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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LPA 786/2023 & CM APPL. 62700/2023

UNION OF INDIA AND ANR

.....Appellants

Through: Mr Ruchir Mishra, Mr. Sanjiv Kr. Saxena, Mr. Mukesh Kr. Tiwari, Mr. Poonam Shukla and Ms. Raba Jena Mishra, Advocates

versus

M/S REAL APT SOLUTIONS & ORS

.....Respondents

Through: Mr. P. D. Gupta, Sr. Advocate with . Abhishek Gupta, Advocates for R-1

+ LPA 787/2023 & CM APPL. 62757/2023

43 UNION OF INDIA AND ANR

.....Appellants

Through: Mr Ruchir Mishra, Mr. Sanjiv Kr. Saxena, Mr. Mukesh Kr. Tiwari, Mr. Poonam Shukla and Ms. Raba Jena Mishra, Advocates

versus

M/S SHATABDI SALES PVT LTD. & ORS

.....Respondents

Through: Mr. P. D. Gupta, Sr. Advocate with . Abhishek Gupta, Advocates for R-1

+ LPA 259/2024 & CM APPL. 19572/2024

44 MS SHATABDI SALES PVT LTD

.....Appellant

Through: Mr. P. D. Gupta, Sr. Advocate with . Abhishek Gupta, Advocates

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versus

UNION OF INDIA THROUGH SECRETARY MINISTRY OF
RAILWAYS & ORS.Respondents

Through: Mr Ruchir Mishra, Mr. Sanjiv Kr.
Saxena, Mr. Mukesh Kr. Tiwari, Mr.
Poonam Shukla and Ms. Raba Jena
Mishra, Advocates

+ LPA 261/2024 & CM APPL. 19582/2024

45 M/S REAL APT SOLUTIONSAppellant

Through: Mr. P. D. Gupta, Sr. Advocate with .
Abhishek Gupta, Advocates

versus

UNION OF INDIA THROUGH SECRETARY MINISTRY OF
RAILWAYS & ORS.Respondents

Through: Mr Ruchir Mishra, Mr. Sanjiv Kr.
Saxena, Mr. Mukesh Kr. Tiwari, Mr.
Poonam Shukla and Ms. Raba Jena
Mishra, Advocates

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

ORDER
07.05.2025

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1. The instant four Letters Patent Appeals, two of which i.e., LPA 786/2023 and LPA 787/2023 have been filed by the Union of India, while the other two i.e., LPA 259/2024 and LPA 261/2024, have been filed by the

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owners of the wagons which have been leased to the Union of India, assailing the Order dated 12.07.2023 passed by the learned Single Judge in a batch of Writ Petitions.

2. During the pendency of the instant Appeals, vide Order dated 20.01.2025, a suggestion was given by this Court to the learned Counsel for the Parties that the matter can be put to a quietus by the Union of India, if they are willing to adopt the very same stand taken by the Union of India in the case of M/s Titagarh Capital Pvt. Ltd., and if the 313 wagons owned by the owners can be returned back without any further amount being paid to them.

3. Learned Counsel appearing on behalf of the Union of India informs the Court that the Railways Board has taken a decision to return all the 313 wagons on “as is whereis basis”. He relies on the Letter dated 11.04.2025 wherein the decision has been taken. The Letter dated 11.04.2025 reads as under:-

“Sub: Order of the Hon’ble High Court/Delhi dated 20.01.2025 in the LPA No.786/2023, 787/2023, 259/2024 & 261/2024- UOI vs M/s Shatabdi Sales Pvt. Ltd. & UOI vs. M/s Real Apt Solutions.

Please refer to above Order, wherein Hon’ble High Court/Delhi has ordered the following:

“Upon consideration of the submissions made by the parties, we find that one of the grounds urged by the owners of the wagons is that in identical circumstances, the very same Union of India has already returned the wagons to one M/s Titagarh Capital Pvt. Ltd.

We have, therefore, put to learned counsel for

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the parties whether the matters can be given a quietus by the Union of India, particularly, if they are willing to adopt the very same stand as above, adopted by them in the case of M/s Titagarh Capital Pvt. Ltd., in the present matters as well, and returning the 313 wagons owned by the owners herein without any further amount being paid to them, as also by the owners only if they are willing to take back the said 313 wagons on as is where is basis without any further claim(s), against the Union of India.

Both sides pray for and are granted time to obtain instructions.”

2. It is advised that in order to give the matters a quietus, Railway Board have decided to adopt the same stand in the subject 04 LPAs as adopted in the case of M/s Titagarh Capital Pvt. Ltd., i.e. to return the 313 wagons to M/s Shatabdi Sales Pvt. Ltd. & M/s Real Apt Solutions without any further amount being paid to the 02 Companies and without any further claim(s) by the 02 Companies against the Union of India.

3. Further necessary action in the matter may please be taken accordingly.

*(Rovin Gupta)
Deputy Director (Dev. Cell)
Railway Board
Tel: 011-23047433”*

4. He states on instructions that out of 313 wagons, 107 wagons will be returned to M/s Real Apt Solutions-Respondent No.1 in LPA 786/2023 and 206 wagons will be returned to M/s Shatabdi Sales Pvt. Ltd-Respondent No.1 in LPA 787/2023. He further states that the said wagons would be

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returned without any further claims against any of the entities.

5. Resultantly, LPA 786/2023 and 787/2023, are disposed of in terms of the decision conveyed by the Union of India *vide* letter dated 11.04.2025. Pending applications, if any, also stand disposed of.

6. Learned Counsel appearing on behalf of the Appellants in LPA 259/2024 and LPA 261/2024 seeks permission to withdraw the said Appeals. It is stated that the necessary affidavit(s) by the Appellants that they will not claim any other claims against the Union of India/Respondents will be filed within a week from today.

7. Permission, as sought for, is granted.

8. LPA 259/2024 and LPA 261/2024 stands disposed of as withdrawn along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

HARISH VAIDYANATHAN SHANKAR, J

MAY 07, 2025

RJ

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