GAHC010036772021

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

Case No. : MFA/54/2021

M/S ASSAM ROOFING LTD.
BONDA, NARANGI, GUWAHATI-781026

VERSUS

THE UNION OF INDIA AND ANR.
REP. BY THE GENERAL MANAGER, N F RAILWAY, MALIGAON, GUWAHATI, ASSAM 781011

2:THE UNION OF INDIA
REP. BY THE GENERAL MANAGER
EASTERN RAILWAY
17-NETAJI SUBHASH ROAD
KOLKATA-70000

Advocate for the Petitioner : MR. K P MAHESWARI

Advocate for the Respondent : SC, RAILWAY

Linked Case : MFA/62/2021

M/S P D P STEELS LTD.
BONDA
NARANGI
GUWAHATI- 781026.

VERSUS

THE UNION OF INDIA AND ANR.
REP. BY THE GENERAL MANAGER
N.F. RAILWAY

MALIGAON
GUWAHATI
ASSAM- 781011.

2:THE UNION OF INDIA
REP. BY THE GENERAL MANAGER
SOUTH EASTERN RAILWAY
11-GARDEN RICH ROAD
KOLKATA- 700043.

Advocate for : MR. K P MAHESWARI
Advocate for : SC
RAILWAY appearing for THE UNION OF INDIA AND ANR.

Linked Case : MFA/23/2021

M/S JIWAN TRADING CO.
28-B
BARUAH MARKET
FANCY BAZAR
GUWAHATI-01
ASSAM.

VERSUS

THE UNION OF INDIA AND ANR.
REP. BY THE GENERAL MANAGER
N.F. RAILWAY
MALIGAON
GUWAHATI
ASSAM- 781011.

2:THE UNION OF INDIA
REP. BY THE GENERAL MANAGER
WESTERN RAILWAY
CHURCH GATE
MUMBAI- 400020.

Advocate for : MR. K P MAHESWARI
Advocate for : SC
RAILWAY appearing for THE UNION OF INDIA AND ANR.

Linked Case : MFA/56/2021

M/S BAJAJ STEEL
N T ROAD

PO LAKHIMPUR-787001

VERSUS

THE UNION OF INDIA AND ANR.
REP. BY THE GENERAL MANAGER
N F RAILWAY
MALIGAON
GUWAHATI
ASSAM
781011

2:THE UNION OF INDIA
REP. BY THE GENERAL MANAGER
SOUTH EAST CENTRAL RAILWAY
PO BILASPUR (C.G.)-495004

Advocate for : MR. K P MAHESWARI
Advocate for : SC
RAILWAY appearing for THE UNION OF INDIA AND ANR.

Linked Case : MFA/26/2021

M/S STAR CEMENT LTD.
FORMERLY CEMENT MANUFACTURING CO. LTD.) MAYUR GARDEN
2ND FLOOR
G.S. ROAD
GUWAHATI-781005.

VERSUS

THE UNION OF INDIA AND ANR.
REP. BY THE GENERAL MANAGER
N.F. RAILWAY
MALIGAON
GUWAHATI
ASSAM- 781011.

2:THE UNION OF INDIA
REP. BY THE GENERAL MANAGER
EASTERN RAILWAY
17- NETAJI SUBHASH ROAD
KOLKATA- 700001.

Advocate for : MR. K P MAHESWARI

Advocate for : SC
RAILWAY appearing for THE UNION OF INDIA AND ANR.

Linked Case : MFA/135/2021

M/S MEGHA TECHNICAL AND ENGINEERS PVT. LTD.
MAYUR GARDEN
2ND FLOOR
G.S. ROAD
GUWAHATI- 781005
ASSAM

VERSUS

THE UNION OF INDIA AND ANR.
REP. BY THE GENERAL MANAGER
N.F. RAILWAY
MALIGAON
GUWAHATI
ASSAM-781011.

2:THE UNION OF INDIA
REP. BY THE GENERAL MANAGER
EASTERN RAILWAY
17-NETAJI SUBHASH ROAD
KOLKATA-700001.

Advocate for : MR. K P MAHESWARI
Advocate for : SC
NF RLY appearing for THE UNION OF INDIA AND ANR.

Linked Case : MFA/156/2021

M/S P D P STEELS LTD.
BONDA
NARANGI
GUWAHATI-781026.

VERSUS

THE UNION OF INDIA AND ANR
REP. BY THE GENERAL MANAGER
N.F. RAILWAY
MALIGAON
GUWAHATI
ASSAM-781011.

2:THE UNION OF INDIA
REP. BY THE GENERAL MANAGER
SOUTH EASTERN RAILWAY
11-GARDEN RICH ROAD
KOLKATA-700043.

Advocate for : MR. K P MAHESWARI
Advocate for : SC
NF RLY appearing for THE UNION OF INDIA AND ANR

Linked Case : MFA/46/2021

M/S MEGHA TECHNICAL AND ENGINEERS PVT. LTD.
MAYUR GARDEN
2ND FLOOR
GS ROAD
GUWAHATI-781005

VERSUS

THE UNION OF INDIA AND ANR
REP. BY THE GENERAL MANAGER
NF RAILWAY
MALIGAON
GUWAHATI
ASSAM
781011

2:THE UNION OF INDIA
REP BY THE GENERAL MANAGER
EASTERN RAILWAY
17-NETAJI SUBHASH ROAD
KOLKATA-700001

Advocate for : MR. K P MAHESWARI
Advocate for : SC
RAILWAY appearing for THE UNION OF INDIA AND ANR

Linked Case : MFA/51/2021

M/S BAJAJ STEEL
N.T. ROAD
PO LAKHIMPUR-787001

VERSUS

THE UNION OF INDIA AND ANR.
REP. BY THE GENERAL MANAGER
NF RAILWAY
MALIGAON
GUWAHATI
ASSAM
781011

2:THE UNION OF INDIA
REP. BY THE GENERAL MANAGER
SOUTH EAST CENTRAL RAILWAY
PO BILASPUR (CG)-495004

Advocate for : MR. K P MAHESWARI
Advocate for : SC
RAILWAY appearing for THE UNION OF INDIA AND ANR.

Linked Case : MFA/29/2021

M/S JIWAN TRADING CO.
28-B
BARUAH MARKET
FANCY BAZAR
GUWAHATI-01
ASSAM.

VERSUS

THE UNION OF INDIA AND ANR.
REP. BY THE GENERAL MANAGER
N.F. RAILWAY
MALIGAON
GUWAHATI
ASSAM- 781011.

2:THE UNION OF INDIA
REP. BY THE GENERAL MANAGER
WESTERN RAILWAY
CHURCH GATE
MUMBAI- 400020.

Advocate for : MR. K P MAHESWARI
Advocate for : SC
RAILWAY appearing for THE UNION OF INDIA AND ANR.

Linked Case : MFA/22/2021

M/S STAR CEMENT LTD.
(FORMERLY CEMENT MANUFACTURING CO. LTD.) MAYUR GARDEN
2ND FLOOR
G.S. ROAD
GUWAHATI-781005.

VERSUS

THE UNION OF INDIA AND ANR
REP. BY THE GENERAL MANAGER
N.F. RAILWAY
MALIGAON
GUWAHATI
ASSAM- 781011.

2:THE UNION OF INDIA
REP. BY THE GENERAL MANAGER
EASTERN RAILWAY
17- NETAJI SUBHASH ROAD
KOLKATA- 700001.

Advocate for : MR. K P MAHESWARI
Advocate for : SC
RAILWAY appearing for THE UNION OF INDIA AND ANR

Linked Case : MFA/41/2021

M/S MEGHA TECHNICAL AND ENGINEERS PVT. LTD.
MAYUR GARDEN
2ND FLOOR
GS ROAD
GUWAHATI-781005

VERSUS

THE UNION OF INDIA AND ANR.
REP. BY THE GENERAL MANAGER
NF RAILWAY
MALIGAON
GUWAHATI
ASSAM
781011

2:THE UNION OF INDIA
REP. BY THE GENERAL MANAGER
EASTERN RAILWAY
17-NETAJI SUBHASH ROAD
KOLKATA-700001

Advocate for : MR. K P MAHESWARI
Advocate for : SC
RAILWAY appearing for THE UNION OF INDIA AND ANR.

Linked Case : MFA/34/2021

M/S MEGHA TECHNICAL AND ENGINEERS PVT. LTD.
MAYUR GARDEN
2ND FLOOR
G.S. ROAD
GUWAHATI- 781005.

VERSUS

THE UNION OF INDIA AND ANR.
REP. BY THE GENERAL MANAGER
N.F. RAILWAY
MALIGAON
GUWAHATI
ASSAM- 781011.

2:THE UNION OF INDIA
REP. BY THE GENERAL MANAGER
EASTERN RAILWAY
17-NETAJI SUBHASH ROAD
KOLKATA- 700001.

Advocate for : MR. K P MAHESWARI
Advocate for : SC
RAILWAY appearing for THE UNION OF INDIA AND ANR.

Linked Case : MFA/140/2021

M/S ANKUR BUSINESS PVT. LTD.
RAMCHARIT THAKUR MARKET
2ND FLOOR
A.T. ROAD
GUWAHATI-781001

VERSUS

THE UNION OF INDIA AND ANR.
REPRESENTED BY THE GENERAL MANAGER
N.F. RAILWAY
MALIGAON
GUWAHATI
ASSAM-781011

2:THE UNION OF INDIA
REPRESENTED BY THE GENERAL MANAGER
WESTERN RAILWAY
CHURCH GATE
MUMBAI-400020

Advocate for : MR. K P MAHESWARI
Advocate for : SC
NF RLY appearing for THE UNION OF INDIA AND ANR.

Linked Case : MFA/167/2021

M/S PURBANCHAL TRADERS
RAM KUMAR PLAZA MARKET
1ST FLOOR
CHATRIBARI ROAD
GUWAHATI-781001
ASSAM

VERSUS

THE UNION OF INDIA
REP. BY THE GENERAL MANAGER
N.F. RAILWAY
MALIGAON
GUWAHATI
ASSAM-781011.

Advocate for : MR. K P MAHESWARI
Advocate for : SC
NF RLY appearing for THE UNION OF INDIA

Linked Case : MFA/82/2021

M/S PURBANCHAL CEMENT LTD.
MEGHA PLAZA
2ND FLOOR

BASISTHA CHARIALI
BELTOLA
GUWAHATI-29
ASSAM

VERSUS

THE UNION OF INDIA AND ANR.
REP. BY THE GENERAL MANAGER
N.F. RAILWAY
MALIGAON
GUWAHATI
ASSAM
781011

2:THE UNION OF INDIA
GENERAL MANAGER
EASTERN RAILWAY
17-NETAJI SUBHASH ROAD
KOLKATA-700001

Advocate for : MR. K P MAHESWARI
Advocate for : SC
RAILWAY appearing for THE UNION OF INDIA AND ANR.

Linked Case : MFA/81/2021

M/S RIDHI SIDHI ENTERPRISES PVT. LTD.
GANDAK CHOWK
BAHAUARY
PO BIRGANJ (NEPAL) VIA RAXAUL
BIHAR

VERSUS

THE UNION OF INDIA
REP. BY THE GENERAL MANAGER
N.F. RAILWAY
MALIGAON
GUWAHATI
ASSAM-781011

Advocate for : MR. K P MAHESWARI
Advocate for : SC
RAILWAY appearing for THE UNION OF INDIA

Linked Case : MFA/39/2021

M/S MEGHA TECHNICAL AND ENGINEERS PVT. LTD.
MAYUR GARDEN 2ND FLOOR
G.S. ROAD
GUWAHATI-781005

VERSUS

THE UNION OF INDIA AND ANR
REP. BY THE GENERAL MANAGER
NF RAILWAY
MALIGAON
GUWAHATI-781011

2:THE UNION INDIA
REPRESENTED BY GENERAL MANAGER
SOUTH EASTERN RAILWAY
11-GARDEN RICH ROAD
KOLKATA-700043

Advocate for : MR. K P MAHESWARI
Advocate for : SC
RAILWAY appearing for THE UNION OF INDIA AND ANR

Linked Case : MFA/38/2021

M/S MEGHA TECHNICAL AND ENGINEER PVT. LTD.
MAYUR GARDEN
2ND FLOOR
GS ROAD
GUWAHATI-781005

VERSUS

THE UNION OF INDIA AND ANR.
REP. BY THE GENERAL MANAGER
N.F. RAILWAY
MALIGAON
GUWAHATI
ASSAM-781011

2:THE GENERAL MANAGER
EASTERN RAILWAY
17

NETAJI SUBHASH ROAD
KOLKATA-700001

Advocate for : MR. K P MAHESWARI
Advocate for : SC
NF RLY appearing for THE UNION OF INDIA AND ANR.

Linked Case : MFA/24/2021

M/S STAR CEMENT LTD.
(FORMERLY CEMENT MANUFACTURING CO. LTD.) MAYUR GARDEN
2ND FLOOR
G.S. ROAD
GUWAHATI-781005.

VERSUS

THE UNION OF INDIA AND ANR.
REP. BY THE GENERAL MANAGER
N.F. RAILWAY
MALIGAON
GUWAHATI
ASSAM- 781011.

2:THE UNION OF INDIA
REP. BY THE GENERAL MANAGER
EASTERN RAILWAY
17- NETAJI SUBHASH ROAD
KOLKATA- 700001.

Advocate for : MR. K P MAHESWARI
Advocate for : SC
RAILWAY appearing for THE UNION OF INDIA AND ANR.

Linked Case : MFA/15/2021

M/S DINESH SALES CORPORATION
SAXENA BUILDING
2ND FLOOR
CHAPAGURI ROAD
P.O. NORTH BONGAIGAON.

VERSUS

THE UNION OF INDIA AND ANR.
REP. BY THE GENERAL MANAGER

N.F. RAILWAY
MALIGAON
GUWAHATI
ASSAM- 781011.

2:THE UNION OF INDIA
REP. BY THE GENERAL MANAGER
WESTERN RAILWAY
CHURCH GATE
MUMBAI- 400020.

Advocate for : MR. K P MAHESWARI
Advocate for : SC
NF RLY appearing for THE UNION OF INDIA AND ANR.

