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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 3234/2024**

**CHAIRMAN RAILWAY BOARD THROUGH GENERAL
MANAGER NORTHERN RAILWAY**

.....Petitioner

Through: Mr. Ankit Raj - Senior Panel Counsel
(UOI) with Ali Mohammed Khan and
Mr. Akash Chandrayan (Adv.)

versus

ZAMIR AHMAD

.....Respondent

Through: None.

**CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN**

ORDER

% **27.08.2024**

CM APPL. 48877/2024 (exemption)

Exemption allowed, subject to all just exceptions.

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1. Initially, the complaint was filed before the District Forum-II, New Delhi against the Railways for deficiency of service.
2. According to complainant, he was carrying cash with him during the railway journey in question and such amount was robbed away during the journey duration.
3. District forum observed that the Railway could not escape from its responsibility to protect the interest of the passenger including theft of cash etc. and allowed the complaint and directed Railways to pay a sum of Rs. 60,000/- in lump sum towards principle amount, harassment, mental agony with interest at the rate of 6% p.a.
4. Feeling aggrieved, Railways filed an appeal before the State

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Commission, Delhi. Such appeal was, however, dismissed for non-prosecution on 14.09.2021.

5. Initially, an application was moved before the State Commission seeking recall and restoration of appeal but since such power was not vested with the State Commission, the Railways, eventually, filed a Revision Petition before the Hon'ble National Consumer Disputes Redressal Commission (in short 'Hon'ble National Commission') praying for setting aside of said order dated 14.09.2021.

6. Hon'ble National Commission, however, observed that the State Commission was justified in rejecting the restoration request.

7. It is contended that Hon'ble National Commission has not considered the fact that the appeal was being pursued in diligent manner and it should not have been dismissed for non-prosecution and there is no finding to that effect.

8. Additionally, it has been claimed that since it was a case of alleged robbery, the complainant could not have sought any compensation from Railways.

9. When asked, learned counsel for the petitioner states that the amount in question has already been deposited in District Forum but he is not aware whether the amount has already been disbursed or not.

10. Issue notice through all permissible modes as also through counsel, returnable on 13.12.2024.

MANOJ JAIN, J

AUGUST 27, 2024/sw

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