
(2003) 03 GAU CK 0001
In the Gauhati High Court
Case No : M.A. (F.) No. 37 of 1999

Jain Salt Trading Co.

APPELLANT

Vs

Union of India (UOI)

RESPONDENT

Date of Decision : 26-03-2003

Acts Referred:

Railway Claims Tribunal Act, 1987 — Section 17

Citation : (2004) 1 ACC 727 : (2003) 3 GLR 250

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.—This is an appeal, u/s 23 of the Railway Claims Tribunal (in short RCT) Act, 1987, arising out of Application No. Misc. 31/98 challenging the order dated 2.11.1998 passed by the learned Railway Claims Tribunal, Guwahati, refusing condonation of delay to admit the claim for hearing on merit.

2. The applicant M/s Jain Salt Trading Company, Main Road, Bongaigaon submitted that a consignment of 795 bags of iodised salt was booked from Chirai Rly. Station to New Bongaigaon under invoice No. 118/ 279951, dated 9.3.1994. The consignment was not delivered at the destination. The appellant preferred claim of Rs. 52229.00 for nondelivery of the same. That the claim preferred was not settled immediately and only on 30.7.1997 the respondent-Railway offered Rs. 40291.00 as compensation which was accepted by the appellant under protest. The claim-petition was thereafter presented on 9.3.1998 for the balance amount of compensation amounting to Rs. 10080.00 alongwith prayer for condonation of delay of one year. The Tribunal refused to condone the delay and dismissed the claim and hence this appeal.

3. I have heard both sides and perused the relevant materials in the L.C.R. which is called for and also I have gone through the impugned judgment. In the

impugned judgment, it is seen that, the learned Tribunal picked up the question of condonation of delay without entering into the merits of the claim and answered the same against the appellant. The appellant tried to argue before the learned Tribunal that, as there was an attempt to negotiate the settlement, he did not prefer the claim within time. If one goes by the provisions of Section 17 of the RCT Act, it will be clear that any claim is to be preferred within 3(three) years from the date of entrustment of goods with the Railways and there is a provision in the said Section 17 that - an application may be entertained after the period specified in Sub-section (1) if the applicant satisfies the claims-Tribunal that he had sufficient cause for not making the application within such period. The cause shown for delay in filing the application before the Tribunal was held by the Tribunal as not sufficient. After going by language and contents of the judgment I find that the Tribunal has rightly held that an attempt for negotiation of settlement or making a part payment of the claim amount in due discharge of liabilities are not the matters to be considered as sufficient cause for condonation of delay. Hence, there is no merit in this appeal, which is dismissed.