GAHC010200662018

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IN THE GAUHATI HIGH COURT

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

WP(C) 6303/2018

M/S. Kalpataru Agro Forest Enterprise
A Partnership Firm, Having its office at Stephen H. No. 4, BBD Bag, Room No.22, 2nd Floor, Kolkata-1, Rep. by its authorized Signatory Krishna Gupta, Age- 45 Yrs, S/O- Lt Ram Chandra Gupta, R/O- J.P. Agarwala Road, Shantipur, Ghy, Dist- Kamrup (M), Assam, Pin- 781009

.....**Petitioner**

-VERSUS-

1. The Union of India.
Rep. by the General Manager,
North Eastern Frontier Railway,
Maligaon, Ghy, Dist- Kamrup (M), Assam
2. The General Manager
North Eastern Frontier Railway
Maligaon
Ghy

Dist- Kamrup (M)

Assam

3. The Chief Commercial Manager/FM

Maligaon

Ghy

Dist- Kamrup (M)

Assam

.....Respondents

Advocates for the Petitioner: Mr. D. Mazumder, Advocate.

Advocates for the respondents: Mr. B. Sarma, SC, NF Railway.

Date of hearing : 03.04.2025

Date of Judgment: 08.05.2025

B E F O R E

HON'BLE MR. JUSTICE KARDAK ETE

JUDGMENT & ORDER (CAV)

Heard Mr. D. Mazumder, learned senior counsel assisted by Mr. T. Chakraborty, learned counsel for the petitioner. Also heard Mr. B. Sarma, learned Standing Counsel, NF Railway appearing for the respondent nos.1, 2 and 3.

2. By filing this writ petition, the petitioner has put to challenge the impugned communication dated 26.04.2016 issued by the Chief Commercial Manager/FM (Court), Maligaon, Guwahati-11, whereby, the claim for calculation of the excess freight taken from the petitioner taking into consideration the distance factor and to release the excess freight to the petitioner after

calculating the same has been rejected and the order dated 16.09.2016 passed by the Member (Judicial), Railway Claims Tribunal, Guwahati in Execution Nos. A-22/2015 (O.A.No. 787/1994), A-23/2015 (O.A.No. 788/1994), A-24/2015 (O.A.No. 789/1994), A-25/2015 (O.A.No. 792/1994), A-26/2015 (O.A.No. 793/1994), A-27/2015 (O.A.No. 794/1994), A-28/2015 (O.A.No.795/1994), whereby, the execution petitions are disposed of as no order is required to be passed in view of the order dated 26.04.2016 issued by the Chief Commercial Manager/FM (Court), Maligaon.

3. The briefly put, the case of the petitioner is that the petitioner is a registered firm dealing with Bamboo Cuts which are supplied to different factories all over India. In the year 1993-1994, the petitioner supplied bamboo cuts from New-Bongaigaon to Amlai and the said consignments were sent through Railway carriage. But after delivery of the products, the petitioner firm came to know that the Railway authority has charged more freight from the petitioner. Accordingly, the petitioner firm instituted 8 (eight) claim applications before the Railway Claims Tribunal, Guwahati, claiming refund of the excess freight charged from the petitioner before the Railway Claims Tribunal, Guwahati claiming refund of the excess freight charged from the petitioner. The said Claim Applications were registered and numbered as C.A. Nos.787/1994, 788/1994, 789/1994, 791/1994, 792/1994, 793/1994, 794/1994 and 795/1994. The Railway authority contested the aforesaid Claim Applications and took a stand that station to station rate has been charged upon the petitioner and therefore, they are not entitled for any refund.

4. The aforesaid Claim Applications were disposed of by the Railway Claims Tribunal, Guwahati, vide common order dated 10.08.2001 and rejected the claims for refund of the excess freight charged from the petitioner. Being

aggrieved by the said common order dated 10.08.2001, the petitioner preferred appeals before this Court being MFAs No.54/2002, 65/2002, 66/2002, 67/2002, 69/2002, 70/2002 and 71/2002.

5. This Court vide common order dated 17.08.2012 disposed of the above MFAs and directed the Railway administration to work out the freight chargeable at the relevant point of time for carrying the goods from New Bongaingaon to Amlai via Andal-Anara-Chakradharpur, in which route the goods were carried and to pay the petitioner the difference, if any, of the freight charged on the basis of "station to station rate" and the freight payable for carrying the goods in the aforesaid route, with interest @ 6% per annum from the date of filing the claim petitions till the date of payment.

