(2023) 05 GAU CK 0025

In the Gauhati High Court

Case No : MFA No. 142 Of 2021

M/S Rahul Trading Co. — APPELLANT

Vs

Union Of India And Anr — RESPONDENT

Date of Decision : 12-05-2023

Acts Referred:

Railway Claims Tribunal Act, 1987 — Section 23
Railways Act, 1989 — Section 78(ii)

Citation : (2023) 05 GAU CK 0025

Hon'ble Judges : Parthivjyoti Saikia, J

Bench : Single Bench

Advocate : K P Maheswari

Final Decision : Dismissed

Judgement

1. Heard Ms. M. Sarma, learned counsel representing the appellant as well as Mr. H.P. Goala, learned counsel appearing for the respondents.

2. This is an appeal under Section 23 of the Railway Claims Tribunal Act, 1987 against the judgment and order dated 26.02.2021 passed in Original Application No.OA III-304/2011 by the Railway Claims Tribunal, Guwahati Bench.

3. Three consignments of onions in train load were booked under Invoice No/RR No 02+03/212004096+97, 05+06/212004132+33, 07/212004166 on 27.05.2010, 07/06/2010, 23.06.2010 from MGG to CGS. The value of the claim was Rs.40,6892/-.

4. The issues framed are-

i. Payment of undercharges of Rs.1,16991/- on account of some wrong calculation.

ii. Wrong calculation of freight not keeping the logic of Rates Circular.

iii. Wrong collection of Terminal Charges.

5. I have carefully gone through the impugned judgment. The claim application for refund was dismissed by the Tribunal.

6. On perusal of the impugned judgment, I find that the Tribunal has meticulously discussed the issues and arrived at a correct finding. The Railway has rightly realized undercharges of Rs.1,16,991/- in terms of Section 78(ii) of the Railways Act of 1989. The Tribunal has rightly decided that the claim of refund on account of wrong calculation of NTR and the resultant calculation of the NE Region rebate is liable to be dismissed. The refund claim raised by the appellant was correctly dismissed by the Tribunal.

7. I find that the present appeal is devoid of merit and stands dismissed accordingly.

Send back the LCR accordingly.