Linked Case : MFA/69/2021

M/S RAHUL TRADING CO.
CHAPAGURI
PO- BONGAIGAON
DIST. NORTH BONGAIGAON
ASSAM 781011

VERSUS

THE UNION OF INDIA AND ANR.
REP. BY THE GENERAL MANAGER
N.F. RAILWAY
MALIGAON
GUWAHATI-781011

2:THE UNION OF INDIA
REPRESENTED BY THE GENERAL MANAGER
WESTERN RAILWAY
CHURCH GATE
MUMBAI-400020

Advocate for : MR. K P MAHESWARI
Advocate for : SC
RAILWAY appearing for THE UNION OF INDIA AND ANR.

Linked Case : MFA/44/2021

M/S MEGHA TECHNICAL AND ENGINEERS PVT. LTD.
MAYUR GARDEN
2ND FLOOR
GS ROAD

GUWAHATI-781005

VERSUS

THE UNION OF INDIA AND ANR
REP. BY THE GENERAL MANAGER
NF RAILWAY
MALIGAON
GUWAHATI
ASSAM
781011

2:THE UNION OF INDIA
REP. BY THE GENERAL MANAGER
EASTERN RAILWAY
17-NETAJI SUBHASH ROAD
KOLKATA-700001

Advocate for : MR. K P MAHESWARI
Advocate for : SC
RAILWAY appearing for THE UNION OF INDIA AND ANR

Linked Case : MFA/160/2021

M/S MEGHA TECHNICAL AND ENGINEERS PVT. LTD.
MAYUR GARDEN
2ND FLOOR
G.S. ROAD
GUWAHATI-781005
ASSAM

VERSUS

THE UNION OF INDIA AND ANR.
REP. BY THE GENERAL MANAGER
N.F. RAILWAY
MALIGAON
GUWAHATI
ASSAM-781011.

2:THE UNION OF INDIA
REP. BY THE GENERAL MANAGER
EASTERN RAILWAY
17-NETAJI SUBHASH ROAD
KOLKATA-700001

Advocate for : MR. K P MAHESWARI
Advocate for : SC
NF RLY appearing for THE UNION OF INDIA AND ANR.

Linked Case : MFA/65/2021

M/S NORTH EAST ROOFING PVT. LTD.
BODNA
NARANGI
GUWAHATI-781026

VERSUS

THE UNION OF INDIA AND ANR.
REP. BY THE GENERAL MANAGER
N.F. RAILWAY
MALIGAON
GUWAHATI-781011

2:THE UNION OF INDIA
BY THE GENERAL MANAGER
EASTERN RAILWAY
17-NETAJI SUBHASH ROAD
KOLKATA-700001

Advocate for : MR. K P MAHESWARI
Advocate for : SC
RAILWAY appearing for THE UNION OF INDIA AND ANR.

Linked Case : MFA/43/2021

M/S MEGHA TECHNICAL AND ENGINEERS PVT. LTD.
MAYUR GARDEN
2ND FLOOR
GS ROAD
GUWAHATI-781005

VERSUS

THE UNION OF INDIA AND ANR
REP. BY THE GENERAL MANAGER
NF RAILWAY
MALIGAON
GUWAHATI
ASSAM-781011

2:THE UNION OF INDIA
REP. BY THE GENERAL MANAGER
EASTERN RAILWAY
17-NETAJI SUBHASH ROAD
KOLKATA-700001

Advocate for : MR. K P MAHESWARI
Advocate for : SC
RAILWAY appearing for THE UNION OF INDIA AND ANR

Linked Case : MFA/60/2021

M/S BAJAJ STEEL
N T ROAD
PO LAKHIMPUR-787001

VERSUS

THE UNION OF INDIA AND ANR.
REP. BY THE GENERAL MANAGER
NF RAILWAY
MALIGAON
GUWAHATI
ASSAM 781011

2:THE UNION OF INDIA
REP. BY THE GENERAL MANAGER
SOUTH EAST CENTRAL RAILWAY
PO BILASPUR (C.G.)-495004

Advocate for : MR. K P MAHESWARI
Advocate for : SC
RAILWAY appearing for THE UNION OF INDIA AND ANR.

Linked Case : MFA/47/2021

M/S MEGHA TECHNICAL AND ENGINEERS PVT. LTD.
MAYUR GARDEN
2ND FLOOR
G.S. ROAD
GUWAHATI-781005.

VERSUS

THE UNION OF INDIA AND ANR
REP. BY THE GENERAL MANAGER

NF RAILWAY
MALIGAON
GUWAHATI ASSAM
781011

2:THE UNION OF INDIA
REP. BY THE GENERAL MANAGER
EASTERN RAILWAY
17- NETAJI SUBHASH ROAD
KOLKATA- 700001.

Advocate for : MR. K P MAHESWARI
Advocate for : SC
RAILWAY appearing for THE UNION OF INDIA AND ANR

Linked Case : MFA/36/2021

M/S MEGHA TECHNICAL AND ENGINEERS PVT. LTD.
MAYUR GARDEN
2ND FLOOR
G.S. ROAD
GUWAHATI- 781005.

VERSUS

THE UNION OF INDIA AND ANR
REP. BY THE GENERAL MANAGER
N.F. RAILWAY
MALIGAON
GUWAHATI
ASSAM- 781011.

2:THE UNION OF INDIA
REP. BY THE GENERAL MANAGER
EASTERN RAILWAY
17-NETAJI SUBHASH ROAD
KOLKATA- 700001.

Advocate for : MR. K P MAHESWARI
Advocate for : SC
RAILWAY appearing for THE UNION OF INDIA AND ANR

Linked Case : MFA/25/2021

M/S STAR CEMENT LTD.
(FORMERLY CEMENT MANUFACTURING CO. LTD.) MAYUR GARDEN
2ND FLOOR

G.S. ROAD
GUWAHATI-781005.

VERSUS

THE UNION OF INDIA AND ANR
REP. BY THE GENERAL MANAGER
N.F. RAILWAY
MALIGAON
GUWAHATI
ASSAM- 781011.

2:THE UNION OF INDIA
REP. BY THE GENERAL MANAGER
EASTERN RAILWAY
17- NETAJI SUBHASH ROAD
KOLKATA- 700001.

Advocate for : MR. K P MAHESWARI
Advocate for : SC
RAILWAY appearing for THE UNION OF INDIA AND ANR

Linked Case : MFA/28/2021

M/S PURBANCHAL TRADERS
RAM KUMAR PLAZA MARKET
1ST FLOOR
CHATRIBARI ROAD
GUWAHATI- 781001
ASSAM

VERSUS

THE UNION OF INDIA
REP. BY THE GENERAL MANAGER
N.F. RAILWAY
MALIGAON
GUWAHATI
ASSAM- 781011.

Advocate for : MR. K P MAHESWARI
Advocate for : SC
NF RLY appearing for THE UNION OF INDIA

Linked Case : MFA/32/2021

M/S MEGHA TECHNICAL AND ENGINEERS PVT. LTD.
MAYUR GARDEN
2ND FLOOR
G.S. ROAD
GUWAHATI- 781005.

VERSUS

THE UNION OF INDIA AND ANR
REP. BY THE GENERAL MANAGER
N.F. RAILWAY
MALIGAON
GUWAHATI
ASSAM- 781011.

2:THE UNION OF INDIA
REP. BY THE GENERAL MANAGER
EASTERN RAILWAY
17-NETAJI SUBHASH ROAD
KOLKATA- 700001.

Advocate for : MR. K P MAHESWARI
Advocate for : SC
RAILWAY appearing for THE UNION OF INDIA AND ANR

Linked Case : MFA/79/2021

M/S CEMENT INTERNATIONAL LTD.
202
ROYAL VIEW
2ND FLOOR
ULUBARI
GUWAHATI-7

VERSUS

THE UNION OF INDIA AND ANR.
REP. BY THE GENERAL MANAGER
N.F. RAILWAY
MALIGAON
GUWAHATI
ASSAM 781011

2:THE UNION OF INDIA

REP. BY THE GENERAL MANAGER
EASTERN RAILWAY
17-NETAJI SUBHASH ROAD
KOLKATA-700001

Advocate for : MR. K P MAHESWARI
Advocate for : SC
RAILWAY appearing for THE UNION OF INDIA AND ANR.

Linked Case : MFA/61/2021

M/S. JAIN AND JAIN CO.
THAKURIA BUILDING
2ND FLOOR
F.A. ROAD
KHANAPARA
GUWAHATI-9.

VERSUS

THE UNION OF INDIA AND ANR.
REP. BY THE GENERAL MANAGER
N.F. RAILWAY
MALIGAON
GUWAHATI
ASSAM- 781011.

2:THE UNION OF INDIA
REP. BY THE GENERAL MANAGER
WESTERN RAILWAY
CHURCH GATE
MUMBAI- 400020.

Advocate for : MR. K P MAHESWARI
Advocate for : SC
RAILWAY appearing for THE UNION OF INDIA AND ANR.

Linked Case : MFA/30/2021

M/S STAR CEMENT LTD.
(FORMERLY CEMENT MANUFACTURING CO. LTD.) MAYUR GARDEN
2ND FLOOR
G.S. ROAD
GUWAHATI- 781005.

VERSUS

THE UNION OF INDIA AND ANR.
REP. BY THE GENERAL MANAGER
N.F. RAILWAY
MALIGAON
GUWAHATI
ASSAM- 781011.

2:THE UNION OF INDIA
REP. BY THE GENERAL MANAGER
EASTERN RAILWAY
17- NETAJI SUBHASH ROAD
KOLKATA- 700001.

Advocate for : MR. K P MAHESWARI
Advocate for : SC
RAILWAY appearing for THE UNION OF INDIA AND ANR.

Linked Case : MFA/94/2021

M/S TOPCEM INDIA
MEGHA PLAZA
4TH FLOOR
G.S. ROAD
GUWAHATI- 781005.

VERSUS

THE UNION OF INDIA AND ANR.
REP. BY THE GENERAL MANAGER
N.F. RAILWAY
MALIGAON
GUWAHATI
ASSAM- 781011.

2:THE UNION OF INDIA
REP. BY THE GENERAL MANAGER
EASTERN RAILWAY
17-NETAJI SUBHASH ROAD
KOLKATA- 700001.

Advocate for : MR. K P MAHESWARI
Advocate for : SC
NF RLY appearing for THE UNION OF INDIA AND ANR.

Linked Case : MFA/176/2021

M/S P D P STEELS LTD.
BONDA
NARANGI
GUWAHATI-781026.

VERSUS

THE UNION OF INDIA AND ANR
REP. BY THE GENERAL MANAGER
N.F. RAILWAY
MALIGAON
GUWAHATI
ASSAM-781011.

2:THE UNION OF INDIA
REP. BY THE GENERAL MANAGER
SOUTH EASTERN RAILWAY
11-GARDEN RICH ROAD
KOLKATA-700043.

Advocate for : MR. K P MAHESWARI
Advocate for : SC
NF RLY appearing for THE UNION OF INDIA AND ANR

Linked Case : MFA/48/2021

M/S MEGHA TECHNICAL AND ENGINEERS PVT. LTD.
MAYUR GARDEN
2ND FLOOR
G.S. ROAD
GUWAHATI-781005.

VERSUS

THE UNION OF INDIA AND ANR
REP. BY THE GENERAL MANAGER
NF RAILWAY
MALIGAON
GUWAHATI ASSAM
781011

2:THE GENERAL MANAGER
EASTERN RAILWAY
17- NETAJI SUBHASH ROAD
KOLKATA- 700001

Advocate for : MR. K P MAHESWARI
Advocate for : SC
RAILWAY appearing for THE UNION OF INDIA AND ANR

Linked Case : MFA/58/2021

M/S BAJAJ STEEL
N.T ROAD
PO- LAKHIMPUR
PO-LAKHIMPUR-787001

VERSUS

THE UNION OF INDIA
REPRESENTED BY THE GENERAL MANAGER
NF RAILWAY
MALIGAON
GUWAHATI
ASSAM-781011

Advocate for : MR. K P MAHESWARI
Advocate for : SC
RAILWAY appearing for THE UNION OF INDIA

Linked Case : MFA/66/2021

M/S P D P STEELS LTD.
BONDA
NARANGI
GUWAHATI-781026

VERSUS

THE UNION OF INDIA AND ANR.
REP. BY THE GENERAL MANAGER
N.F. RAILWAY
MALIGAON
GUWAHATI
ASSAM-781011

2:THE UNION OF INDIA
REP. BY THE GENERAL MANAGER
SOUTH EASTERN RAILWAY 11-GARDEN RICH ROAD

KOLKATA-700043

Advocate for : MR. K P MAHESWARI
Advocate for : SC
RAILWAY appearing for THE UNION OF INDIA AND ANR.

Linked Case : MFA/21/2021

M/S STAR CEMENT LTD.
(FORMERLY CEMENT MANUFACTURING CO. LTD.) MAYUR GARDEN
2ND FLOOR
G.S. ROAD
GUWAHATI-781005.

VERSUS

THE UNION OF INDIA AND ANR
REP. BY THE GENERAL MANAGER
N.F. RAILWAY
MALIGAON
GUWAHATI
ASSAM- 781011.

2:THE UNION OF INDIA
REP. BY THE GENERAL MANAGER
EASTERN RAILWAY
17- NETAJI SUBHASH ROAD
KOLKATA- 700001.

Advocate for : MR. K P MAHESWARI
Advocate for : SC
RAILWAY appearing for THE UNION OF INDIA AND ANR

Linked Case : MFA/45/2021

M/S MEGHA TECHNICAL AND ENGINEERS PVT. LTD.
MAYUR GARDEN
2ND FLOOR
GS ROAD
GUWAHATI-781005

VERSUS

THE UNION OF INDIA AND ANR
REPRESENTED BY GENERAL MANAGER
N F RAILWAY

MALIGAON
GUWAHATI
ASSAM 781011

2:THE UNION OF INDIA
REPRESENTED BY THE GENERAL MANAGER
EASTERN RAILWAY
17-NETAJI SUBHASH ROAD
KOLKATA-700001

Advocate for : MR. K P MAHESWARI
Advocate for : SC
RAILWAY appearing for THE UNION OF INDIA AND ANR

Linked Case : MFA/33/2021

M/S MEGHA TECHNICAL AND ENGINEERS PVT. LTD.
MAYUR GARDEN
2ND FLOOR
G.S. ROAD
GUWAHATI- 781005.

VERSUS

THE UNION OF INDIA AND ANR
REP. BY THE GENERAL MANAGER
N.F. RAILWAY
MALIGAON
GUWAHATI
ASSAM- 781011.

2:THE UNION OF INDIA
REP. BY THE GENERAL MANAGER
EASTERN RAILWAY
17-NETAJI SUBHASH ROAD
KOLKATA- 700001.