6. Thereafter, the petitioner preferred an Execution Applications being Execution Nos.A-22/2015, A-23/2015, A-24/2015, A-25/2015, A-26/2015, A-27/2015 and A-28/2015 before the Railway Claims Tribunal, Guwahati for recovery/realization of the excess payments as claimed and directed by this Court.

7. In the meantime, the Chief Commercial Manager/FM (Court), Maligaon, Guwahati i.e. the respondent No.3 vide impugned communication dated 26.04.2016 intimated the petitioner that the respondents have rightly calculated the freight charges and nothing is refundable to the petitioner.

8. Thereafter, on 16.09.2016, the Execution Nos.A-22/2015, A-23/2015, A-24/2015, A-25/2015, A-26/2015, A-27/2015 and A-28/2015 vide its common order, the Member (Judicial), Railway Claims Tribunal, Guwahati has disposed of the same by holding that in view of order dated 26.04.2016 passed by the Chief Commercial Manager/FM (Court), Maligaon, Guwahati, no orders are required to be passed. Hence, this writ petition.

9. Mr. D. Mazumder, learned Senior Counsel for the petitioner submits that this Hon'ble Court while passing the common order dated 17.08.2012 in MFAs No. 54/2002, 65/2002, 66/2002, 67/2002, 69/2002, 70/2002 and 71/2002, has held that there is no dispute that the respondent authority has carried the goods through a shorter route (1510 Km) whereas charged the petitioner for a longer route (1769 Km). In fact, this Hon'ble Court has held that the Railway Administration cannot be allowed to make undue profit by charging the freight on the basis of a longer route, in the name of station to station rate and then carrying the goods by a shorter route. Therefore, the findings vide impugned communication dated 26.04.2016 are contrary to the findings of this Hon'ble Court and as such the communication dated 26.04.2016 issued by the respondent No.3 as well as order dated 16.09.2016 passed by the Member (Judicial), Railway Claims Tribunal, Guwahati are liable to be set aside and quashed.

10. Mr. D. Mazumder, learned Senior Counsel, submits that this Hon'ble High Court vide aforesaid order dated 17.08.2012 directed the respondents to work out the freight charges at the relevant point of time for carrying the goods from New Bongaigaon to Amlai via Andal-Anara-Chakradharpur, in which route the goods were carried and to pay the difference. He submits that the goods booked by the petitioner were carried through a distance of 1510 KM, whereas, the petitioner was charged for a distance of 1769 KM and therefore, the petitioner is entitled for the difference of freight charged from it.

11. Mr. D. Mazumder, learned Senior Counsel, submits that the calculation of the respondent No.3 is not correct in view of the fact that the Railway authority is not bound to carry the goods through the shorter route in absence of any specific direction from the consignor as it is the admitted position that there was

no specific direction to the respondent authority for carrying the goods through a longer route. In fact, the Railway authority carried the goods through a distance of 1510 KM whereas charged the petitioner for 1769 KM, which is out and out illegal, malafide and arbitrary. Therefore, the petitioner is entitled for the difference of freight taken from it by the Railway authority. But the respondent authority has rejected such claim of the petitioner. Therefore, this Hon'ble Court may be pleased to direct the respondent authority to re-calculate the freight charges taking into account the distance.

12. Mr. D. Mazumder, learned Senior Counsel, submits that this Hon'ble Court has clearly stated in its order dated 17.08.2012 that the plea taken by the Railway Administration that since it has the power under Section 32(a) to charge freight on 'station to station rate' and as such charged, the appellants would not be entitled to refund of the freight even if the goods are carried by a shorter route, cannot be accepted in the instant cases, as, 'station to station rate' cannot be more than the freight to be charged for carrying the goods by the shortest route, thereby compelling the senders to book the consignment at a much higher rate by the Railway, more so when the route in which the goods were to be carried through has specifically been mentioned in the RR i.e. by the longer route, the goods were in fact carried by a shorter route. It would have been different, had the Railway carried the goods in the route mentioned in the RR. Therefore, the finding shown in the impugned communication dated 26.04.2016 is absolutely not correct.

13. Mr. D. Mazumder, learned Senior counsel, submits that the respondents charged freight for a distance of 1769 KM via MLDT/DKAE which was the longest route whereas cheaper route was available via Andal-Anara-Chakradharpur, distance of which comes to 1510 KM inasmuch as the petitioner

had never instructed the respondents to carry the consignment through a longer route. Therefore, under Rule 125(1)(b) of the Goods Tariff, the consignment ought to have been carried through a shorter route.

