

19.03.2026

Item No.06

Crt.No.10

b.r.

WPA 5061 of 2026

Mohd. Abdul Wadood

-vs-

The Union of India & Ors.

Mr. Saptarshi Roy

Ms. Kakali Das Chakraborty

.... For the petitioner.

Ms. Manju Agarwal

Ms. Ranjana Chatterjee

.... For the Union of India.

Mr. Swapan Kumar Pal

.... For the State.

1. Heard learned counsels appearing for the respective parties.
2. In compliance with the order dated 24.09.2025, the Railway authorities have conducted re-weighment of the subject LVPH coach (bearing no. NE-215318/C) on 15.01.2026 and ascertained the tare weight being 35080 kgs in excess of earlier tare weight being 34.96 tonnes dated 29.06.2025.
3. It is submitted by the petitioner that punitive charges to the tune of Rs. 35,284/- has already been paid upon protest in response to the demand notice dated 29.05.2025. Thereafter a further demand has been raised for 39.05 tonnes on 19.02.2026 on account of penal charges for

exceeding the permissible weight as detected during the reweighment.

4. The petitioner submits that the railway authorities have taken a decision to increase the permissible tare weight on 15.09.2020 to 39.5 tonnes in place of 33.5 tonnes in respect of all LVPH coaches.
5. Learned counsel for the petitioner relies upon an order passed by this Court on 15.01.2026 in WPA 15348 of 2025 (Sangeeta Rustogi -vs Union of India & Ors.) in paragraph-11. Paragrap-11, which is reproduced below:-

“ Mr. Nishant Kumar could not satisfy the Court with regard to the issue of reducing the tare weight from 39.5 to 35.5 tonnes for not referring the same in the said agreement dated 17.12.2024 under which the petitioner is contractually obligated to conclude the contract.”

6. Learned counsel for the Railway authorities seeks time to file affidavit in opposition and also to consider the order dated 15.01.2026 passed in the case of Sangeeta Rastogi (supra) and annexure p-7 at page-53 to the writ petition.
7. Such prayer stands allowed and the Railway Authorities shall file affidavit-in-opposition within three weeks and reply if any, within two weeks thereafter.

8. Learned advocate on record for the petitioner is seeks leave to file supplementary affidavit annexing the legible pages of the writ petition within a period of two weeks and the copy of the same shall be served in advance upon the respondent authorities.
9. Let this writ petition appear on **5th of May, 2026 at 12 noon.**
10. In the meantime, the Railway Authorities are restrained from recovering the punitive charges inflicted upon the petitioner till the next date of hearing.

(Smita Das De, J.)