Advocate for : MR. K P MAHESWARI
Advocate for : SC
RAILWAY appearing for THE UNION OF INDIA AND ANR

Linked Case : MFA/78/2021

M/S SOMYA PRATHAM UDYOG
BAJORIA COMPLEX
3RD FLOOR
T.R.P. ROAD

FANCY BAZAR
GUWAHATI- 781001.

VERSUS

THE UNION OF INDIA AND ANR.
REP. BY THE GENERAL MANAGER
N.F. RAILWAY
MALIGAON
GUWAHATI
ASSAM- 781011.

2:THE UNION OF INDIA
REP. BY THE GENERAL MANAGER
CENTRAL RAILWAY
MUMBAI- CST
400001.

Advocate for : MR. K P MAHESWARI
Advocate for : SC
NF RLY appearing for THE UNION OF INDIA AND ANR.

Linked Case : MFA/42/2021

M/S MEGHA TECHNICAL AND ENGINEERS PVT. LTD
MAYUR GARDEN
2ND FLOOR
GS ROAD
GUWAHATI-781005

VERSUS

THE UNION OF INDIA AND ANR.
REP. BY THE GENERAL MANAGER
NF RAILWAY
MALIGAON
GUWAHATI ASSAM
781011

2:THE UNION OF INDIA
REP. BY THE GENERAL MANAGER
SOUTH EASTERN RAILWAY
11-GARDEN RICH ROAD
KOLKATA-700043

Advocate for : MR. K P MAHESWARI

Advocate for : SC
RAILWAY appearing for THE UNION OF INDIA AND ANR.

Linked Case : MFA/111/2021

M/S P D P STEELS LTD.
BONDA
NARENGI
GUWAHATI- 781026.

VERSUS

THE UNION OF INDIA AND ANR.
REP. BY THE GENERAL MANAGER
N.F. RAILWAY
MALIGAON
GUWAHATI
ASSAM- 781011.

2:THE UNION OF INDIA
REP. BY THE GENERAL MANAGER
SOUTH EASTERN RAILWAY
11-GARDEN RICH ROAD
KOLKATA- 700043.

Advocate for : MR. K P MAHESWARI
Advocate for : SC
RAILWAY appearing for THE UNION OF INDIA AND ANR.

Linked Case : MFA/70/2021

M/S ANKUR BUSINESS PVT. LTD
RAMCHARIT THAKUR MARKET
2ND FLOOR
A.T. ROAD
GUWAHATI-781001

VERSUS

THE UNION OF INDIA AND ANR.
REP. BY THE GENERAL MANAGER
NF RAILWAY
MALIGAON
GUWAHATI
ASSAM 781011

2:THE UNION OF INDIA
REP. BY THE GENERAL MANAGER
WESTERN RAILWAY
CHURCH GATE
MUMBAI-400020

Advocate for : MR. K P MAHESWARI
Advocate for : MR. B K DAS (R-1) appearing for THE UNION OF INDIA AND ANR.

Linked Case : MFA/71/2021

M/S NORTH EAST ROOFING PVT. LTD.
BONDA
NARANGI
GUWAHATI- 781026.

VERSUS

THE UNION OF INDIA AND ANR.
REP. BY THE GENERAL MANAGER
N.F. RAILWAY
MALIGAON
GUWAHATI
ASSAM-781011.

2:THE UNION OF INDIA
REP. BY THE GENERAL MANAGER
WEST CENTRAL RAILWAY
JABALPUR- 482001.

Advocate for : MR. K P MAHESWARI
Advocate for : SC
RAILWAY appearing for THE UNION OF INDIA AND ANR.

Linked Case : MFA/52/2021

M/S JAIN BIJAY AND CO. PVT. LTD.
THAKURIA BUILDING
2ND FLOOR
FA ROAD
KUMARPARA
GUWAHATI-9

VERSUS

THE UNION OF INDIA AND ANR.
REP. BY THE GENERAL MANAGER
N F RAILWAY
MALIGAON
GUWAHATI
ASSAM
781011

2:THE UNION OF INDIA
REPRESENTED BY THE GENERAL MANAGER
WESTERN RAILWAY
CHURCH GATE
MUMBAI-400020

Advocate for : MR. K P MAHESWARI
Advocate for : SC
RAILWAY appearing for THE UNION OF INDIA AND ANR.

Linked Case : MFA/35/2021

M/S MEGHA TECHNICAL AND ENGINEER PVT. LTD.
MAYUR GARDEN
2ND FLOOR
G.S. ROAD
GUWAHATI- 781005.

VERSUS

THE UNION OF INDIA AND ANR.
REP. BY THE GENERAL MANAGER
N.F. RAILWAY
MALIGAON
GUWAHATI
ASSAM- 781011.

2:THE UNION OF INDIA
REP. BY THE GENERAL MANAGER
EASTERN RAILWAY
17-NETAJI SUBHASH ROAD
KOLKATA- 700001.

Advocate for : MR. K P MAHESWARI
Advocate for : SC
RAILWAY appearing for THE UNION OF INDIA AND ANR.

Linked Case : MFA/20/2021

M/S STAR CEMENT LTD.
(FORMERLY CEMENT MANUFACTURING CO. LTD.) MAYUR GARDEN
2ND FLOOR
G.S. ROAD
GUWAHATI- 781005.

VERSUS

THE UNION OF INDIA AND ANR.
REP. BY THE GENERAL MANAGER
N.F. RAILWAY
MALIGAON
GUWAHATI
ASSAM- 781011.

2:THE UNION OF INDIA
REP. BY THE GENERAL MANAGER
EASTERN RAILWAY
17- NETAJI SUBHASH ROAD
KOLKATA- 700001.

Advocate for : MR. K P MAHESWARI
Advocate for : SC
NF RLY appearing for THE UNION OF INDIA AND ANR.

Linked Case : MFA/67/2021

M/S NORTH EAST IODISED SALT PVT. LTD.
BHADRAPALLI
P.O. GANDHIGRAM
TRIPURA- 799012.

VERSUS

THE UNION OF INDIA AND ANR.
REP. BY THE GENERAL MANAGER
N.F. RAILWAY
MALIGAON
GUWAHATI
ASSAM- 781011.

2:THE UNION OF INDIA
REP. BY THE GENERAL MANAGER
WESTERN RAILWAY

CHURCH GATE
MUMBAI- 400020.

Advocate for : MR. K P MAHESWARI
Advocate for : SC
RAILWAY appearing for THE UNION OF INDIA AND ANR.

Linked Case : MFA/64/2021

M/S MEGHA TECHNICAL AND ENGINEERS PVT. LTD.
MAYUR GARDEN
2ND FLOOR
G.S. ROAD
GUWAHATI-781005

VERSUS

THE UNION OF INDIA AND ANR
REP. BY THE GENERAL MANAGER
N F RAILWAY
MALIGAON
GUWAHATI
ASSAM
781011

2:THE GENERAL MANAGER
EASTERN RAILWAY
17-NETAJI SUBHASH ROAD
KOLKATA-700001

Advocate for : MR. K P MAHESWARI
Advocate for : SC
RAILWAY appearing for THE UNION OF INDIA AND ANR

Linked Case : MFA/50/2021

M/S MEGHA TECHNICAL AND ENGINEERS PVT. LTD.
MAYUR GARDEN
2ND FLOOR
G.S. ROAD
GUWAHATI-781005

VERSUS

THE UNION OF INDIA AND ANR
REP. BY THE GENERAL MANAGER

NF RAILWAY
MALIGAON
GUWAHATI-781011

2:THE GENERAL MANAGER
EASTERN RAILWAY
17-NETAJI SUBHASH ROAD
KOLKATA-700001

Advocate for : MR. K P MAHESWARI
Advocate for : SC
RAILWAY appearing for THE UNION OF INDIA AND ANR

Linked Case : MFA/16/2021

M/S HILL CEMENT CO. LTD.
SHIVAM COMPLEX
A.T. ROAD
BHARALUMUKH
GUWAHATI-9.

VERSUS

THE UNION OF INDIA AND ANR
REP. BY THE GENERAL MANAGER
N.F. RAILWAY
MALIGAON
GUWAHATI
ASSAM- 781011.

2:THE UNION OF INDIA
REP. BY THE GENERAL MANAGER
EASTERN RAILWAY
17- NETAJI SUBHASH ROAD
KOLKATA- 700001.

Advocate for : MR. K P MAHESWARI
Advocate for : SC
RAILWAY appearing for THE UNION OF INDIA AND ANR

Linked Case : MFA/40/2021

M/S MEGHA TECHNICAL AND ENGINEERS PVT. LTD.
MAYUR GARDEN
2ND FLOOR
G.S. ROAD
GUWAHATI-781005

VERSUS

THE UNION OF INDIA AND ANR
REP. BY THE GENERAL MANAGER
NF RAILWAY
MALIGAON
GUWAHATI
ASSAM
781011

2:THE UNION OF INDIA
REP. BY THE GENERAL MANAGER
EASTERN RAILWAY
17-NETAJI SUBHASH ROAD
KOLKATA-700001

Advocate for : MR. K P MAHESWARI
Advocate for : SC
RAILWAY appearing for THE UNION OF INDIA AND ANR

Linked Case : MFA/18/2021

M/S JIWAN TRADING CO.
28-B
BARUAH MARKET
FANCY BAZAR
GUWAHATI-01
ASSAM.

VERSUS

THE UNION OF INDIA AND ANR
REP. BY THE GENERAL MANAGER
N.F. RAILWAY
MALIGAON
GUWAHATI
ASSAM- 781011.

2:THE UNION OF INDIA
REP. BY THE GENERAL MANAGER
WESTERN RAILWAY
CHURCH GATE
MUMBAI- 400020.

Advocate for : MR. K P MAHESWARI

Advocate for : SC
RAILWAY appearing for THE UNION OF INDIA AND ANR

Linked Case : MFA/31/2021

M/S STAR CEMENT LTD.
(FORMERLY CEMENT MANUFACTURING CO. LTD.) MAYUR GARDEN
2ND FLOOR
G.S. ROAD
GUWAHATI-781005.

VERSUS

THE UNION OF INDIA AND ANR
REP. BY THE GENERAL MANAGER
N.F. RAILWAY
MALIGAON
GUWAHATI
ASSAM- 781011.

2:THE UNION OF INDIA
REP. BY THE GENERAL MANAGER
EASTERN RAILWAY
17- NETAJI SUBHASH ROAD
KOLKATA- 700001.

Advocate for : MR. K P MAHESWARI
Advocate for : SC
RAILWAY appearing for THE UNION OF INDIA AND ANR

Linked Case : MFA/53/2021

M/S BAJAJ STEEL
REP. BY THE GENERAL MANAGER
NF RAILWAY
MALIGAON
GUWAHATI-781011

VERSUS

THE UNION OF INDIA AND ANR.
NF RAILWAY
MALIGAON
GUWAHATI
ASSAM
781011

2:THE UNION OF INDIA
REP. BY THE GENERAL MANAGER
SOUTH CENTRAL RAILWAY
RAIL NILAYAM
SECUNDERABAD-500071

Advocate for : MR. K P MAHESWARI
Advocate for : SC
RAILWAY appearing for THE UNION OF INDIA AND ANR.

Linked Case : MFA/68/2021

M/S P D P STEELS LTD.
BONDA
NARENGI
GUWAHATI- 781026.

VERSUS

THE UNION OF INDIA AND ANR.
REP. BY THE GENERAL MANAGER
N.F. RAILWAY
MALIGAON
GUWAHATI
ASSAM- 781011.

2:THE UNION OF INDIA
REP. BY THE GENERAL MANAGER
SOUTH EASTERN RAILWAY
11-GARDEN RICH ROAD
KOLKATA-700043.

Advocate for : MR. K P MAHESWARI
Advocate for : SC
RAILWAY appearing for THE UNION OF INDIA AND ANR.

Linked Case : MFA/37/2021

M/S MEGHA TECHNICAL AND ENGINEERS PVT. LTD.
MAYUR GARDEN
2ND FLOOR
G.S. ROAD
GUWAHATI- 781005.

VERSUS

THE UNION OF INDIA AND ANR
REP. BY THE GENERAL MANAGER
N.F. RAILWAY
MALIGAON
GUWAHATI
ASSAM- 781011.

2:THE UNION OF INDIA
REP. BY THE GENERAL MANAGER
EASTERN RAILWAY
17-NETAJI SUBHASH ROAD
KOLKATA- 700001.

Advocate for : MR. K P MAHESWARI
Advocate for : SC
RAILWAY appearing for THE UNION OF INDIA AND ANR

Linked Case : MFA/57/2021

M/S MEGHA TECHNICAL AND ENGINEERS PVT. LTD.
MAYUR GARDEN
2ND FLOOR
GS ROAD
GUWAHATI-781005

VERSUS

THE UNION OF INDIA AND ANR
REP. BY THE GENERAL MANAGER
N F RAILWAY
MALIGAON
GUWAHATI
ASSAM
781011

2:THE UNION OF INDIA
REP. BY THE GENERAL MANAGER
EASTERN RAILWAY
17-NETAJI SUBHASH ROAD
KOLKATA-700001

Advocate for : MR. K P MAHESWARI
Advocate for : SC
RAILWAY appearing for THE UNION OF INDIA AND ANR

Linked Case : MFA/73/2021

M/S P D P STEELS LTD.
BONDA
NARANGI
GUWAHATI- 781026.

VERSUS

THE UNION OF INDIA AND ANR.
REP. BY THE GENERAL MANAGER
N.F. RAILWAY
MALIGAON
GUWAHATI
ASSAM- 781011.

2:THE UNION OF INDIA
REP. BY THE GENERAL MANAGER
SOUTH EASTERN RAILWAY
11-GARDEN RICH ROAD
KOLKATA- 700043.

Advocate for : MR. K P MAHESWARI
Advocate for : SC
RAILWAY appearing for THE UNION OF INDIA AND ANR.

Linked Case : MFA/49/2021

M/S MEGHA TECHNICAL AND ENGINEERS PVT. LTD.
MAYUR GARDEN
2ND FLOOR
G.S. ROAD
GUWAHATI-781005

VERSUS

THE UNION OF INDIA AND ANR
REP. BY THE GENERAL MANAGER
N.F. RAILWAY
MALIGAON
GUWAHATI
ASSAM
781011

2:THE UNION OF INDIA

REP. BY THE GENERAL MANAGER
EASTERN RAILWAY
17-NETAJI SUBHASH ROAD
KOLKATA-700001

Advocate for : MR. K P MAHESWARI
Advocate for : SC
RAILWAY appearing for THE UNION OF INDIA AND ANR

Linked Case : MFA/103/2021

M/S NORTH EAST ROOFING PVT LTD
BONDA
NARANGI
GUWAHATI- 781026.