14. Mr. D. Mazumder, learned Senior Counsel, submits that the respondent no.3 by the impugned communication letter dated 26.04.2016 has tried to sit over the order dated 17.08.2012 passed by this Hon'ble Court inasmuch as the respondent No.3 has ignored the distance factor while issuing the communication dated 26.04.2016 and the learned Member (Judicial), Railway Claims Tribunal, Guwahati has also did not go through the same. Therefore, the impugned communication dated 26.04.2016 issued by the respondent No.3 as well as order dated 16.09.2016 passed by the Member (Judicial), Railway Claims Tribunal, Guwahati are liable to be set aside and quashed.

15. He submits that both the respondent No.3 as well as the Member (Judicial), Railway Claims Tribunal, Guwahati ought to have considered the cases taking into the consideration of the findings of this Hon'ble Court vide order dated 17.08.2012. He submits that since both the respondent no.3 and the Member (Judicial), Railway Claims Tribunal, Guwahati have ignored the findings of this Hon'ble Court, the communication dated 26.04.2016 issued by the respondent No.3 as well as order dated 16.09.2016 passed by the Member (Judicial), Railway Claims Tribunal, Guwahati are liable to be set aside and quashed and the respondent no.3 may be directed to calculate the excess freight from the petitioner taking into consideration the distance factor and to release the excess freight to the petitioner.

16. Mr. B. Sarma, learned Standing Counsel, NF Railway appearing for the respondent nos.1, 2 and 3, while raising the preliminary objection, submits that the present writ petition is not maintainable as the Railway Claims Tribunal Act,

1987 provides for a remedy of an appeal against orders passed by it under Section 23 of the said Act. Therefore, the same is liable to be dismissed on its count alone.

17. On merits, Mr. B. Sarma, learned Standing Counsel, NF Railway, submits that pursuant to the order dated 17.08.2012 by this Hon'ble Court in above MFAs, whereby, the respondent Railway has been directed to work out the freight chargeable at the relevant point of time from New Bongaigaon to Amlai via Andal, Anara and Chakradharpur. Accordingly, the respondent Railway complied with the direction passed by this Hon'ble Court and communicated the decision taken by the Railway administration vide Letter dated 26.04.2016 and on the basis of the above communication the Hon'ble Railway Claims Tribunal, Guwahati vide its order dated 16.09.2016 disposed of the execution petitions filed by the petitioner. While referring to the communication dated 26.04.2016, he submits that the respondent Railway has fairly and rightly intimated the petitioner that the Railway had examined the freight charges and found that nothing is refundable by providing the detailed calculation with illustration to show that Railway has rightly calculated the freight charges.

19. Mr. B. Sarma, learned Standing Counsel, submits that the consignment had been booked under "Station to Station Rate" which is specially designed to help the regular Railway customers by charging reduced freight charges. It is true that the respondent Railway calculated the longer route that is 1796 Km instead of 1510 km as contented by the petitioner. But the petitioner had concealed the material fact that his consignment has been booked at rate of Rs 67.40/- per quintal instead of Rs 79.56/-. The Railway provided reduced freight charges under STS scheme thereby charged only Rs 67.40/- per quintal instead of normal rate of freight through Andal-Anara-Chakradharpur. It is submitted

that under Station to Station Rate, the concept of shortest route, as enumerated under Rule 125(1) (b) of Goods Tariff is not applicable.

20. Mr. B. Sarma, learned Standing Counsel, submits that instead of charging Rs 79.56/- per quintal which was normal freight rate, the Railway charged only Rs 67.40 per quintal that means petitioner was already benefitted from the freight charge under Station to Station Rate. He submits that the petitioner is trying to extract undue benefits by arguing that the consignment should have routed through the shortest route. The petitioner is not entitled to avail double benefits by resorting to the plea that their consignment was not booked through shortest route. The station to station rate is a specially designed reduced rate from one station to another station. In the present case the consignment of bamboo cuts has been booked from New Bongaigaon to Amlai and the freight rate is fixed at Rs 67.40/- per quintal which is fixed rate in between two pairs of stations. He submits that under STS scheme the distance is immaterial as the rate between the two pairs of stations is already fixed in the scheme.

