

GAHC010121622024



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

Case No. : I.A.(Civil)/1908/2024

THE UNION OF INDIA AND ANR.
REP. BY THE GENERAL MANAGER (CLAMIS), N.F. RAILWAY, MALIGAON,
GUWAHATI- 781001.

2: THE GENERAL MANAGER
SOUTH WESTERN RAILWAY
HUBLI- 58023
KARNATAKA

VERSUS

M/S MAITHAN ALLOYS LTD.
EPIP-UMTRU, P.O.- BYRNIHAT, DIST.- RI-BHOI (MEGHALAYA).

Advocate for the Petitioner : MR. K GOGOI,

Advocate for the Respondent : MR. K P MAHESWARI, DIVYANSH RATHI, M. KALITA, MS. M SHARMA

Linked Case :

UNION OF INDIA REPRESENTED BY GENERAL MANAGER NF RAILWAY
CLAIMS
MALIGAON GUWAHATI 781001

VERSUS

MS MAITHAN ALLOYS LTD E
EPIP UMPTRY P O BYRNIHAT DISTRICT RI BHOI MEGHALAYA

Advocate for : MR. K GOGOI
Advocate for : appearing for MS MAITHAN ALLOYS LTD E

**BEFORE
HONOURABLE MR. JUSTICE K. SEMA**

ORDER

Date : 14-11-2024

Heard Mr. K. Gogoi, learned counsel for the applicant and Mr. K. P. Maheswari, learned counsel for the respondent.

This application has been filed under section 5 of the Limitation Act for condoning the delay of 46 days in filing the appeal against the judgment & order dated 17/04/2023 passed by the learned Member, (Judicial-I) (Technical)-1, the Railways Claims Tribunal, Guwahati Bench in Original Application No. O.A-III-105/2012.

The contentious issue which has also arisen for consideration in the application is as to whether the Limitation Act is applicable to the order passed by the Railways Claims Tribunal. It is submitted by the learned counsel for the parties that the conflicting orders, on the issue, has been rendered by this Court as well as the High Court of the other State.

Mr. K. Gogoi, learned counsel for the applicant has placed the copy of the order dated 20/02/2023 passed by this Court in I.A(C) No. 2531/2019 wherein it has been seen that the issue as to whether the Limitation Act is applicable to the order passed by the Railways Claims Tribunal is pending adjudication before the Hon'ble Apex Court in C.A No. 438/2020 against the judgment & order passed by this Court in **Union of India** -versus- **M/s Sushil Kumar Sunil Kumar** Case No. I.A (Civil) 1044/2016 dated 30/08/2017/ Case No. I.A 966/2016 MFA Sl. No. 269237.

This Court accordingly deems it appropriate to await for the final outcome of the case which is pending before the Hon'ble Supreme Court.

Mr. K.P. Maheswari, learned counsel for the respondent has placed reliance in the judgment & order passed by the Hon'ble Supreme Court in the case of **Union Territory of Ladakh & Others -versus- Jammu & Kasgmir National Conference & Another**, reported in **2023 SCC Online 1140** (paragraph- 35).

List the application after the disposal of the C.A. No. 438/2020 which is pending before the Hon'ble Apex Court.

JUDGE

Comparing Assistant