VERSUS

THE UNION OF INDIA AND ANR
REP. BY THE GENERAL MANAGER
N.F. RAILWAY
MALIGAON
GUWAHATI
ASSAM- 781011.

2:THE UNION OF INDIA
REP. BY THE GENERAL MANAGER
SOUTH EASTERN RAILWAY
11-GARDEN RICH ROAD
KOLKATA- 700043.

Advocate for the Appellants : Mr. K. P. Maheswari, Advocate.

Advocate for the Respondents : Mr. B. Sarma, SC, Railway
Mr. B. K. Das, SC, Railway
Mr. G. Goswami, SC, Railway
Mr. K.K. Parashar, SC Railway

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

Date of Hearing : 14.06.2022

Date of Judgment : 21.07.2022

JUDGMENT AND ORDER (CAV)

Heard Mr. K. P. Maheswari, the learned counsel appearing on behalf of the appellants. Also heard Mr. B. Sarma; Mr. B. K. Das; Mr. G. Goswami and Mr. K. K. Parashar, learned Standing Counsels, Railway Administration.

2. All the appeals raise a common question as to whether the Railway Claims Tribunal was justified in dismissing the claim applications being barred by limitation. The instant appeals arise out of orders dated 30.12.2020, 24.02.2021, 04.03.2021, 16.03.2021, 23.03.2021, 24.02.2021, 08.03.2021 and 19.03.2021. As all the appeals raise the same question of law and predominantly on similar facts; this Court, by this common judgment proposes to dispose of all the appeals.

3. Before going into the merits of each of the appeal, this Court would like to take into account the Preamble, Objects and Reasons as well as the some provisions of the Railway Claims Tribunal Act, 1987 (for short, the Act of 1987).

4. The Preamble of the Act of 1987 reads as follows:-

> *An Act to provide for the establishment of a Railway Claims Tribunal for inquiring into and determining claims against a railway administration for loss, destruction, damage, deterioration or non-delivery of animals or goods entrusted to it to be carried by railway or for the refund of fares or freight or for compensation for death or injury to passengers occurring as a result of railway accidents [or untoward incidents] and for matters connected therewith or incidental thereto.*

5. The Statement of Objects behind the enactment of the Act of 1987 are as herein under:-

The substantive liability of the railway administration for loss, destruction, damage, non-delivery or deterioration of goods entrusted to them for carriage, and for death or injury, or loss etc., to a passenger in a railway accident involving a passenger train is laid down in the Indian Railways Act, 1890. The consignors/consignees and passengers or their representatives prefer claims for compensation against the railway administration. Those who claim compensation for loss of and damage to booked goods and are not satisfied with the decisions of the railway administration, file suits in the Courts of Law. Claims for compensation for death of, or injury, or loss, etc. to passengers in train accidents are at present settled by the Claims Commissioners.

As the litigation in the Courts of Law and before the Claims Commissioners is very protracted, it has been decided to set up a specialised Tribunal for speedy adjudication of such claims. The setting up of such a Claims Tribunal with Benches in different parts of the country, and with judicial and technical members, will provide much relief to the rail-users by way of expeditious payment of compensation to the victims of rail-accidents and to those whose goods are lost or damaged in rail transit. The Claims Tribunal will also expedite settlement of disputes regarding refund of fares and freight charges. It will reduce the burden on the various civil courts in the country, thereby giving them more time to decide other cases speedily.

The Bill seeks to give effect to the above objectives.

6. From a perusal of the Preamble as well as the statement of objects and reasons quoted herein above, it would be seen that the said Act of 1987 was enacted to provide for establishment of the Railway Claims Tribunal for enquiring into and determining claims against the Railway Administration for loss, destruction, damage, deterioration or non-delivery of animals or goods entrusted to it to be carried by the railway or for the refund of fares or freights or for compensation for death or injury to passengers occurring as a result of railway accidents or untoward incidents and for matters connected thereto. The reason for establishment of the Railway Claims Tribunal was that the consignors/consignees and passengers or their representatives prefer claims for compensation against the railway administration. Those, who claim compensation for loss and damage to the booked goods are not satisfied with the decisions of the railway

administration, and therefore, file suits in the Courts of Law. Claims as regards compensation for death of, or injury, or loss, etc. to passengers in train accidents were settled by the Claims Commissioners. As the litigations in the Courts of Law and the Claim Commissioner were protracted, it was decided to set up a specialised Tribunal for speedy adjudication of such claims. The setting up of such a Claims Tribunal with Benches in different parts of the country, and with judicial and technical members, was to provide much relief to the rail-users by way of expeditious payment of compensation to the victims of rail-accidents and to those whose goods were lost or damaged in rail transit. The Railway Claims Tribunal was also to be set up to expedite settlement of disputes regarding refund of fares and freight charges. Therefore, the basic reason behind the enactment of the Act of 1987 was for the benefit of the claimants so that an expeditious payment of compensation or settlement of the disputes can be done through a specialised Tribunal and to reduce on the various Civil Courts in the country, the burden. Therefore, from the above, it would be seen that the Act of 1987 is a beneficial as well as a welfare legislation.

7. In the backdrop of the above, it would be relevant to take note of Section 13 of the Act of 1987 which confers the jurisdiction, power and authority of the Claims Tribunals. Section 15 of the Act of 1987 assumes importance as it bars jurisdiction on and from the appointed date of all courts or other authority to exercise any jurisdiction, powers or authority in relation to the matters referred to in sub-section (1), (1A) and (1B) of Section 13. Section 17 is a provision relating to limitation as regards filing of an application for any claim. The said Section 17, being crucial for the purpose of adjudication of the instant appeal is quoted herein below:-

> **17. Limitation**.—(1) The Claims Tribunal shall not admit an application for any claim—
>
> *(a) under sub-clause (i) of clause (a) of sub-section (1) of section 13 unless the application is made within three years from the date on which the goods in question were entrusted to the railway administration for carriage by railway;*
>
> *(b) under sub-clause (ii) of clause (a) of sub-section (1) [or, as the case may be, sub-*

section (1A)] of section 13 unless the application is made within one year of occurrence of the accident;

(c) under clause (b) of sub-section (1) of section 13 unless the application is made within three years from the date on which the fare or freight is paid to the railway administration:

Provided that no application for any claim referred to in sub-clause (i) of clause (a) of sub-section (1) of section 13 shall be preferred to the Claims Tribunal until the expiration of three months next after the date on which the intimation of the claim has been preferred under section 78B of the Railways Act.

(2) Notwithstanding anything contained in sub-section (1), an application may be entertained after the period specified in sub-section (1) if the applicant satisfies the Claims Tribunal that he had sufficient cause for not making the application within such period.

8. A conjoint reading of the above quoted Section read with Section 13 of the Act of 1987 would show that in terms with Section 17 (1) (a) in respect to a claim which comes within the ambit of Section 13 (1) (a) (i) of the Act of 1987, the Claims Tribunal shall not admit an application for claim unless the application is made within three years from the date on which the goods in questions were entrusted to the Railway Administration for carriage by the Railway or in other words the application for claim has to be filed within a period of three years from the date of entrustment of the goods in terms with Sections 64 & 65 of the Railway Act of 1989 (for short, the Act of 1989).

In terms with sub-clause (b) of Section 17 (1) in respect to a claim within the ambit of Section 13 (1) (a) (ii) or under Section 13 (1A), the Railway Claims Tribunal shall not admit an application for any claim unless the application is made within one year of the occurrence of the accident.

In terms with sub-clause (c) of Section 17 (1) in respect to a claim within the ambit of Section 13 (1) (b), the Railway Claims Tribunal shall not admit an application for any claim unless the application is made within three years from the date on which the fare or freight is paid to the Railway Administration or in other words, the claim application

has to be filed within three years from the date on which the fare or freight was paid to the Railway Administration. The proviso to Section 17 (1) stipulates that no claim application for any claim referred to in Section 13 (1) (a) (i) shall be preferred to the Claims Tribunal until expiration of three months after the date on which the intimation of the claim has been preferred under Section 78-B of the Act of 1890. At this stage it may be mentioned that Section 2 (j) defines the "Railways Act" to mean the Railway Act of 1890, however, after coming into effect of the Act of 1989, the parameteria provision to Section 78 is Section 106 of the Act of 1989. Therefore, it is upon the expiry of three months from the date on which the intimation of the claim has been preferred under Section 106 of the Act of 1989, that an application can be filed for a claim falling within the ambit of Section 13 (1) (a) (i) of the Act of 1987. Sub-section (2) of Section 17 is very pertinent for the purpose of adjudication of the instant appeal which empowers the Railway Claims Tribunal to entertain an application beyond the period specified in sub-section (1) of Section 17, provided the applicant had sufficient cause for not making the application within time. Therefore, sub-section (2) of Section 17 empowers the Claims Tribunal to condone the delay in filing the claim application upon sufficient cause being shown by the applicant which prevented him from preferring the application within the time stipulated in sub-section (1) of Section 17 of the Act of 1987. At this stage, it may be pertinent to note again the objects and reasons behind the enactment of the Act of 1987. Amongst the varied reasons, one was to lessen the burden of the Civil Courts of the country with the litigations pertaining to the claims falling under Section 13 of the Act of 1987. The fixing of the limitation of three years in the cases falling under Section 17 (1) (a) and Section 17 (1) (c) of the Act of 1987 has relevance as a similar period of limitation is provided in the Limitation Act, 1963 in cases of suits falling within similar scope. It is no longer *res integra* that in filing a suit, Section 5 of the Limitation Act, 1963 is not applicable. In contradistinction to that, it is pertinent to mention that Section 17 (2) of the Act of 1987 imports the scheme of Section 5 of the Limitation Act, 1963 thereby empowering the Claims Tribunal to condone the delay upon sufficient cause.

This aspect is a pointer to show that the Act of 1987 is a beneficial legislature for the benefit of the claimants.

9. In the backdrop of the above, the question which arises for consideration is how Section 17 (2) of the Act of 1987 is to be interpreted taking into consideration that the Act of 1987 is a beneficial legislation. The interpretation of a beneficial legislation must be remedial and must be in furtherance with the purpose which the statute seeks to serve. The Supreme Court in the case of ***Bombay Anand Bhavan Restaurant vs. ESI Corporation***, reported in ***(2009) 9 SCC 61*** while interpreting the provision of the Employees' State Insurance Act, 1948 held that it being a beneficial legislation should receive a liberal construction so as to promote its objectives. Paragraph No.20 of the said judgment, being relevant, is quoted herein below:-

> "***20.*** *The Employees' State Insurance Act is a beneficial legislation. The main purpose of the enactment as the Preamble suggests, is to provide for certain benefits to employees of a factory in case of sickness, maternity and employment injury and to make provision for certain other matters in relation thereto. The Employees' State Insurance Act is a social security legislation and the canons of interpreting a social legislation are different from the canons of interpretation of taxation law. The courts must not countenance any subterfuge which would defeat the provisions of social legislation and the courts must even, if necessary, strain the language of the Act in order to achieve the purpose which the legislature had in placing this legislation on the statute book. The Act, therefore, must receive a liberal construction so as to promote its objects."*

10. The Supreme Court in the case of ***Vimla Devi and Others Vs. National Insurance Co. Ltd.*** and Another, reported in ***(2019) 2 SCC 186***, while interpreting the provision of Motors Vehicle Act, 1988 held that strict compliance of the procedure can be relaxed in order to ensure the victims receive just compensation. Paragraph No. 15 of the said judgment is quoted herein below:-

> "***15.*** *At the outset, we may reiterate as has been consistently said by this Court in a*

> *series of cases that the Act is a beneficial piece of legislation enacted to give solace to the victims of the motor accident who suffer bodily injury or die untimely. The Act is designed in a manner, which relieves the victims from ensuring strict compliance provided in law, which are otherwise applicable to the suits and other proceedings while prosecuting the claim petition filed under the Act for claiming compensation for the loss sustained by them in the accident."*

11. In view of the above, if this Court relooks upon the provision of Section 17 (2) of the Act of 1987, it would be seen that the Claims Tribunal has a discretion to entertain an application filed beyond the period of limitation if the applicant is able to satisfy the Claims Tribunal that he had a sufficient cause for not making an application within such period. Therefore, satisfaction there being a sufficient cause is a condition precedent for entertaining an appeal filed beyond the period of limitation prescribed in Section 17 (1) of the Act of 1987.

12. The Supreme Court in the case of ***Perumon Bhagvathy Devaswom, Perinadu Village vs. Bhargavi Amma (Dead) By Lrs And Others***, reported in ***(2008) 8 SCC 321*** observed that word "sufficient cause for not making the application within the period of limitation" should be understood and applied in a reasonable, pragmatic, practical and liberal manner, depending upon the facts and circumstances of the case, and the type of the case. The words "sufficient cause" in Section 5 of the Limitation Act, 1963 should receive a liberal construction so as to advance substantial justice, when the delay is not on account of any dilatory tactics, want of bonafides, deliberate inaction or negligence on the part of the appellant.

13. In another judgment of the Supreme Court in the case of ***Balwant Singh (Dead) vs. Jagadish Singh and Others***, reported in ***(2010) 8 SCC 685***, the Supreme Court in paragraph Nos. 25 & 26 observed that the purpose of introducing liberal construction normally is to introduce the concept of reasonableness as it is understood in general connotation. It was further observed that the law of limitation is substantive law and has definite consequences on the right and obligation of a party to arise. These principles should be

adhered to and applied appropriately depending on the facts and circumstances of a given case. It was further observed that, once a valuable right has accrued in favour of one party as a result of the failure of the other party to explain the delay by showing sufficient cause and its own conduct, it will be unreasonable to take away that right on the mere asking of the applicant, particularly when the delay is directly a result of negligence, default or inaction of that party. Paragraph Nos. 25 & 26 of the said judgment is quoted herein below:-

> "***25.*** *We may state that even if the term "sufficient cause" has to receive liberal construction, it must squarely fall within the concept of reasonable time and proper conduct of the party concerned. The purpose of introducing liberal construction normally is to introduce the concept of "reasonableness" as it is understood in its general connotation.*
>
> ***26.*** *The law of limitation is a substantive law and has definite consequences on the right and obligation of a party to arise. These principles should be adhered to and applied appropriately depending on the facts and circumstances of a given case. Once a valuable right has accrued in favour of one party as a result of the failure of the other party to explain the delay by showing sufficient cause and its own conduct, it will be unreasonable to take away that right on the mere asking of the applicant, particularly when the delay is directly a result of negligence, default or inaction of that party. Justice must be done to both parties equally. Then alone the ends of justice can be achieved. If a party has been thoroughly negligent in implementing its rights and remedies, it will be equally unfair to deprive the other party of a valuable right that has accrued to it in law as a result of his acting vigilantly."*

14. From a perusal of the above quoted judgment in the case of ***Balwant Singh*** (supra) a very important concept of interpretation was developed in interpreting sufficient cause contained in a beneficial legislation i.e., introducing the concept of reasonableness while giving the clause "sufficient cause" a liberal interpretation.