21. Mr. B. Sarma, learned Standing Counsel, submits that the contention of the petitioner that their consignment should have been routed through shortest route have no relevancy. The concept of sending consignment in the shortest route has no applicability under STS rate. It is an admitted fact that consignment of the petitioner has been booked under STS rate and the petitioner ought to have known that under STS scheme distance and route has no relevancy. According to STS, the rate per quintal from New Bongaigaon to Amlai is Rs 67.40/- and hence the contention that there were no specific direction to the respondent Railway for carrying the goods by longer route is irrelevant.

22. Mr. B. Sarma, learned Standing Counsel, submits that apart from lack of

grounds on merit, the writ petition is liable to be dismissed being not maintainable as, if at all, the petitioner has any grievance against the order passed by the learned Railway Claims Tribunal on the execution petitions, the petitioner ought to have approach this Hon'ble Court by appropriate applications/petitions as provided under the law and as such same may be dismissed.

23. I have considered the submissions made by the learned counsel for the parties and also perused the records including the judgment and order passed by this Court in MFA Nos.54/2002, 65/2002, 66/2002, 67/2002, 69/2002, 70/2002 and 71/2002 vide order dated 17.08.2012.

24. The writ petitioner has filed the claim applications before the learned Tribunal claiming refund of the freight contending that the bamboo cuts were booked by different Railway receipts on different dates for transportation by the Railway from New Bongaigaon to Amlai, for which though the Railway has charged the freight taking distance between the two stations as 1769 kms via MLDT/DKAE, which is a longer route, the goods were transported from New Bongaigaon to Amlai through a shorter route via Andal-Anara-Chakradharpur covering the distance of 1510 kms and as such is entitled to refund of the excess freight charged by the Railway for transportation of the aforesaid goods.

25. On contest by the respondent Railway, the learned Railway Tribunal vide common judgment dated 10.08.2001 has rejected the claim for refund of the excess freight charged from the petitioner by the respondent Railway for carriage of the above goods and the same was challenged before this Court being MFAs Nos.54/2002, 65/2002, 66/2002, 67/2002, 69/2002, 70/2002 and 71/2002.

26. This Court after consideration of the submissions of the learned counsel

for the parties and also relevant provisions of Acts and Rules has held, which are reproduced herein under:-

> "*13. It thus appears from the aforesaid provisions of the Act and the Rules framed that while the power to fix the routes for carriage of the passengers and goods vest on the Central Government under sub-section (1) of Section 30 of the 1989 Act, the Railway Administration has been given the power to charge the rate for carriage of any commodity by quoting a 'station to station rate', under Clause (a) of Section 32 of the said Act. The Central Government has also the power to issue the order, under Section 71(b) of the Act, to the Railway Administration to carry any goods or class of goods by any route or routes and at a rate to be fixed by the Central Government. As noticed above, Rule 125(1)(b) requires the Railway Administration to carry the goods from one station to another by the shortest route at the charges by the cheapest route provided there is no specific instructing in writing contrary thereto by the sender or his authorized agent on the forwarding note. The obligation on the part of the Railway Administration to carry the goods by shortest route at the charges by the cheapest route is subject to the order that may be passed by the Central Government under Section 71(1)(b) of the 1989 Act. When such an order is passed under the said provision, the freight is chargeable for carrying the goods by the specified route or any of the specified alternative routes over which the goods are actually carried, even if it is not the cheapest route.*
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> *14. In the instant case, the goods were carried from New Bongaigaon to Amlai via Andal-Anara-Chakradharpur, though in the RR it has been mentioned that the goods would be carried from New Bongaigaon to Amlai via MLDT/DKAE, the distance of which is approximately 1769 km. There is also an endorsement in the said RR that the concessional rate pursuant to the notification dated 02.09.1993 is applied, meaning thereby that the concessional 'station to station rate' as notified by the N.F. Railway vide notification dated 02.09.1993 has been applied. There is no written instruction from the sender or his authorized representative to carry the goods from New Bongaigaon to Amlai via*

MLDT/DKAE, which is a longer route in comparison to the distance between the New Bongaigaon to Amlai via Andal-Anara-Chakradharpur, through which route the goods were in fact carried. The note relating to the charge of the freight on concessional 'station to station rate' was put by the Railway Administration in the RR and not by the sender. In the absence of any such endorsement in writing in the forwarding note for carrying the goods by other than the shortest route or the cheapest route, the Railway Administration is obliged to carry the goods by the shortest route at the charges by the cheapest route as required under Rule 125(1)(b) of the 1992 Rules. In the instant case, it is not in dispute that though in the RR it has been shown that the goods would be carried from New Bongaigaon to Amlai via MLDT/DKAE, those were carried to the destination station via Andal-Anara-Chakradharpur. The freight, however, was charged on the basis of the 'station to station rate' pursuant to the notification dated 02.09.1993. Nothing could be placed before the Tribunal or this Court by the Railway administration to demonstrate that the Central Government has issued any special or general order as required under Section 71(1)(b) of the 1989 Act specifying that the goods can be carried and charged by a route specified therein, so as to deprive the sender from the benefit of the provisions contained in Rule 125(1)(b) of the 1992 Rules.

