

GAHC010065142026



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/1926/2026

XTRA FREIGHT FORWARDER
A PROPRIETORSHIP FIRM, REPRESENTED BY SRI ANIL BAREJA, AGE 57,
D-246, GROUND FLOOR, GALI NO. 10, NEAR METRO STATION, LAXMI
NAGAR, NEW DELHI- 110092.

VERSUS

THE UNION OF INDIA AND 5 ORS.
REPRESENTED BY THE SECRETARY, MINISTRY OF RAILWAY, RAIL
BHAWAN, RAISINA ROAD, NEW DELHI- 110001.

2:THE PRINCIPAL CHIEF COMMERCIAL MANAGER
NORTHEAST FRONTIER RAILWAY
MALIGAON
GUWAHATI
KAMRUP (M)
PIN-781011.

3:THE CHIEF COMMERCIAL MANAGER
NORTHEAST FRONTIER RAILWAY
MALIGAON
GUWAHATI
ASSAM
PIN- 781011

4:THE DIVISIONAL COMMERCIAL MANAGER
NORTHEAST FRONTIER RAILWAY
RANGIYA
ASSAM
PIN- 781354.

5:THE RAILWAY BOARD
REPRESENTED BY THE EXECUTIVE DIRECTOR (FREIGHT MARKETING)
MALIGAON
GUWAHATI
ASSAM
PIN-781011.

6:THE SENIOR DIVISIONAL COMMERCIAL MANAGER
NORTH EAST FRONTIER RAILWAY
RANGIYA
ASSAM
PIN- 781354

Advocate for the Petitioner : MR P BHARDWAJ, B PARASHAR,M RAHMAN,R C ALOM

Advocate for the Respondent : D.Y.S.G.I.,

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

01.04.2026

Heard Mr. M.K. Choudhury, learned Senior Counsel assisted by Mr. P. Bhardwaj, learned counsel for the petitioner and Mr. K. Gogoi, learned Central Government Counsel [CGC] for all the respondents.

Aggrieved by an action taken by the respondent Railway authorities to encash the security deposit deposited by the petitioner at the time of execution of a contract-work, as indicated in a Letter dated 23.02.2026 [Annexure-40], the petitioner is before this Court.

By the Letter dated 23.02.2026, the Branch Manager, ICIC Bank, Vikash Marg, Laxmi Nagar, Delhi was directed to deposit the amount of Rs. 88,70,478/-, which amount the petitioner had deposited towards security deposit, plus interest in favour of the respondent Railways. The decision to encash the security deposit is subsequent to a Termination Order dated 17.12.2025.

Mr. Gogoi, learned CGC has raised the issue of maintainability of the writ petition on the ground that the dispute is to be raised in arbitration.

The matter would require consideration.

Issue notice, returnable on 13.05.2026.

As Mr. Gogoi, learned CGC has appeared and accepted notices on behalf of all the respondents, issuance of formal notice to the respondents is dispensed with. Mr. Bhardwaj, learned counsel for the petitioner shall furnish requisite nos. of extra copies of the writ petition along with the annexures, to Mr. Gogoi within 2 [two] working days from today.

Any action taken by the respondent Railway authorities for encashment of the security deposit of Rs. 88,70,478/- plus interest is made subject to the outcome of the writ petition. The issue of maintainability of the writ petition is also kept open for consideration.

List the case on 13.05.2026.

JUDGE

Comparing Assistant