15. In a recent judgment of the Supreme Court in the case of ***Brahampal alia Sammay and Another vs. Natioanl Insurance Company***, reported in ***(2021) 6 SCC 512***, the Supreme Court at paragraph No. 22 observed that the statute in question had granted the Court's

discretionary powers to condone the delay, however, at the same time it also places an obligation upon the party to justify that he was prevented from abiding by the same due to the existence of "sufficient cause". The concept of reasonableness dictates that the courts even while taking a liberal approach must weigh in the rights and obligations of both the parties. When a right has accrued in favour of one party due to gross negligence and lackadaisical attitude of the other, the Court would refrain from exercising the aforesaid discretionary relief. The Supreme Court in the said case taking into account that the delay was just 45 days and have been properly explained had interfered with the order of the High Court in not condoning the delay. Paragraph No. 22 & 23 of the said judgment are quoted herein below:-

> "***22.*** *Undoubtedly, the statute has granted the courts with discretionary powers to condone the delay, however, at the same time it also places an obligation upon the party to justify that he was prevented from abiding by the same due to the existence of "sufficient cause". Although there exists no straitjacket formula for the courts to condone delay, but the courts must not only take into consideration the entire facts and circumstances of the case but also the conduct of the parties. The concept of reasonableness dictates that the courts even while taking a liberal approach must weigh in the rights and obligations of both the parties. When a right has accrued in favour of one party due to gross negligence and lackadaisical attitude of the other, this Court shall refrain from exercising the aforesaid discretionary relief.*
>
> ***23.*** *Taking into consideration the facts and circumstances of the present case, we are of the opinion that the delay of 45 days has been properly explained by the appellants, which was on account of illness of the wife of Appellant 1. It was not appropriate on the part of the High Court to dismiss the appeal merely on the ground of delay of short duration, particularly in matters involving death in motor accident claims. Moreover, in the present case no mala fide can be imputable against the appellants for filing the appeal after the expiry of ninety days. Therefore, we are of the opinion that the strict approach taken in the impugned order is hyper-technical and cannot be sustained in the eye of the law."*

16. Thus, from the above, it would be seen that beneficial and welfare legislations are

required to be given a liberal construction. In receiving a liberal construction of the term "sufficient cause", the same should fall within the concept of reasonable time and proper conduct of the parties concerned. However, the concept of reasonableness dictates that the courts even while taking the liberal approach must weigh in the rights and obligations of both the parties thereby when a right has accrued in favour of the one party due to gross negligence of the other, the courts taking the concept of reasonableness should refrain from exercising the discretionary relief of condoning the delay.

17. Let this Court, in the backdrop of the above discussion, take into consideration the various grounds assigned in the applications seeking condonation of delay. From a perusal of the records of each of the claim proceedings, it transpires that the applications filed for condonation of delay under Section 17 (2) of the Act of 1987 has been filed by the counsel and not by the applicants, though the claim applications have been filed by the applicants/appellants herein. Before further proceeding, it is relevant to take note of the provisions of the Railway Claims Tribunal (Procedure) Rules, 1989 (for short, the 'Rules of 1989'). Rule 2 (c) of the Rules of 1989 defines "applicant" as a person making an application to the Tribunal under Section 16 of the Act of 1987. Rule 5 of the Rules of 1989, being relevant, is quoted herein below:-

> ***5 Procedure for filing applications-*** *(1) An application to the Tribunal shall be presented in Form I or Form II or Form III as the case may be either by the applicant in person or by an agent or by his duly authorised legal practitioner [in the office of the Registrar or the Additional Registrar, or the Assistant Registrar, as the case may be].*
>
> *[(2) An application referred to in sub-rule (1) may also be sent by registered post or electronic mail to the office of the Registrar or the Additional Registrar or the Assistant Registrar, as the case may be, of the Bench concerned.*
>
> *[(2-A) An application sent by post or electronic mail under sub-rule (2) shall be deemed to have been received on the day when the application is received by the Registrar, Additional Registrar or the Assistant Registrar, as the case may be.]*

(3) The application under sub-rule (1) or sub-rule (2) shall be presented in triplicate.

[(3-A) The application sent by e-mail by the applicant shall also make available hard-copies of the application along with originals or duly certified true copies of originals of enclosures relied by the applicant by registered post to the Registrar, Additional Registrar of the Assistant Registrar]

(4) Where the number of respondents is more than one, as many extra copies of the application as there are respondents, together with unused file size envelopes, bearing the full address of such respondents, shall be furnished by the applicant.

(5) The applicant may attach to and present with his application a receipt slip in [Form IV] which shall be signed by the Registrar or the office receiving the application on behalf of the Registrar in acknowledgement.

(6) Every application including any miscellaneous application, shall be typed legibly in double space on one side on thick paper of good quality.

18. From a perusal of the above quoted Rule, it would show that in terms with sub-rule (1) of Rule 5 of the Rules of 1989, an application to the Tribunal shall be presented in Form-I or Form-II or Form-III as the case may be either by applicant in person or by agent or by his duly authorized legal practitioner in the Office of the Registrar or the Additional Registrar or the Assistant Registrar as the case may be. Sub-Rule (2) of Rule 5 enables the applicant to submit an application referred to in Sub-Rule (1) of the Rules of 1989 by sending it by registered post or electronic mail to the Office of the Registrar or the Additional Registrar or the Assistant Registrar as the case may be of the Bench concerned. By Sub-Rule (2 A), when an application is sent by post or electronic mail under Sub-Rule (2) of the Rules of 1989, it shall be deemed to have been received on the day when the application is received by the Registrar or the Additional Registrar or the Assistant Registrar as the case may be.

19. Rule 7 of the Rules of 1989 prescribes the documents to accompany the application. Relevant herein to mention that Sub-Rule (3) of Rule 7 of the Rules of 1989 stipulates that an application filed under Sub-Rule (1) of Rule 5 of the Rules of 1989 by a legal practitioner shall be accompanied by *vakalatnama* and that by an agent shall be

accompanied by the document authorizing him to act as such. Further to that, the Forms as mentioned under Rule 5 (1) of the Rules of 1989 have been duly incorporated in the said Rules. A perusal of the claim applications herein as would be apparent from the perusal of the records would show that the applications were filed in terms with Form-III and all the claim applications in question were filed by the Applicants and not by the legal practitioner. Therefore, Rule 5 and Rule 7 (3) of the Rules of 1989 are pertinent for the purpose of adjudication of the instant appeals. The records further show that claim applications were filed in Form-III by the applicants, had the signatures of the Applicants and there was no date mentioned in any of the said applications as would be apparent from the Verification Column as well as also from Part II of Form-III wherein the respective applicants had put his/her signature. However, a perusal of the *vakalatnamas* so filed in terms with Rule 7 (3) of the Rules of 1989 show that the same were executed on the same date as on the date of filing of the claim petitions. For example, MFA No.16/2021 is an appeal in respect to a claim proceeding being registered as MA No.50/2014. The said claim petition was filed on 12th September, 2014; the *vakalatnama* has been shown to have been executed on 12th September, 2014. However, in Form-III, it would be seen that only the signature of the applicant is present and there is no date mentioned against the said signature. It would further show that prayer for condonation of delay was filed on 12th September, 2014 by the counsel by way of an affidavit.

20. A perusal of the Act of 1987 as well as the Rules of 1989 do not stipulate the manner in which an application under Section 17 (2) of the Act of 1987 is required to be filed. In a recent judgment of the Supreme Court rendered in the case of ***Sesh Nath Singh and Another vs. Baidyabati Sheoraphuli Co-operative Bank Ltd. and Another*** reported in ***(2021) 7 SCC 313*** it was observed while taking into consideration Section 5 of the Limitation Act, 1963 that the said Section does not speak of any application. It was observed that Section 5 of the Limitation Act, 1963 enables the Court to admit an application or appeal

if the applicant or the appellant, as the case may be satisfies the Court that he had sufficient cause for not making the application and/or preferring the appeal within the time prescribed. It was further mentioned that although it is a genuine practice to make a formal application under Section 5 of the Limitation Act, 1963, in order to enable the Court or the Tribunal to weigh the sufficiency of the cause for the inability of the appellant/applicant to approach the Court/Tribunal within the time prescribed by limitation, there is no bar to exercise by the Court/Tribunal of its discretion to condone the delay in the absence of a formal application. It was further mentioned that if an application was mandatory to be filed under Section 5 of the Limitation Act, the statute would have expressly provided so and Section 5 would then have read that the Court might condone delay beyond the time prescribed by limitation for filing an application or appeal if on consideration of the application of the appellant or the applicant as the case may be, for condonation of delay, the Court is satisfied that the appellant/applicant had sufficient cause for not preferring the appeal or making the application within such period. The observation made by the Supreme Court was with a caveat that the Court or the Tribunal would be within its powers to insist on all applications or affidavit showing sufficient cause. Paragraph No.61 & 62 of the said judgment is quoted herein below:-

> ***61.*** *Section 5 of the Limitation Act, 1963 does not speak of any application. The section enables the court to admit an application or appeal if the applicant or the appellant, as the case may be, satisfies the court that he had sufficient cause for not making the application and/or preferring the appeal, within the time prescribed. Although, it is the general practice to make a formal application under Section 5 of the Limitation Act, 1963, in order to enable the court or tribunal to weigh the sufficiency of the cause for the inability of the appellant applicant to approach the court/tribunal within the time prescribed by limitation, there is no bar to exercise by the court/tribunal of its discretion to condone delay, in the absence of a formal application.*
>
> ***62.*** *A plain reading of Section 5 of the Limitation Act makes it amply clear that, it is not mandatory to file an application in writing before relief can be granted under the said*

section. Had such an application been mandatory, Section 5 of the Limitation Act would have expressly provided so. Section 5 would then have read that the court might condone delay beyond the time prescribed by limitation for filing an application or appeal, if on consideration of the application of the appellant or the applicant, as the case may be, for condonation of delay, the court is satisfied that the appellant applicant had sufficient cause for not preferring the appeal or making the application within such period. Alternatively, a proviso or an Explanation would have been added to Section 5, requiring the appellant or the applicant, as the case may be, to make an application for condonation of delay. However, the court can always insist that an application or an affidavit showing cause for the delay be filed. No applicant or appellant can claim condonation of delay under Section 5 of the Limitation Act as of right, without making an application.

21. In the backdrop of the above, if Section 17 (2) is perused, it would also show that an application beyond the period mentioned in sub-section (1) may be entertained if the applicant satisfies the Claims Tribunal that he has sufficient cause for not making the application within such time. Therefore, filing of an application under Section 17 (2) by an applicant is not material. However, the Claims Tribunal can very well insist on an affidavit/application from the applicant showing sufficient cause.

22. Therefore, this Court is required to take into consideration as to whether the Claims Tribunals were justified in rejecting the explanation so given by the legal practitioner of the applicants as regards the sufficient cause for not making the application within such period. From a perusal of the applications so filed in the respective claim proceedings, it would show that the various grounds were assigned which were predominantly the same except in a few applications; some other grounds were also taken. For the sake of convenience the grounds taken in all the applications can be summarized as herein under:-

(i) That there was a proceeding pending before this Court relating to imposition of terminal charges which was registered and numbered as MFA

No.100/2011 for which the counsel was waiting for the judgment of this Court, and as such, the delay occasioned;

(ii) A writ petition was also pending which was registered and numbered as WP(C) No.5029/2009 challenging the validity of imposition of terminal charges by the Railway Administration in the year 2009 and the same was pending for which the counsel thought it proper not to file the claim proceedings;

(iii) The father of the counsel was suffering from extreme high blood sugar and other old age complications for over the last one year for which he was distracted from his work;

(iv) The Railway Claims Tribunal at Guwahati was not functioning for last one year. This ground was taken in the claim proceedings pertaining to MFA No.16/2021, MFA No.22/2021, MFA No.24/2021, MFA No.29/2021, MFA No.30/2021, MFA No.31/2021, MFA No.32/2021, MFA No.34/2021, MFA No.37/2021, MFA No.41/2021, MFA No.43/2021, MFA No.44/2021, MFA No.45/2021, MFA No.49/2021, MFA No.57/2021, MFA No.67/2021, MFA No.70/2021, MFA No.78/2021, MFA No.81/2021, MFA No.94/2021, MFA No.140/2021 and MFA No.176/2021.

(v) Another ground which was taken in MFA No.38/2021 that the counsel missed the date of filing for which there was a delay of 14 days.

23. Let this Court take into consideration each of the grounds taken.

24. The first two grounds so taken relate to non-filing of the claim proceedings on account of the pendency of MFA No.100/2011 as well as WP(C) No.5029/2009 wherein the imposition of the terminal charges and challenging the validity of the imposition of the terminal charges were pending. It would be relevant to mention that vide the

judgment and order dated 25.06.2015, the MFA No.100/2011 was allowed thereby upholding the imposition of terminal charges. In other words, the imposition of Terminal Charge which was held to be bad by the Railway Claims Tribunal was set aside by the judgment and order dated 25.06.2015 thereby upholding the imposition of Terminal Charges. As regards the writ petition, i.e., WP(C) No.5029/2009, the same was dismissed for non-prosecution on 19.01.2016.

25. It would appear from the records that barring the claim proceedings in respect to MFA No.66/2021, MFA No.73/2021, MFA No.111/2021, MFA No.156/2021 and MFA No.176/2021, all claim proceedings were filed prior to 25.06.2015, i.e. the date of judgment in MFA No.100/2021. It would also show that all the claim proceedings were filed prior to the dismissal of WP(C) No.5029/2009 on 19.01.2016.