15. The plea taken by the Railway Administration that since it has the power under Section 32(a) to charge freight on 'station to station rate' and as such charged, the appellants would not be entitled to refund of the freight even if the goods are carried by a shorter route, cannot be accepted in the instant cases, as, such 'station to station rate' cannot be more than the freight to be charged for carrying the goods by the shortest route, thereby compelling the senders to book the consignment at a much higher rate by the Railway, more so when the route in which the goods were to be carried though has specifically been mentioned in the RR i.e. by the longer route, the goods were in fact carried by a shorter route. It would have been different, had the Railway carried the goods in the route mentioned in the RR. The Railway Administration cannot be allowed to make undue profit by charging the freight on the basis of a

longer route, in the name of 'station to station rate' and then carrying the goods by a shorter route.

16. In view of the aforesaid discussion, the Railway administration is directed to work out the freight chargeable at the relevant point of time for carrying the goods from New Bongaigaon to Amlai via Andal-Anara-Chakradharpur, in which route the goods were carried, and to pay the appellant the difference, if any, of the freight charged on the basis of 'station to station rate' and the freight payable for carrying the goods in the aforesaid route, with interest @6% per annum from the date of filing the claim petitions till the date of payment."

27. On the consideration of the aforesaid judgment and order of this Court dated 17.08.2012, it is seen that this court has clearly negated the stand of the respondents with reasons and held that the petitioner is entitled to the difference of freight chargeable at the relevant point of time for carrying the goods. Accordingly, directed the Railway administration to work out the freight chargeable at the relevant point of time for carrying the goods from New Bongaigaon to Amlai via Andal-Anara-Chakradharpur, in which route the goods were carried, and to pay the appellant the difference, if any, of the freight charged on the basis of 'station to station rate' and the freight payable for carrying the goods in the aforesaid route, with interest @6% per annum from the date of filing the claim petitions till the date of payment.

28. Pursuant thereto, the respondent Railway passed the impugned communication dated 26.04.2016 rejecting the claim of the petitioner in purported compliance of the order of this Court, which is reproduced herein below:-

NORTHEAST FRONTIER RAILWAY.

Office of the Chief Comml Manager/M(Court)
Maligaon, Guwahati-11
Dated: 26.04.2016.

No. 0/78/L/311/GHY/6/96 RCT.

To
M/s Kalpataru Agro Forest Enterprises (P) Ltd.
Suite-22, Stephen House,
2Floor, 4E, B:B.D Bagh,
Kolkata-700001.

Sub:-MFA-54/2002, 2, MFA-65/2002, 3.MFA-66/2002, 4.MPA-67/2002, 5. MFA-69/2002, 6.MFA-70/2002, 7.MPA-71/2002.

Ref:-Hon'ble High Court/GHY's order Dt: 17.08.12.

In the subject cases the Hon'ble High Court/ Guwahati vide its order dated: 17.08.2012, Para-16 has directed as follows:-

"In view of the aforesaid discussion, the Railway administration is directed to work out the freight chargeable at the relevant point of time for carrying the goods from New Bongaigaon to Amlai via Andal-Anara-Chakradharpur, in which route the goods were carried, and to pay the appellant the difference if any. of the freight charged on the basis of 'station to station rate' and the freight payable for carrying the goods in the aforesaid route, with interest @6% per annum from the date of filing the claim petitions till the date of payment".

The matter was examined by the Respondent Railway and it has come to the conclusion that the freight chargable via Andal, Anara, Chakradarpur under station to station rate has been rightly calculated and nothing is refundable to the claimant/applicant in the subject cases.

Contd.2

An Illustration in this regard is furnished as follows:-

Illustration

Had the consignment booked under Normal Rate
Example Invoice No. 07/RR No.405875

Chargeable weight = 1320 Qtl. 79.56

Rate per Qtl
Routed via-Andal-Anara-Chakradharpur

Therefore freight should be 1320 x 79.50-Rs.98718/-

Under Station to Station Rate:

Example Invoice No.7/RR No.405875

Chargeable weight = 1320 qtl.

