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06.06.2023
Ct. No.10
b.das

WPA 12139 of 2023

Moonline Express Cargo Pvt. Ltd.
Vs.
Union of India & Ors.

Mr. Saptarshi Roy
Ms. Kakali Das Chakraborty ...for the petitioner.

Mr. Dwijadas Chakraborty ...for the UOI.

It is contended on behalf of the petitioner that the petitioner entered into a contract with the respondent authorities for leasing of parcel van of carrying capacity of 24 tonnes in connection with train No.12810 Howrah to CSTM for a period of two years and was asked to commence operation from 15th April, 2023.

The petitioner deals with consignments including the life saving drugs, medicines and vaccines which are perishable in nature. Due to delay in running of the train for over 24 hours, the petitioner has been facing operational inconvenience since the consignment is exposed to the risk of contamination and the loading/unloading time has been substantially curtailed.

Pursuant to a letter issued by the petitioner to the authority in this regard, the Assistant Commercial Manager, Kharagpur by a letter issued on 11th May, 2023 to the Senior DOM (Co)/Kharagpur, South Eastern

Railway requested the latter to look into the matter and try to resolve the same at the earliest.

The petitioner complains that despite acknowledging the difficulty/inconvenience faced by the petitioner, no step has been taken by the authority for redressal of the same. Finding no other alternative, the petitioner by a letter dated 18th May, 2023 intimated the authority of temporary suspension of operation with effect from the said date till the issue is resolved by the authority.

Learned counsel for the petitioner submits that the petitioner may be permitted to temporarily suspend the operation till the issue is resolved by the authority and the authority may be restrained from taking any coercive measure against the petitioner for such temporary suspension.

Learned counsel for the respondents seeks to take instructions in this regard.

Let the matter appear under the same heading on 23rd June, 2023.

(Suvra Ghosh, J.)