26. Now, the question therefore arises as to whether the pendency of MFA No.100/2021 and WP(C) No.5029/2009 before this Court and not filing the claim proceedings for the said two proceedings would constitute a sufficient cause for condoning the delay? The filing of all the claim proceedings prior to the disposal of WP(C) No.5029/2009 clearly shows that the grounds so shown as sufficient cause is nothing but a clever ruse. The explanation herein has been given by the legal practitioner and he himself in his affidavit filed for condoning the delay has specifically mentioned that he has been a practitioner for a long time and as such he can be presumed to know that Section 17 of the Act of 1987 imposes a statutory limitation in filing an application for any claim as mentioned therein. The legal practitioner also knew that if an application for claim is not filed within the period of limitation irrespective of what result defaults to the proceedings of MFA No.100/2011 or WP(C) No.5029/2009, the applicant is required to file the application within the period of limitation. It is further not at all understandable why the claim applications were not filed when the Railway Claims Tribunal held that the imposition of Terminal Charges were bad. Unless and until, the said ground taken was a clever plot to hoodwink the Claims Tribunal. Under

such circumstances, the said explanation so given in the camouflage of a sufficient cause, in the opinion of this Court, cannot be construed to be a sufficient cause coming within the meaning of Section 17 (2) of the Act of 1987 and the Claims Tribunal was justified in rejecting the same.

27. The next ground so taken is the illness of the father of the counsel which had distracted him in filing the applications within the period of limitation. At the outset it is apparent that the ground Nos. (i) & (ii) are completely contrary to the ground No.(iii) inasmuch as, as per the ground Nos. (i) & (ii), the counsel was waiting for the outcome of the proceedings in MFA No.100/2011 and WP(C) No.5029/2009 whereas in ground No.(iii) the counsel stated that he, on account of his father's ill health, could not take steps for filing the applications within time. First and foremost, the ground of grave illness of the father of the counsel of the applicants would have been a justified ground for condoning the delay provided the said aspect of the matter should have been backed with certain relevant documents showing the grave illness of the father of the counsel of the applicants which prevented the legal practitioner from filing the claim applications. A perusal of the impugned orders before this Court would show that no documents have been placed on record to show that the father of the counsel for the applicants was suffering from grave illness which prevented the counsel to take action as was required to be taken as per law. During the course of hearing before this Court, the learned counsel for the appellants, who was the very counsel appearing before the Tribunal and who has filed the applications for condonation of delay, upon being asked as to whether any document was available with him to show that because of his father's illness he was prevented in filing the applications within time, he failed to show any such document barring one/two adjournment petitions before the Tribunal wherein he sought for accommodation for one/two months on account of his father's illness and also the marriage in his family for which he had to go out of station. He further produced a death certificate of his father which shows that his father died some time in the year 2018.

28. From the records it is apparent that in some of the cases wherein the last date in filing of the application had fallen, the same counsel on that very date or within the span of 10 to 15 days therefrom filed claim applications for other parties. Just for example in MFA No.54/2021 and MFA No.21/2021, the claim proceedings were filed on 15.01.2014 and 13.01.2014 respectively whereas in MFA No.16/2021, the due date of filing in respect to one of the claims was 10.01.2014. Again if this Court takes into consideration MFA No.16/2021, it would be seen that the claim proceedings therein was filed on 12.09.2014 whereas the last date of filing in respect to MFA No.37/2021 was 11.09.2014. Therefore, the ground so taken that because of the illness of the father of the counsel he was distracted and could not file the applications on or before the last date of filing as per the statutory period of limitation cannot be said to be correct on the fact of the case. More so, when there was no document enclosed showing that during the period the father of the counsel was suffering from acute or grave illness for which the counsel could not take steps as was required within the statute of limitation. The Claims Tribunal was therefore justified in rejecting the said ground to constitute a sufficient cause.

29. The next ground so taken is the ground that the Railway Claims Tribunal was not functioning for one/two years for which the proceedings could not be filed. As already mentioned herein above that this ground has been taken in some of the claim proceedings, not all. The answer to the said ground can be found from a reading of Rules 5, 11 & 38 of the Rules of 1989. As already discussed herein above, Rule 5 of the Rules of 1989 stipulates the manner in which the application is to be filed and before whom the application is to be filed. The said application can also be filed through registered post or electronic mail. Sub-rule (2 A) of Rule 5 of the Rules of 1989 mandates that when an application is filed through registered post or electronic mail, the same shall be deemed to have been received on the date of which the said application is received by the Registrar or the Additional Registrar or the Assistant Registrar as the case may be.

30. A perusal of Rule 11 of the Rules of 1986 shows that the Registrar or the Officer

authorized by him shall endorse on every application, the date on which it is presented or received through post under Rule 5 and sign the endorsement.

31. Rule 38 of the Rules of 1989 stipulates that except on Saturdays, Sundays and other public holidays, the office of the Tribunal shall, subject to any order made by the Chairman, remain open from 9:30 a.m. to 6:00 p.m. In contradistinction to Rule 38, Rule 39 relates to the sitting hours of the Tribunal. Therefore, the sitting of the Tribunal and the functioning of the Office of the Tribunal are two different aspects of the matter. A reading of Rule 5, 11 & 38 would therefore show that an application has to be filed before the Registrar or the Additional Registrar or the Assistant Registrar as the case may be and not before the Tribunal. On a specific query being made to the learned counsel appearing for the appellants as to whether there were any notification or order of the Chairman that the Office of the Tribunal was closed during this period for which the filing of the applications could not be made; the learned counsel for the appellants submitted that the Office of the Railway Claims Tribunal was not closed; however, there was no sitting of the Tribunal. Therefore, the said ground that the applications for claim could not be filed as the Railway Claims Tribunal was not sitting cannot be a valid ground. The said ground, therefore, in the opinion of this Court, is not a bonafide ground which had been rightly rejected by the Tribunal. It would be also apparent from the records that although the said ground of non-functioning of the Tribunal have been taken in some of the claim proceedings but the same counsel could file the claim proceedings during that period in respect to some of the other applications which clearly show the falsity of the ground taken.

32. The ground No. (v) is that the learned counsel for the applicant in MFA No.38/2021 had missed the last date of filing. It appears from the record that on account of the date being missed, there was a delay of 14 days in claim proceedings arising out of MFA No.38/2021. This Court is of the opinion that the said ground is a plausible ground justifying the non-filing of the application on or before the last date of filing for

which the same ought to have been condoned.

33. From the above, therefore it would be seen that delay in filing the claim applications before the Tribunal was solely on account of the fault of the counsel. It is the opinion of this Court that the Tribunal ought to have taken into consideration the said aspect of the matter and also ought to have been taken into consideration the diligence of the applicants, their rights. As already observed herein above, the Act of 1987 is a beneficial legislation and while adjudicating the delay in filing the claim applications, the concept of reasonableness ought to have been considered while deciding the existence of a sufficient cause. In the opinion of this Court, the concept of reasonableness when applied to the term "sufficient cause" one has to take into consideration the conduct of the party concerned, while filing the applications belatedly as to whether it suffers from gross negligence and lackadaisical attitude. It has also to be seen as to whether malafide can be imputable against the appellants herein for not filing the application within time. It is only when gross negligence and malafide can be imputable, the right to a decision on merits for belated claims can be taken away. It is also pertinent for the Court to look into as to what rights have accrued upon the other side on account of not filing the claims within the period of limitation and how their rights would be affected if the delay in filing the claim applications are condoned.

34. During the course of hearing, a specific query was made by this Court to the learned counsel for the appellants as to whether the papers pertaining to filing of the claim proceedings were handed over to the learned counsel for the appellants, the same counsel who filed the claim proceedings. The learned counsel for the appellants submitted that all the papers pertaining to the claim proceedings to submit claims were handed over to him by the various appellants prior to issuance of the notice under Section 106 of the Act of 1989 which is mandatory requirement in respect to claims falling within the ambit of Section 13 (1) (a) (i) of the Act of 1987. He further submitted that taking into consideration that after the issuance of the notice under Section 106 of

the Act of 1989, the appellants signed the papers and it was solely on account of his understanding and fault that the delay had occasioned in filing the claim applications. He further submitted that delay in filing the claim applications would have been beneficial to the appellants if the appellants claimed interest on their claims which may cause injury to the Railway Administration but the appellants as applicants duly submitted before the Claims Tribunal that they would forego the statutory interest on the claims and in the instant appeals, the appellants either by themselves or upon authority being given to the counsel, have filed the affidavit before this Court giving an undertaking that they would forego the interest on their claims. He, therefore, submitted that the delay in filing the claim applications would neither be prejudicial to the interest of the Railway Administration and no negligence and/or malafide can be imputed to the applicants for filing the claim applications belatedly.

35. On the other hand, the learned counsel appearing on behalf of the Railway Administration submitted that the ground so assigned in the condonation applications do not constitute a sufficient cause for condoning the delay. The learned counsel for the Railway Administration submitted that sans a sufficient cause being shown, the Tribunal would have no jurisdiction to condone the delay for which the Tribunal had rightly rejected the condonation applications and dismissed the claim applications as barred by limitation. The counsels for the Railway Administration further submitted that if this Court condones the delay without there being a sufficient cause that would amount to negating the provision of Section 17 (2) of the Act of 1987 and would tantamount to legislating as it is only on the existence of a sufficient cause shown that the Tribunal or this Court in appeal can condone the delay. The learned counsel for the Railway Administration further submitted that condoning the delay, at this stage, would amount to saddling a huge interest liability upon the Railway Administration for no fault of the Railway Administration if the claim applications are allowed by the Tribunal as the Act imposes statutory interest. It was also submitted that the claims so made in respect to the

instant proceedings pertain to decade ago and it would be difficult to trace out the papers, if the delay is condoned in the instant cases.

36. From the above contentions, it would be clear that the fault in not filing the claim application on time was due to the fault of the counsel. However, the applicants/appellants herein cannot be oblivious to the statutory mandate of filing the claim applications within time and their responsibility do not come to an end merely by handing over the papers to their legal counsel. The litigant has to also see to that his/her/their counsel/legal practitioner had duly filed the claim applications within time, more so, taking into consideration that the appellants before this Court, who were the applicants before the Tribunal, were regularly in the business of transporting goods through the Railways. Inaction on the part of the appellants tantamounts to sleeping over their rights and the aspect of gross negligence creeps into the fold. It may have been that the applicants/appellants were under an impression that their counsel had filed his/her/their application within time or the learned counsel for the appellant/applicant kept the appellants/applicants at dark that the applications were not filed within time. There is no material brought on record to that effect except the submission made by the learned counsel for the appellants. The concept of reasonableness therefore has to be embedded in order to ascertain the question of due diligence which in effect would also show as to whether the applicants/appellants were negligent in pursuing with their claim applications.

37. Upon applying the concept of due diligence, this Court is of the opinion that a period of 3 (three) months from the last date of filing the claim applications can be taken as a reasonable period within which the appellants/applicants ought to have exercised the due diligence by making enquiries with his/her/their counsel and found out as to whether the applications were duly filed or not. This is more so when there are no materials brought on record to show that the applicants/appellants were under impression that the claim applications were filed on time after taking into consideration

the proviso to Section 17 (1) of the Act of 1987. Any period beyond 3 (three) months from the last date of filing, in the opinion of this Court, cannot be constituted to be reasonable for condoning the delay inasmuch as, in the opinion of this Court, the same would negate the provisions of Section 17 (2) of the Act of 1987 and tantamount to legislation by this Court.

38. This Court is also of the opinion that in respect to those appeals/applications where delay was less than 3 (three) months which this Court considers to be reasonable to condone, there has to be an imposition of cost.

39. A perusal of the records would show that in some of the applications there is a single claim and in some other applications there are various claims which have been clubbed together. This Court is of the opinion that while condoning the delay in respect to those claim applications which are within 3 (three) months from the last date of filing, an imposition of cost of Rs.10,000/- (Rupees ten thousand) would be appropriate against each claim made in the claim applications. In respect to other applications filed beyond 3 (three) months from the last date of filing of the claim applications, this Court dismisses the appeals by upholding the impugned judgment as being barred by limitation. It is also observed that in those appeals, arising out of claim applications, filed within 3 (three) months from the last date for filing of the claim applications which has been allowed herein, the appellants/applicants shall not be entitled to claim any interest on their claims.

40. It is also relevant to take note of one of the submissions being made by the learned counsel for the respondent Railway Administration that as the claim proceedings pertain to a decade back, it would be difficult to trace out the records. This Court is of the opinion that there being no materials being produced before this Court that within 3 (three) months from the expiry of the last date for filing claim applications, the records have been destroyed, this Court is of the opinion that the said contention is misconceived.

41. In the backdrop of the above, this Court, therefore, would take each of the appeal on its individual facts.

MFA No.54/2021

42. The instant appeal arises out of a claim proceeding registered as Application No. MA-6/2014. In the said claim proceedings, the claim was made in respect of three claims which were:

Sl No.	Inv. No.	RR No.	Date	Total delay
1	17	212000024	08.01.2010	12 months 08 days
2	24	202061	20.09.2010	03 months 24 days
3	04	200431	29.11.2010	01 month 18 days

43. In view of the above observations, the appeal is partly allowed in the following manner:

(i) The claims at Sl. Nos. 1 & 2 are dismissed as being barred by limitation; and

(ii) The delay in respect to the claim at Sl. No. 3 is condoned subject to imposition of cost of Rs.10,000/- (Rupees ten thousand) which shall be deposited within 30 (thirty) days from the date of the instant judgment and the Railway Administration shall be at liberty to withdraw the same by filing appropriate application before the Claims Tribunal in respect to claim at Sl. No. 3. The appellant/applicant shall not be entitled to claim interest in respect to the claim made in Sl. No.3. The Railway Claims Tribunal shall adjudicate the said claim in accordance with law.

The appeal is partly allowed subject to above.

MFA No.15/2021

44. The instant MFA arises out of the claim proceeding registered as MA No.18/2014.

45. From a perusal of the said claim proceedings it transpires that the said claim proceedings relates to the following claims:

Sl No.	Inv. No.	RR No.	Date	Total delay
1	5 + 6	212000840 + 0841	05.03.201	75 days
2	1 + 2	212000897 & 898	02.06.2011	In time

46. In view of the above observation, the appeal stands allowed subject to cost in the following manner:-

(i) The delay in filing the claim at Sl. No. 1 is condoned subject to imposition of cost of Rs.10,000/- (Rupees ten thousand) which shall be deposited within 30 (thirty) days from the date of the instant judgment and the Railway Administration shall be at liberty to withdraw the same by filing appropriate application before the Claims Tribunal in respect to claim at Sl. No. 1. The appellant/applicant shall not be entitled to claim interest.