Rate per Qtl=67.40 per qtl.

Freight should be = 1320 x 67.40 -Rs.88968/-

In this case, the freight was calculated according to the STS rate, Rs.67.40 per qtl, which is a special reduced rate, and this rate has been worked out as per the shortest route i.e. Andal, Anara, Chakradharpur route.

in view of the above, the claim in the subject cases are rejected and treated as disposed of.

for Chief Commercial Manager/FM.

29. A bare perusal of the aforesaid impugned communication indicates that the matter was examined by the respondent Railway and has come to a conclusion that the freight chargeable via Andal-Anara-Chakradharpur under station to station rate has been rightly calculated and nothing is refundable to the petitioner by giving an illustration to that effect and it appears that respondent Railway has stuck to their stand as taken in the MFAs (Supra), the stand which this Court has negated. The illustration appears to be a technical in calculating the freight charge. However, on bare perusal, it does not indicate that the Railway authorities has worked out freight charges at the relevant point of time for carrying the goods from New Bongaigaon to Amlai via Andal-Anara-Chakradharpur in which route the goods were carried. Thus, this Court is of the considered view that it would be appropriate to remand back the matter to the respondent Railway authorities to reconsider and worked out the freight chargeable as directed by this Court vide order dated 17.08.2012 in MFAs Nos.54/2002, 65/2002, 66/2002, 67/2002, 69/2002, 70/2002 and 71/2002 without resorting to any other technicalities as this Court after consideration of the relevant provisions of the rules and the act has come to the conclusion that "station to station rate" cannot be more than the freight to be charged for

carrying the goods by the shortest route, thereby compelling the senders to book the consignment at a much higher rate by the Railway, more so when the route in which the goods were to be carried though has specifically been mentioned in the RR i.e. by the longer route, the goods were in fact carried by a shorter route. It would have been different, had the Railway carried the goods in the route mentioned in the RR. Therefore, the Railway Administration cannot be allowed to make undue profit by charging the freight on the basis of a longer route, in the name of "station to station rate" and then carrying the goods by a shorter route.

30. Regard being had to the maintainability of the present writ petition raised by the learned Standing Counsel on the ground that in view of the availability of remedy of appeal under Section 23 of Railway Claims Tribunal Act, I am of the view that no doubt, in a normal circumstances if the order is passed by the Railway authorities, the remedy would be of an appeal under the provisions of the Railway Claims Tribunal Act, 1987, the impugned communication being made by the respondent Railways pursuant to the order of this Court in MFAs Nos.54/2002, 65/2002, 66/2002, 67/2002, 69/2002, 70/2002 and 71/2002 dated 17.08.2012, the writ petition would be maintainable as the basic challenge being the said impugned communication dated 26.04.2016. Moreso, no challenge has been made against the judgment and order dated 17.08.2012 of this court by the respondents which has attained finality.

31. For the foregoing reasons, I am of the considered view that the respondent authority has failed to take into consideration of the order dated 17.08.2012 passed by this Court in MFAs Nos.54/2002, 65/2002, 66/2002, 67/2002, 69/2002, 70/2002 and 71/2002 and has come to a erroneous finding by denying the claim of the petitioner. Thus, the impugned communication

dated 26.04.2016 issued by Chief Commercial manager and order dated 16.09.2016 passed in Execution petitions Nos.

A-22/2015 (O.A.No. 787/1994), A-23/2015 (O.A.No. 788/1994), A-24/2015 (O.A.No. 789/1994), A-25/2015 (O.A.No. 792/1994), A-26/2015 (O.A.No. 793/1994), A-27/2015 (O.A.No. 794/1994), A-28/2015 (O.A.No.795/1994) by the Member (Judicial) Railway Claims Tribunal, Guwahati, are not sustainable and therefore, are hereby set aside and quashed.

32. Consequently, the Railway authorities are directed to reconsider and worked out the freight chargeable at the relevant point of time for carrying the bamboo cuts from New Bongaigaon to Amlai via Andal-Anara-Chakradharpur in which route the goods were carried and to pay the appellant the differences of the freight charge on the basis of station to station rate and the freight payable for carrying the goods in the aforesaid route with interest @6% per annum from the date of filing the claim petitions till the date of payment, as directed by this Court in the aforesaid MFAs.

33. With the above observations and directions, the present writ petition stands allowed and disposed of.

JUDGE

Comparing Assistant