

---

**(2003) 03 GAU CK 0009**  
**In the Gauhati High Court**  
**Case No : M.F.A. No. 26 of 1999**

Sitaram Sankarlal

APPELLANT

Vs

Union of India (UOI)

RESPONDENT

---

**Date of Decision :** 26-03-2003

**Acts Referred:**

Railway Claims Tribunal Act, 1987 — Section 17(2)

**Citation :** (2004) 1 GLR 425

**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 Act, 1987 challenging the order dated 7.1.1997 passed in Application No. 616/96.

2. The appellant M/s. Sitaram Sankarlal of Bongaigaon get a consignment of 594 tins of Mustard Oil booked from Hathras City on N. E. Railway to New Bongaigaon under Invoice No. 1/859305, dated 5.5.1993. There was an abnormal delay in the delivery and the delivery was made along with issuance of short certificate at 272 Kg. of mustard oil. The appellant preferred a claim of Rs. 1,0880.00 for 272 Kg of mustard oil @ Rs. 4000.00 per quintal and the Railways authorities issued a cheque of Rs. 5547.00 which was received by the appellant on protest.

3. That there was delay in filing the application before the Tribunal which was presented along with the prayer for condonation of delay. That learned Tribunal refused to condone the delay relying upon different case-laws reported in Madras Port Trust Vs. Hymanshu International by its Proprietor V. Venkatadri (Dead) by L.R.s, , Collector, Land Acquisition, Anantnag and Another Vs. Mst. Katiji and Others, and (1989) 1 GLR 184. Hence this appeal.

4. The Tribunal has rejected the contention of the appellant on the ground that ignorance of law or mis-interpretation of law cannot be excuse for causing delay

and opined that Section 17 of the Railways Claims Tribunal Act, 1987 provides that any claim is to be presented by an application within three years from the date on which the goods in question were entrusted to the Railway Administration for carriage by Railway. In this case admittedly the entrustment made on 5.5.1993 and the claim petition was presented on 30.7.1996. In the claim petition the delay was explained , by stating that the applicant was of the impression that fresh period of limitation will start from the date of acceptance of the liability of the Railway by paying sum of Rs. 5547.00 on 25.3.1995.

5. The learned Tribunal has rightly held that this plea taken by the appellant cannot satisfy the provision attached to Sub-section 2 of Section 17 of the Railway Claims Tribunal Act as "sufficient cause" for not making the application within the prescribed period of limitation.

6. Therefore, there is no merit in the appeal which stand dismissed.