(ii) In respect to the claim at Sl. No.2, as there is no delay, the question of condoning the delay does not arise. The appellant/applicant shall be entitled to claim interest in respect to the claim at Sl. No.2.

(iii) The Railway Claims Tribunal shall adjudicate the said claim in accordance with law.

MFA No.16/2021

47. The instant first appeal arises out of a claim proceeding registered as MA No.50/2014 wherein five separate claims were made. In respect to the said five separate claims, details are as herein under:-

Sl No.	Inv. No.	RR No.	Date	Total delay
1	11	212000245	11.01.2011	8 months
2	03	212000009	31.03.2011	5 months and 12 days
3	03	212000025	19.04.2011	4 months and 22 days
4	09	212000014	22.03.2011	5 months and 21 days
5	02	212000023	14.04.2011	5 months

48. In view of the above observation, the appeal stands dismissed as the claims at Sl. Nos. 1 to 5 are barred by limitation.

MFA 18/2021

49. The instant appeal arises out of a claim proceeding registered as MA No.30/2012. In the said claim proceedings, the claim was made in respect to the following claims:

Sl No.	Inv. No.	RR No.	Date	Total delay
1	01 + 02	386338 + 386338	08.01.2010	1 month 5 days

50. In view of the above observation, the appeal stands allowed. The delay in filing the claim is condoned subject to imposition of cost of Rs.10,000/- (Rupees ten thousand) each, which shall be deposited within 30 (thirty) days from the date of the instant judgment and the Railway Administration shall be at liberty to withdraw the same by filing appropriate application before the Claims Tribunal in respect to the claim. The appellant/applicant shall not be entitled to claim interest. The Railway Claims Tribunal shall adjudicate the said claim in accordance with law.

MFA No.20/2021

51. This instant appeal arises out of a claim proceeding registered as MA No.10/2015. In the said claim proceedings, the claim was made in respect to the following claim:

Sl No.	Inv. No.	RR No.	Date	Total delay
1	31	212000590	16.01.2012	20 days

52. In view of the above observation, the appeal stands allowed subject to cost in the following manner:-

(i) The delay in filing the claim is condoned subject to imposition of cost of Rs.10,000/- (Rupees ten thousand) which shall be deposited within 30 (thirty) days from the date of the instant judgment and the Railway Administration shall be at liberty to withdraw the same by filing appropriate application before the Claims Tribunal in respect to the claim. The appellant/applicant shall not be entitled to claim interest. The Railway Claims Tribunal shall adjudicate the said claim in accordance with law.

MFA No.21/2021

53. The instant MFA arises out of a claim proceeding registered as MA No.04/2012 wherein five separate claims were made. In respect to the said five separate claims, details are as herein under:

Sl No.	Inv. No.	RR No.	Date	Total delay
1	17	2120001289	12.07.2010	6 months 1 day
2	20	212000153	20.08.2010	4 months 13 days
3	25	202062	26.09.2010	3 months 18 days
4	01	195252	06.10.2010	3 months 8 days
5	03	200430	29.11.2010	1 month 15 days

54. In view of the above observation, the appeal is partly allowed in the following manner:

(i) The claims at Sl. Nos. 1 to 4 are dismissed as being barred by limitation; and

(ii) The delay in respect to the claim at Sl. No. 5 is condoned subject to imposition of cost of Rs.10,000/- (Rupees ten thousand) which shall be deposited within 30 (thirty) days from the date of the instant judgment and the Railway Administration shall be at liberty to withdraw the same by filing appropriate application before the Claims Tribunal in respect to claim at Sl. No. 5. The appellant/applicant shall not be entitled to claim interest in respect to the claim made in Sl. No.5. The Railway Claims Tribunal shall adjudicate the said claim in accordance with law.

The appeal is partly allowed subject to above.

MFA No.22/2021

55. This first appeal arises out of a claim proceeding registered as MA No.16/2015. In the said claim proceedings, the claim was made in respect to the following claim:

Sl No.	Inv. No.	RR No.	Date	Total delay
1	14	212000030	16.09.2011	4 months 21 days

56. In view of the above observation, the appeal stands dismissed as the claim is barred by limitation.

MFA No.23/2021

57. The instant appeal arises out of a claim proceeding registered as MA No.32/2012. In the said claim proceedings, the claim was made in respect to the following claim:

Sl No.	Inv. No.	RR No.	Date	Total delay
1	01	368996	08.04.2009	41 days

58. In view of the above observation, the appeal stands allowed subject to cost in the following manner:-

(i) The delay in filing the claim is condoned subject to imposition of cost of Rs.10,000/- (Rupees ten thousand) which shall be deposited within 30 (thirty) days from the date of the instant judgment and the Railway Administration shall be at liberty to withdraw the same by filing appropriate application before the Claims Tribunal in respect to the claim. The appellant/applicant shall not be entitled to claim interest. The Railway Claims Tribunal shall adjudicate the said claim in accordance with law.

MFA No.24/2021

59. The instant first appeal arises out of a claim proceeding registered as MA No.08/2015 wherein two separate claims were made. In respect to the said two separate claims, details are as herein under:

Sl No.	Inv. No.	RR No.	Date	Total delay
1	01	212000032	24.10.2011	3 months 13 days
2	13	212000046	20.01.2012	17 days

60. In view of the above observation, the appeal is partly allowed in the following manner:

(i) The claims at Sl. No. 1 is dismissed as being barred by limitation; and

(ii) The delay in respect to the claim at Sl. No. 2 is condoned subject to imposition of cost of Rs.10,000/- (Rupees ten thousand) which shall be deposited within 30 (thirty) days from the date of the instant judgment and the Railway Administration shall be at liberty to withdraw the same by filing appropriate application before the Claims Tribunal in respect to claim

at Sl. No. 2. The appellant/applicant shall not be entitled to claim interest in respect to the claim made in Sl. No.2. The Railway Claims Tribunal shall adjudicate the said claim in accordance with law.

The appeal is partly allowed subject to above.

MFA No.25/2021

61. This MFA No.25/2021 appeal arises out of a claim proceeding registered as MA No.14/2015. In the said claim proceedings, the claim was made in respect to the following claim:

Sl No.	Inv. No.	RR No.	Date	Total delay
1	01	212000492	10.10.2011	3 months 25 days

62. In view of the above observation, the appeal stands dismissed as the claim is barred by limitation.

MFA No.26/2021

63. This MFA No.26/2021 appeal arises out of a claim proceeding registered as MA No.06/2012. In the said claim proceedings, the claim was made in respect to the following claim:

Sl No.	Inv. No.	RR No.	Date	Total delay
1	18	176368	20.01.2009	22 days

64. In view of the above observation, the appeal stands allowed subject to cost in the following manner:-

(i) The delay in filing the claim is condoned subject to imposition of cost of Rs.10,000/- (Rupees ten thousand) which shall be deposited within 30 (thirty) days from the date of the instant judgment and the Railway Administration shall be at liberty to withdraw the same by filing

appropriate application before the Claims Tribunal in respect to the claim. The appellant/applicant shall not be entitled to claim interest. The Railway Claims Tribunal shall adjudicate the said claim in accordance with law.

MFA No.28/2021

65. The instant first appeal arises out of a claim proceeding registered as MA No.24/2013 wherein two separate claims were made. In respect to the said two separate claims, details are as herein under:

Sl No.	Inv. No.	RR No.	Date	Total delay
1	01	212000304	26.07.2010	3 months 19 days
2	02	412006217	19.08.2010	2 months 27 days

66. In view of the above observation, the appeal is partly allowed in the following manner:

(i) The claim at Sl. No.1 is dismissed as being barred by limitation; and

(ii) The delay in respect to the claim at Sl. No. 2 is condoned subject to imposition of cost of Rs.10,000/- (Rupees ten thousand) which shall be deposited within 30 (thirty) days from the date of the instant judgment and the Railway Administration shall be at liberty to withdraw the same by filing appropriate application before the Claims Tribunal in respect to claim at Sl. No. 2. The appellant/applicant shall not be entitled to claim interest in respect to the claim made in Sl. No.2. The Railway Claims Tribunal shall adjudicate the said claim in accordance with law.

The appeal is partly allowed subject to above.

MFA No.29/2021

67. This appeal arises out of a claim proceeding registered as MA No.08/2014. In the said claim proceedings, the claim was made in respect to the following claims:

Sl No.	Inv. No.	RR No.	Date	Total delay
1	03 + 04	212000086 + 86	10.02.2011	15 days

68. In view of the above observation, the appeal stands allowed. The delay in filing the claim is condoned subject to imposition of cost of Rs.10,000/- (Rupees ten thousand) each, which shall be deposited within 30 (thirty) days from the date of the instant judgment and the Railway Administration shall be at liberty to withdraw the same by filing appropriate application before the Claims Tribunal in respect to the claim. The appellant/applicant shall not be entitled to claim interest in this regard. The Railway Claims Tribunal shall adjudicate the said claim in accordance with law.

MFA No.30/2021

69. This MFA No.30/2021 appeal arises out of a claim proceeding registered as MA No.12/2015. In the said claim proceedings, the claim was made in respect to the following claim:

Sl No.	Inv. No.	RR No.	Date	Total delay
1	24	212000558	01.12.2011	2 months 5 days

70. In view of the above observation, the appeal stands allowed. The delay in filing the claim is condoned subject to imposition of cost of Rs.10,000/- (Rupees ten thousand) which shall be deposited within 30 (thirty) days from the date of the instant judgment and the Railway Administration shall be at liberty to withdraw the same by filing appropriate application before the Claims Tribunal in respect to the claim. The appellant/applicant shall not be entitled to claim interest in this regard. The Railway Claims Tribunal shall adjudicate the said claim in accordance with law.

MFA No.31/2021

71. This first appeal arises out of a claim proceeding registered as MA No.06/2015. In

the said claim proceedings, the claim was made in respect to the following claim:

Sl No.	Inv. No.	RR No.	Date	Total delay
1	24	212000436	11.08.2011	5 months 26 days

72. In view of the above observation, the appeal stands dismissed as the claim is barred by limitation.

MFA No.32/2021

73. The instant first appeal arises out of a claim proceeding registered as MA No.36/2015. In the said claim proceedings, the claim was made in respect to the following claim:

Sl No.	Inv. No.	RR No.	Date	Total delay
1	07	212000040	07.07.2011	7 months 13 days

74. In view of the above observation, the appeal stands dismissed as the claim is barred by limitation.

MFA No.33/2021

75. The instant first appeal arises out of a claim proceeding registered as MA No.28/2015 wherein two separate claims were made. In respect to the said two separate claims, details are as herein under:

Sl No.	Inv. No.	RR No.	Date	Total delay
1	07	212000502	26.10.2011	4 months 22 days
2	25	212000559	03.12.2011	3 months 13 days

76. In view of the above observation, the appeal stands dismissed as the claims at Sl. Nos. 1 & 2 are barred by limitation.

MFA No.34/2021

77. This MFA No.34/2021 appeal arises out of a claim proceeding registered as MA No.22/2015. In the said claim proceedings, the claim was made in respect to the following claim:

Sl No.	Inv. No.	RR No.	Date	Total delay
1	09	212000631	03.02.2012	13 days

78. In view of the above observation, the appeal stands allowed subject to cost in the following manner:-

(i) The delay in filing the claim is condoned subject to imposition of cost of Rs.10,000/- (Rupees ten thousand) which shall be deposited within 30 (thirty) days from the date of the instant judgment and the Railway Administration shall be at liberty to withdraw the same by filing appropriate application before the Claims Tribunal in respect to the claim. The appellant/applicant shall not be entitled to claim interest in this regard. The Railway Claims Tribunal shall adjudicate the said claim in accordance with law.

MFA No.35/2021

79. This first appeal arises out of a claim proceeding registered as MA No.24/2015. In the said claim proceedings, the claim was made in respect to the following claim:

Sl No.	Inv. No.	RR No.	Date	Total delay
1	02	212000065	09.11.2011	3 months 8 days

80. In view of the above observation, the appeal stands dismissed as the claim is barred by limitation.

MFA No.36/2021

81. This first appeal arises out of a claim proceeding registered as MA No.38/2015. In the said claim proceedings, the claim was made in respect to the following claim:

Sl No.	Inv. No.	RR No.	Date	Total delay
1	04	212000022	20.07.2011	7 months

82. In view of the above observation, the appeal stands dismissed as the claim is barred by limitation.

MFA No.37/2021

83. This first appeal arises out of a claim proceeding registered as MA No.40/2015. In the said claim proceedings, the claim was made in respect to the following claim:

Sl No.	Inv. No.	RR No.	Date	Total delay
1	13	212000029	12.09.2011	5 months 8 days

84. In view of the above observation, the appeal stands dismissed as the claim is barred by limitation.

MFA No.38/2021

85. This first appeal arises out of a claim proceeding registered as MA No.12/2012. In the said claim proceedings, the claim was made in respect to the following claim:

Sl No.	Inv. No.	RR No.	Date	Total delay
1	20	176379	31.01.2009	14 days

86. In view of the above observation, the appeal stands allowed subject to cost in the following manner:-

(i) The delay in filing the claim is condoned subject to imposition of cost of Rs.10,000/- (Rupees ten thousand) which shall be deposited within 30 (thirty) days from the date of the instant judgment and the Railway Administration shall be at liberty to withdraw the same by filing appropriate application before the Claims Tribunal in respect to the claim. The appellant/applicant shall not be entitled to claim interest. The Railway Claims Tribunal shall adjudicate the said claim in accordance with law.

MFA No.39/2021

87. This first appeal arises out of a claim proceeding registered as MA No.44/2015. In the said claim proceedings, the claim was made in respect to the following claim:

Sl No.	Inv. No.	RR No.	Date	Total delay
1	01	212000035	30.10.2011	3 months 20 days

88. In view of the above observation, the appeal stands dismissed as the claim is barred by limitation.

MFA No.40/2021

89. This first appeal arises out of a claim proceeding registered as MA No.18/2015. In the said claim proceedings, the claim was made in respect to the following claims:

Sl No.	Inv. No.	RR No.	Date	Total delay
1	04	212000073	25.12.2011	1 month and 16 days
2	11	212000091	29.02.2012	In time

90. In view of the above observation, the appeal stands allowed subject to cost in the following manner:-

(i) The delay in filing the claim at Sl. No. 1 is condoned subject to imposition of cost of Rs.10,000/- (Rupees ten thousand) which shall be deposited within 30 (thirty) days from the date of the instant judgment and the Railway Administration shall be at liberty to withdraw the same by filing appropriate application before the Claims Tribunal in respect to claim at Sl. No. 1. The appellant/applicant shall not be entitled to claim interest. The Railway Claims Tribunal shall adjudicate the said claim in accordance with law.

