
(2003) 03 GAU CK 0063
In the Gauhati High Court
Case No : M.A. (F.) No. 30 of 1999

Cement House

APPELLANT

Vs

Union of India (UOI)

RESPONDENT

Date of Decision : 26-03-2003

Acts Referred:

Railway Claims Tribunal Act, 1987 — Section 23

Citation : (2004) 1 ACC 721 : (2003) 3 GLR 245

Hon'ble Judges : S.K. Kar, J

Bench : Single Bench

Advocate : H.P. Barman, for the Appellant; U.K. Nair, for the Respondent

Final Decision : Dismissed

Judgement

S.K. Kar, J.—The appellant, M/s Cement House, Dibrugarh, has challenged the order dated 30.10.1998 rendered in Application No. 186/98 on the strength of Section 23 of the Railway Claims Tribunal Act, 1987.

2. There was an admitted short delivery of 299 bags of cement booked from Burdwan (E.Rly.) to Dibrugarh under Invoice No. 2/664238 dated 25.2.1996. Appellant claimed a compensation of Rs. 59800.00 @ Rs. 200.00 per bag but was allowed Rs. 45262.00 which was accepted by appellant under protest and thereafter presented this further claim of Rs. 14538.00 as the balance of the compensation. By the impugned order learned Railway Claims Tribunal (RCT) held that rate of Rs. 125.00 per bag was enough as against the claim of rate of Rs. 200.00 per bag. Hence this appeal.

3. I have heard both sides and perused the relevant materials in the LCR (lower court records) that was called for. The contention of the appellant that rate of Cement was Rs. 169.00 per bag at Dibrugarh was not substantiated by production of any evidence to that effect. Even the value of 299 bags @ Rs. 169.00 per bag will be Rs. 50531.00, Admittedly Rs. 45262.00 has been paid. The difference is only around five thousands. But then, the fact remains, that the

appellant, had failed to adduce any evidence in support of its claim of rate either @ Rs. 200.00, or Rs. 169.00 per bag. Thus, there is no merits in this appeal.

4. Appeal is dismissed.

5. Send down the LCR.