII-1999 in/and  
FAO-3307-1999 (O&M)  
Decided on : 13.11.2025

Union of India & anr.

....Appellants

Versus

Indian Oil Corporation Ltd.

....Respondent

**CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN**

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Present :- Mr. Arihant Goyal, Advocate  
for the appellants.

Mr. Ashish Kapoor, Advocate and  
Mr. M.S.Rana, Advocate  
for the respondent.

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**PANKAJ JAIN, J. (ORAL)**

**CM-17290-CII-1999**

This is an application seeking condonation of delay of 14 days in re-filing the present appeal.

For the reasons recorded in the application, this Court is satisfied that the applicant-appellant has shown sufficient cause to condone the delay in re-filing the appeal.

Application is allowed. Delay of 14 days in re-filing the appeal is condoned.

**FAO-3307-1999 (O&M)****Main case**

1 Appellants are in appeal grieved of award passed by Railway Claims Tribunal, Chandigarh whereby the respondent has been held entitled to receive a sum of Rs.1,26,730/- from the railways on account of shortage of 20151 ltrs of HSD which was entrusted to the railways.

2 It has come on record that respondent entrusted wagon No.WR 48467 to the railways vide railway receipt No.319828 dated 29.11.1994 to be carried from IOC Kandla to IOC Hisar. On the way the goods train met with an accident which led to spillage. The same led to loss of 20151 ltrs. of HSD. At the time of entrustment, the original dip was 200.8. Later on, when a joint dip was taken in presence of representatives of the railways the same was recorded as 108.0 thereby proving loss of 20151 ltrs. of HSD.

3 Learned counsel for the appellants claims that the testimony of Puran Chand, Goods Clerk, Hisar Railway Station has been totally ignored. The tank wagon reached destination with the seals intact. The wagon was delivered in order. The same was placed on 06.12.1994 for decantation by IOC. Learned counsel, however, is not able to dispute that, at the time the consignment was entrusted to the Railways, the dip recorded was 200.8. However, at the destination when the consignment was measured by way of joint dip the same recorded as 108.0.

4 Pure finding of facts has been recorded by the Tribunal on the basis of evidence that has come on record. It is not denied that at the time of conducting the joint dip, representatives of the railway were also present. The shortage of the material at the point of destination needs to be explained by

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railways. There being no explanation, no fault can be found with the order passed by the Tribunal holding appellants liable to pay a sum of Rs.1,26,730/- as compensation for shortage of consignment.

5                    Finding no merits in the present appeal, the same is ordered to be dismissed.

6                    Pending miscellaneous application, if any, also stands disposed off.

13.11.2025  
Pooja Sharma-I

( PANKAJ JAIN )  
JUDGE

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|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |