IN THE HIGH COURT OF JHARKHAND AT RANCHI
M.A. No. 388 of 2017

Union of India through the General Manager, South Eastern Railway, Kolkata, office At Garden Reach, P.O. Garden Reach, P.S. West Port, District Kolkata .... …. Appellant

Versus

M/s Tata Iron and Steel Co. Ltd., under the Indian Companies Act, having its registered office At 24 Homi Mody Street, Fort, Mumbai and its works At Jamshedpur, P.O. and P.S. Bistupur, District East Singhbhum

.... Respondent

With

M.A. No. 279 of 2017

Union of India through the General Manager, South Eastern Railway, Kolkata, office At Garden Reach, P.O. Garden Reach, P.S. West Port, District Kolkata .... …. Appellant

Versus

M/s Tata Iron and Steel Co. Ltd., under the Indian Companies Act, having its registered office At 24 Homi Mody Street, Fort, Mumbai and its works At Jamshedpur, P.O. and P.S. Bistupur, District East Singhbhum

.... Respondent

With

M.A. No. 281 of 2017

Union of India through the General Manager, South Eastern Railway, Kolkata, office At Garden Reach, P.O. Garden Reach, P.S. West Port, District Kolkata .... …. Appellant

Versus

M/s Tata Iron and Steel Co. Ltd., under the Indian Companies Act, having its registered office At 24 Homi Mody Street, Fort, Mumbai and its works At Jamshedpur, P.O. and P.S. Bistupur, District East Singhbhum

.... Respondent

With

M.A. No. 282 of 2017

Union of India through the General Manager, South Eastern Railway, Kolkata, office At Garden Reach, P.O. Garden Reach, P.S. West Port, District Kolkata .... …. Appellant

Versus

M/s Tata Iron and Steel Co. Ltd., under the Indian Companies Act, having its registered office At 24 Homi Mody Street, Fort, Mumbai and its works At Jamshedpur, P.O. and P.S. Bistupur, District East Singhbhum

.... Respondent

With

M.A. No. 283 of 2017

Union of India through the General Manager, South Eastern Railway, Kolkata, office At Garden Reach, P.O. Garden Reach, P.S. West Port, District Kolkata .... …. Appellant

Versus

M/s Tata Iron and Steel Co. Ltd., under the Indian Companies Act, having its registered office At 24 Homi Mody Street, Fort, Mumbai and its works At Jamshedpur, P.O. and P.S. Bistupur, District East Singhbhum

.... Respondent

With

M.A. No. 394 of 2017

Union of India through the General Manager, South Eastern Railway, Kolkata, office At Garden Reach, P.O. Garden Reach, P.S. West Port, District Kolkata .... …. Appellant

Versus

M/s Tata Iron and Steel Co. Ltd., under the Indian Companies Act, having its registered office At 24 Homi Mody Street, Fort, Mumbai and its works At Jamshedpur, P.O. and P.S. Bistupur, District East Singhbhum

.... Respondent

With

M.A. No. 395 of 2017

Union of India through the General Manager, South Eastern Railway, Kolkata, office At Garden Reach, P.O. Garden Reach, P.S. West Port, District Kolkata .... …. Appellant

Versus

M/s Tata Iron and Steel Co. Ltd., under the Indian Companies Act, having its registered office At 24 Homi Mody Street, Fort, Mumbai and its works At Jamshedpur, P.O. and P.S. Bistupur, District East Singhbhum

.... Respondent

With

M.A. No. 396 of 2017

Union of India through the General Manager, South Eastern Railway, Kolkata, office At Garden Reach, P.O. Garden Reach, P.S. West Port, District Kolkata .... …. Appellant

Versus

M/s Tata Iron and Steel Co. Ltd., under the Indian Companies Act, having its registered office At 24 Homi Mody Street, Fort, Mumbai and its works At Jamshedpur, P.O. and P.S. Bistupur, District East Singhbhum

.... Respondent

With

M.A. No. 397 of 2017

Union of India through the General Manager, South Eastern Railway, Kolkata, office At Garden Reach, P.O. Garden Reach, P.S. West Port, District Kolkata .... …. Appellant

Versus

M/s Tata Iron and Steel Co. Ltd., under the Indian Companies Act, having its registered office At 24 Homi Mody Street, Fort, Mumbai and its works At Jamshedpur, P.O. and P.S. Bistupur, District East Singhbhum

.... Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Appellant : Mr. Prashant Pallav, A.S.G.I.
Ms. Nitu Sinha, C.G.C.
Ms. Shivani Jaluka, A.C. to A.S.G.I.
For the Respondent : Mr. Manish Mishra, Advocate
Mr. P.A.S. Pati, Advocate

13/20.08.2026 **<u>I.A. No. 11870 of 2019, I.A. No. 11869 of 2019 & I.A. No. 11868 of 2019</u>**

Mr. Prashant Pallav, learned senior counsel appearing on behalf of the appellant submits that limitation petitions have already been filed in in M.A. No.279 of 2017, M.A. No.281 of 2017 and M.A. No.282 of 2017, however, that has not been disposed of as yet. He submits that there were some delays in filing of the appeals and delay of other appeals have already been condoned however, it appears that limitation petitions in these three M.As. are pending, that may kindly be allowed. He submits that delays are minimal and occurred in preparation of the appeals and in view of that, the delay may kindly condoned.

Mr. Manish Mishra, learned counsel appearing for the respondent has got no serious objection seeing the days of delays.

In view of above and the reasons assigned in the I.As., prayer made in the I.As. are allowed and delays in filing of in M.A. No.279 of 2017, M.A. No.281 of 2017 and M.A. No.282 of 2017, are hereby, condoned.

I.A. No.11870 of 2019, I.A. No. 11869 of 2019 and I.A. No. 11868 of 2019 are disposed of.

<u>M.A. No.388 of 2017 with analogous cases</u>

All these appeals have been filed under Section 23 of the Railway Claims Tribunals Act, 1987 and that is why all these appeals have been heard together.

2. In M.A. No.388 of 2017, prayer has been made to set aside the judgment dated 23rd February, 2017 passed in Case No.TARG/RNC/2002/0013, Old No.TTR-20013/02 and Check List No.2905020006 by Railway Claims Tribunal, Ranchi Bench presided by Member (Judicial) whereby claim application of respondent-TATA Iron &

Steel Co. Ltd. was allowed and appellant has been directed to pay the decretal amount of Rs.3,63,227/- to the applicant-M/s TISCO within a period of 90 days from the date of judgment and if the amount is not paid within 90 days, interest will be paid at the rate of 7.5% per annum simple from the date of the judgment till the date of actual payment.

3. M.A. No.279 of 2017 has been filed challenging the judgment dated 5th October, 2016 passed in Case No.OA (III)/RNC/2001/0001, Old No.TTR-10001/01 and Check List No.2903010003 by Railway Claims Tribunal, Ranchi Bench presided by Member (Judicial) and Member (Technical) whereby claim application of respondent-TATA Iron & Steel Co. Ltd. was allowed and the appellant has been directed to pay the decretal amount of Rs.2,49,449/- to the applicant-M/s TISCO within a period of 90 days from the date of judgment and if the amount is not paid within 90 days, interest will be paid at the rate of 7.5% per annum simple from the date of the judgment till the date of actual payment.

4. M.A. No.281 of 2017 has been filed challenging the judgment dated 5th October, 2016 passed in Case No.TARG/RNC/2002/0014, Old No.TTR-20014/02 and Check List No.2903100080 by Railway Claims Tribunal, Ranchi Bench presided by Member (Judicial) and Member (Technical) whereby claim application of respondent-TATA Iron & Steel Co. Ltd. was allowed and the appellant has been directed to pay the decretal amount of Rs.3,60,057/- to the applicant-M/s TISCO within a period of 90 days from the date of judgment and if the amount is not paid within 90 days, interest will be paid at the rate of 7.5% per annum simple from the date of the judgment till the date of actual payment.

5. M.A. No.282 of 2017 has been filed challenging the judgment dated 5th October, 2016 passed in Case No.TARG/RNC/2002/0027, Old No.TTR-20027/02 and Check List No.2901020005 by Railway Claims Tribunal, Ranchi Bench presided by Member (Judicial) and Member (Technical) whereby claim application of respondent-TATA Iron & Steel Co. Ltd. was allowed and the appellant has been directed to pay the decretal amount of Rs.3,70,089/- to the applicant-M/s TISCO within a period of 90 days from the date of judgment and if the amount is not paid

within 90 days, interest will be paid at the rate of 7.5% per annum simple from the date of the judgment till the date of actual payment.

6. M.A. No.283 of 2017 has been filed challenging the judgment dated 5th October, 2016 passed in Case No.TARG/RNC/2002/0029, Old No.TTR-20029/02 and Check List No.2901020003 by Railway Claims Tribunal, Ranchi Bench presided by Member (Judicial) and Member (Technical) whereby claim application of respondent-TATA Iron & Steel Co. Ltd. was allowed and the appellant has been directed to pay the decretal amount of Rs.2,52,241/- to the applicant-M/s TISCO within a period of 90 days from the date of judgment and if the amount is not paid within 90 days, interest will be paid at the rate of 7.5% per annum simple from the date of the judgment till the date of actual payment.

7. M.A. No.394 of 2017 has been filed challenging the judgment dated 23rd February, 2017 passed in Case No.TARG/RNC/2001/0006, Old No.TTR-10006/01 and Check List No.2910010003 by Railway Claims Tribunal, Ranchi Bench presided by Member (Judicial) and Member (Technical) whereby claim application of respondent-TATA Iron & Steel Co. Ltd. was allowed and the appellant has been directed to pay the decretal amount of Rs.2,38,152/- to the applicant-M/s TISCO within a period of 90 days from the date of judgment and if the amount is not paid within 90 days, interest will be paid at the rate of 7.5% per annum simple from the date of the judgment till the date of actual payment.

8. M.A. No.395 of 2017 has been filed challenging the judgment dated 23rd February, 2017 passed in Case No.TARG/RNC/2001/0004, Old No.TTR-10004/01 and Check List No.2910010004 by Railway Claims Tribunal, Ranchi Bench presided by Member (Judicial) whereby claim application of respondent-TATA Iron & Steel Co. Ltd. was allowed and the appellant has been directed to pay the decretal amount of Rs.2,69,016/- to the applicant-M/s TISCO within a period of 90 days from the date of judgment and if the amount is not paid within 90 days, interest will be paid at the rate of 7.5% per annum simple from the date of the judgment till the date of actual payment.

9. M.A. No.396 of 2017 has been filed challenging the judgment

dated 23rd February, 2017 passed in Case No.TARG/RNC/2002/0018, Old No.TTR-20018/02 and Check List No.2911020006 by Railway Claims Tribunal, Ranchi Bench presided by Member (Judicial) whereby claim application of respondent-TATA Iron & Steel Co. Ltd. was allowed and the appellant has been directed to pay the decretal amount of Rs.2,60,395/- to the applicant-M/s TISCO within a period of 90 days from the date of judgment and if the amount is not paid within 90 days, interest will be paid at the rate of 7.5% per annum simple from the date of the judgment till the date of actual payment.

10. M.A. No.397 of 2017 has been filed challenging the judgment dated 23rd February, 2017 passed in Case No.TARG/RNC/2001/0004, Old No.TTR-10007/01 and Check List No.2905010004 by Railway Claims Tribunal, Ranchi Bench presided by Member (Judicial) whereby claim application of respondent-TATA Iron & Steel Co. Ltd. was allowed and the appellant has been directed to pay the decretal amount of Rs.2,34,045/- to the applicant-M/s TISCO within a period of 90 days from the date of judgment and if the amount is not paid within 90 days, interest will be paid at the rate of 7.5% per annum simple from the date of the judgment till the date of actual payment.

11. Mr. Prashant Pallav, learned senior counsel appearing for the appellant submits that the law point in all these appeals are similar and by way of common judgment, the appeals can be disposed of which is also accepted by the Mr. Manish Mishra, learned counsel appearing for the sole respondent in all these appeals.

12. Learned senior counsel further submits that Tata Iron and Steel Company Limited (now Tata Steel Limited) booked through appellant pulling of washed/middling coal from Bhelatand Siding to applicant's work at Adityapur for which applicant was charged freight for a distance of 171 Km including 05 Km to pull through rack from Adityapur Railway Station to applicant's works wherever necessary and extra distance of 04 Km from Bhelatand Siding to Malkera, a station on South Eastern Railway. He submits that as per prescribed rate in South Eastern Railway Coal Tariff Part-I, Chapter II, coal from Bhelatand Siding to downward direction of

Adra would be chargeable on the distance from Malkera only and break-up for chargeable distance from Bhelatand to Adityapur Station are as under:

Malkera to Bhojudih	26 Km
Bhojudih to Gamharia	129 Km
Gamharia to Adityapur	7 Km
	162 Km
	+ 5 Km Total = 167 Km

13. By way of referring the above break-up charge, Mr. Pallav, learned senior counsel appearing submits that the appellant had charged freight for a distance of 04 Km from Bhelatand Siding to Malkera in terms of the Rule. He further submits that Tata Steel Limited has filed the claim for refund of 04 Km charge for the year 1998-99 and those period are involved in all these appeals. He submits that the learned tribunal has not correctly appreciated the coal tariff as well as letter dated 13.12.2000 (Exhibit A3) and has wrongly allowed the claim of the sole respondent herein. He next submits that the letter dated 13.12.2000 is in the trial court record and further submits that in view of that letter, appellant herein has not charged for 04 Km since issuance of that letter. Learned senior counsel further submits however, earlier for the period 1996, respondent has moved for refund of the charge of 04 Km of the year 1996-97 which has been rejected by the Railways by the letter dated 04.11.1996. He submits that letter has not been challenged and in view of that now the respondent is having no right to question further tariff of the year 1998-99. He further submits that letter dated 13.12.2000 (Exhibit A3) cannot be retrospectively applied and it is an admitted position that since issuance of the said letter, there is no charge on 04 Km. He also submits that the interest is on the higher side and may kindly be reduced. On these grounds, he submits that the appeals may kindly be allowed.

14. Mr. Manish Mishra, learned counsel appearing for Tata Steel Limited in all these appeals submits that the learned tribunal has rightly interpreted the letter dated 13.12.2000 (Exhibit A3). He submits that in the said letter the word 'reiterated' clearly speaks that there is something

earlier which has been reiterated in the said letter. He further submits that is existing coal tariff. By way of referring the said list Colliery Sidings of the South Eastern Railway, he submits that in column 'Rates Chargeable on the distance from' is disclosed and in view of that the tariff is required to be charged from Malkera not from Bhelatand. He submits that all these aspects have been correctly appreciated by the learned tribunal. Mr. Mishra further submits that earlier rejection of the period 1996, refund has got no bearing for refund of period 1998-99. On these grounds, he submits that there is no illegality in the judgment of the learned tribunal and as such these appeals may kindly be dismissed.

15. The only dispute is there between the appellant and the Tata Steel Limited of charging tariff for 04 Km and this aspect appears to be set at rest in the light of letter dated 13.12.2000 (Exhibit A3). The said letter is reproduced herein for ready reference:

S.E. Railway

C.C.M's Office
14, Strand Brad (8th floor),
Calautta-1

No. RQ.41/1416/Local Dated: 13-12-2000

The Chief Claims Officer,
S. E. Railway, Calcutta

Sub: Refund of over charges in freight on Traffic booked ex. Bhelatard to Adityapur

Ref: This office letter of even no. dt.21.11.2000.

Please correct this office letter under reference and let this office know the latest position of the case.

In this connection it is reiterated that freight may be charged as per coal Tariff until revised notification to that effect is issued. Accordingly the distance for charge comes as under :-

Malkera to Bhojudih	=	26 Kms.
Bhejudih to Gamharia	=	129 "
Gunharia to Adityapur	=	7"
Adityapur to Siding (TICC)	=	5
	Total:	167 Kms.

Chief Comml. Manager (FS&FM)

No. even of date:-

Copy to AGM/TISCO for information

This has ref. to your letter no. ACCTS/PRI/790/0303/2K dt.31.8.2000

Chief Comml. Manager (FSAEM)

16. In view of contents of this letter, it is crystal clear that it has been reiterated that freight charges will be charged as per the coal tariff until it is revised and the coal tariff is the part of the trial court record in M.A. No.283 of 2017 and the rates chargeable from the column, it transpires it is chargeable from Malkera not from Bhelatand. In the light of two documents, it is clear that 04 Km was not required to be counted by appellant-Railway. Railway's own document say so and it is further clear in the light of letter dated 13.12.2000 (Exhibit A3). The said letter is also reiterated and further stated existing coal tariff will apply and the existing coal tariff has already discussed herein above which is Malkera not from Bhelatand. In view of that, the retrospectivity aspect of Mr. Pallav is not being accepted by the court as in the said letter word 'reiterated' clearly suggests that the coal tariff was effective and that was already existing and that is on the record. Further, 7.5% is the minimum interest given by the tribunal. There are cases where the unnecessary delays are made, the courts are modifying the interest part. However, in the facts and circumstances of this case, the court is not inclined to enhance the interest part.

17. In view of above facts, reasons and analysis, all these appeals fail. Accordingly, these appeals are hereby, dismissed. Let the Lower Court Records of the respective appeals, be sent back to the learned tribunal forthwith.

(Sanjay Kumar Dwivedi, J.)

Dated 20.08.2026

Anit

A.F.R.

Uploaded
29.08.2026