(ii) In respect to the claim at Sl. No.2 as there is no delay, the question of condoning the delay does not arise. The appellant/applicant shall be entitled to claim interest in respect to the claim at Sl. No.2.

MFA No.41/2021

91. This first appeal arises out of a claim proceeding registered as MA No.26/2015. In the said claim proceedings, the claim was made in respect to the following claim:

Sl No.	Inv. No.	RR No.	Date	Total delay
1	04	212000567	25.12.2011	1 month and 22 days

92. In view of the above observation, the appeal stands allowed subject to cost in the following manner:-

(i) The delay in filing the claim is condoned subject to imposition of cost of Rs.10,000/- (Rupees ten thousand) which shall be deposited within 30 (thirty) days from the date of the instant judgment and the Railway Administration shall be at liberty to withdraw the same by filing

appropriate application before the Claims Tribunal in respect to the claim. The appellant/applicant shall not be entitled to claim interest. The Railway Claims Tribunal shall adjudicate the said claim in accordance with law.

MFA No.42/2021

93. This first appeal arises out of a claim proceeding registered as MA No.20/2015. In the said claim proceedings, the claim was made in respect to the following claims:

Sl No.	Inv. No.	RR No.	Date	Total delay
1	05	212000039	23.11.2011	1 month and 18 days
2	06	212000040	26.11.2011	1 month 15 days

94. In view of the above observation, the appeal stands allowed subject to cost in the following manner:-

(i) The delay in filing the claims at Sl. Nos. 1 & 2 is condoned subject to imposition of cost of Rs.10,000/- (Rupees ten thousand) each, which shall be deposited within 30 (thirty) days from the date of the instant judgment and the Railway Administration shall be at liberty to withdraw the same by filing appropriate application before the Claims Tribunal in respect to claims at Sl. Nos. 1 & 2. The appellant/applicant shall not be entitled to claim interest. The Railway Claims Tribunal shall adjudicate the said claims in accordance with law.

MFA No.43/2021

95. This first appeal arises out of a claim proceeding registered as MA No.42/2015. In the said claim proceedings, the claim was made in respect to the following claim:

Sl No.	Inv. No.	RR No.	Date	Total delay
1	01	212000058	07.10.2011	4 months and 13 days

96. In view of the above observation, the appeal stands dismissed as the claim is barred by limitation.

MFA No.44/2021

97. The instant appeal arises out of MA No.32/2015. As the delay in filing the application was 5 months 21 days, the said delay, in view of the observation made herein above, is not condoned. Consequently, the instant appeal stands dismissed as the claim application was barred by limitation.

MFA No.45/2021

98. This first appeal arises out of a claim proceeding registered as MA No.30/2015. In the said claim proceedings, the claim was made in respect to the following claim:

Sl No.	Inv. No.	RR No.	Date	Total delay
1	18	212000399	03.07.2011	7 months and 15 days

99. In view of the above observation, the appeal stands dismissed as the claim is barred by limitation.

MFA No.46/2021

100. This first appeal arises out of a claim proceeding registered as MA No.34/2015. In the said claim proceedings, the claim was made in respect to the following claim:

Sl No.	Inv. No.	RR No.	Date	Total delay
1	33	212000478	10.09.2011	5 months and 6 days

101. In view of the above observation, the appeal stands dismissed as the claim is barred by limitation.

MFA No.47/2021

102. The instant appeal arises out of MA No.46/2015. As the delay in filing the application was 3 months 11 days, the said delay, in view of the observation made herein above, is not condoned. Consequently, the instant appeal stands dismissed as the claim application was barred by limitation.

MFA No.48/2021

103. This first appeal arises out of a claim proceeding registered as MA No.8/2012. In the said claim proceedings, the claim was made in respect to the following claim:

Sl No.	Inv. No.	RR No.	Date	Total delay
1	12	421960	04.01.2009	40 days

104. In view of the above observation, the appeal stands allowed subject to cost in the following manner:-

(i) The delay in filing the claim is condoned subject to imposition of cost of Rs.10,000/- (Rupees ten thousand) which shall be deposited within 30 (thirty) days from the date of the instant judgment and the Railway Administration shall be at liberty to withdraw the same by filing appropriate application before the Claims Tribunal in respect to the claim. The appellant/applicant shall not be entitled to claim interest. The Railway Claims Tribunal shall adjudicate the said claim in accordance with law.

MFA No.49/2021

105. The instant appeal arises out of MA No.50/2015. As the delay in filing the application was 17 days, in view of the observation made herein above, the said delay is condoned subject to imposition of cost of Rs.10,000/- (Rupees ten thousand) which shall be deposited within 30 (thirty) days from the date of the instant judgment and the

Railway Administration shall be at liberty to withdraw the same by filing appropriate application before the Claims Tribunal in respect to said claim. The appellant/applicant shall not be entitled to claim interest. The Railway Claims Tribunal shall adjudicate the said claim in accordance with law.

MFA No.50/2021

106. The instant appeal arises out of MA No.10/2012. As the delay in filing the application was 28 days, in view of the observation made herein above, the said delay is condoned subject to imposition of cost of Rs.10,000/- (Rupees ten thousand) which shall be deposited within 30 (thirty) days from the date of the instant judgment and the Railway Administration shall be at liberty to withdraw the same by filing appropriate application before the Claims Tribunal in respect to said claim. The appellant/applicant shall not be entitled to claim interest. The Railway Claims Tribunal shall adjudicate the said claim in accordance with law.

MFA No.51/2021

107. The instant appeal arises out of MA No.30/2014. As the delay in filing the application was 1 month 10 days, in view of the observation made herein above, the said delay is condoned subject to imposition of cost of Rs.10,000/- (Rupees ten thousand) which shall be deposited within 30 (thirty) days from the date of the instant judgment and the Railway Administration shall be at liberty to withdraw the same by filing appropriate application before the Claims Tribunal in respect to said claim. The appellant/applicant shall not be entitled to claim interest. The Railway Claims Tribunal shall adjudicate the said claim in accordance with law.

MFA No.52/2021

108. The instant appeal arises out of MA No.20/2012. As the delay in filing the application was 13 days, in view of the observation made herein above, the said delay is condoned subject to imposition of cost of Rs.10,000/- (Rupees ten thousand) which shall

be deposited within 30 (thirty) days from the date of the instant judgment and the Railway Administration shall be at liberty to withdraw the same by filing appropriate application before the Claims Tribunal in respect to said claim. The appellant/applicant shall not be entitled to claim interest. The Railway Claims Tribunal shall adjudicate the said claim in accordance with law.

MFA No.53/2021

109. The instant appeal arises out of MA No.28/2015. As the delay in filing the application was 7 months 15 days, the said delay, in view of the observation made herein above, is not condoned. Consequently, the instant appeal stands dismissed as the claim application was barred by limitation.

MFA No.56/2021

110. This first appeal arises out of a claim proceeding registered as MA No.24/2014. In the said claim proceedings, the claim was made in respect to the following claim:

Sl No.	Inv. No.	RR No.	Date	Total delay
1	03	262001434	17.11.2010	7 months 18 days

111. In view of the above observation, the appeal stands dismissed as the claim is barred by limitation.

MFA No.57/2021

112. This first appeal arises out of a claim proceeding registered as MA No.48/2015. In the said claim proceedings, the claim was made in respect to the following claim:

Sl No.	Inv. No.	RR No.	Date	Total delay
1	25	212000559	03.12.2011	2 months 17 days

113. In view of the above observation, the appeal stands allowed subject to cost in the following manner:-

(i) The delay in filing the claim is condoned subject to imposition of cost of Rs.10,000/- (Rupees ten thousand) which shall be deposited within 30 (thirty) days from the date of the instant judgment and the Railway Administration shall be at liberty to withdraw the same by filing appropriate application before the Claims Tribunal in respect to the claim. The appellant/applicant shall not be entitled to claim interest. The Railway Claims Tribunal shall adjudicate the said claim in accordance with law.

MFA No.58/2021

114. This first appeal arises out of a claim proceeding registered as MA No.22/2014. In the said claim proceedings, the claim was made in respect to the following claim:

Sl No.	Inv. No.	RR No.	Date	Total delay
1	01-03	895297-895299	10.01.2010	17 months 25 days

115. In view of the above observation, the appeal stands dismissed as the claim is barred by limitation.

MFA No.60/2021

116. The instant appeal arises out of MA No.26/2014. In this appeal there are ten claims filed together. As the delay in filing the application in respect to the various claims ranges between 19 months 6 days to 7 months 17 days, the said delay, in view of the observation made herein above, is not condoned. Consequently, the instant appeal stands dismissed as the claim application was barred by limitation.

MFA No.61/2021

117. The instant appeal arises out of MA No.22/2012. As the delay in filing the application was 51 days, in view of the observation made herein above, the said delay is

condoned subject to imposition of cost of Rs.10,000/- (Rupees ten thousand) which shall be deposited within 30 (thirty) days from the date of the instant judgment and the Railway Administration shall be at liberty to withdraw the same by filing appropriate application before the Claims Tribunal in respect to said claim. The appellant/applicant shall not be entitled to claim interest. The Railway Claims Tribunal shall adjudicate the said claim in accordance with law.

MFA No.62/2021

118. The instant appeal arises out of MA No.80/2015. As the delay in filing the application was 17 months, the said delay in view of the observation made herein above is not condoned. Consequently, the instant appeal stands dismissed as the claim application was barred by limitation.

MFA No.64/2021

119. The instant appeal arises out of MA No.38/2012. As the delay in filing the application was 5 months, the said delay in view of the observation made herein above is not condoned. Consequently, the instant appeal stands dismissed as the claim application was barred by limitation.

MFA No.65/2021

120. The instant appeal arises out of MA No.4/2014. In this appeal there are five claims filed together. Out of the five claims in respect to the Invoice dated 29.11.2010, the delay being 46 days, this Court condones the delay in respect to the said claim in view of the observation made herein above, subject to imposition of cost of Rs.10,000/- (Rupees ten thousand) which shall be deposited within 30 (thirty) days from the date of the instant judgment and the Railway Administration shall be at liberty to withdraw the same by filing appropriate application before the Claims Tribunal in respect to said claim. The appellant/applicant shall not be entitled to claim interest. The Railway Claims Tribunal shall adjudicate the said claim in accordance with law.

As regards the claims pertaining to Invoices dated 12.07.2010, 20.08.2010,

26.09.2010 and 06.10.2010, the delay in respect to the said claims is beyond 3 (three) months, and as such, the said claims are dismissed on the ground that the claims are barred by limitation.

MFA No.66/2021

121. The instant appeal arises out of MA No.76/2015. As the delay in filing the application was 22 months the said delay, in view of the observation made herein above is not condoned. Consequently, the instant appeal stands dismissed as the claim application was barred by limitation.

MFA No.67/2021

122. The instant appeal arises out of MA No.72/2015. As the delay in filing the application was 30 days, in view of the observation made herein above, the said delay is condoned subject to imposition of cost of Rs.10,000/- (Rupees ten thousand) which shall be deposited within 30 (thirty) days from the date of the instant judgment and the Railway Administration shall be at liberty to withdraw the same by filing appropriate application before the Claims Tribunal in respect to said claim. The appellant/applicant shall not be entitled to claim interest. The Railway Claims Tribunal shall adjudicate the said claim in accordance with law.

MFA No.68/2021

123. This first appeal arises out of a claim proceeding registered as MA No.82/2015. In the said claim proceedings, the claim was made in respect to the following claims:

Sl No.	Inv. No.	RR No.	Date	Total delay
1	30	262013861	16.07.2011	13 months
2	34	262014119	28.07.2011	13 months
3	42	262014802	21.08.2011	12 months

4	43	262015615	18.09.2011	11 months
5	04	262016031	05.10.2011	10 moths
6	09	262016124	11.10.2011	10 months
7	12	262016619	31.10.2011	10 months
8	16	262016775	09.11.2011	9 months
9	22	262016937	28.11.2011	8 months
10	26	262017205	13.12.2011	8 months
11	30	262017602	29.12.2011	8 months
12	46	262018211	24.01.2012	7 months

124. In view of the above observation, the appeal stands dismissed as the claims mentioned in the above chart are barred by limitation.

MFA No.69/2021

125. This first appeal arises out of a claim proceeding registered as MA No.54/2014. In the said claim proceedings, the claim was made in respect to the following claims:

Sl No.	Inv. No.	RR No.	Date	Total delay
1	04-06+08	212006985-6987+6989	27.08.2011	20 days

126. In view of the above observation, the appeal stands allowed. The delay in filing the claim is condoned subject to imposition of cost of Rs.10,000/- (Rupees ten thousand) each, which shall be deposited within 30 (thirty) days from the date of the instant

judgment and the Railway Administration shall be at liberty to withdraw the same by filing appropriate application before the Claims Tribunal in respect to the claim. The appellant/applicant shall not be entitled to claim interest. The Railway Claims Tribunal shall adjudicate the said claim in accordance with law.

MFA No.70/2021

127. This first appeal arises out of a claim proceeding registered as MA No.52/2014. In the said claim proceedings, the claim was made in respect to the following claims:

Sl No.	Inv. No.	RR No.	Date	Total delay
1	01	212006446	26.02.2011	6 months 20 days
2	02	212006445	26.02.2011	6 months 20days

128. In view of the above observation, the appeal stands dismissed as the claims at Sl. Nos. 1 & 2 are barred by limitation.

MFA No.71/2021

129. This first appeal arises out of a claim proceeding registered as MA No.2/2014. In the said claim proceedings, the claim was made in respect to the following claim:

Sl No.	Inv. No.	RR No.	Date	Total delay
1	14 to 17	262003424 to 262003430	08.02.2010	11 months 5 days

130. In view of the above observation, the appeal stands dismissed as the claim is barred by limitation.

MFA No.73/2021

131. This first appeal arises out of a claim proceeding registered as MA No.78/2015. In the said claim proceedings, the claim was made in respect to the following claim:

Sl No.	Inv. No.	RR No.	Date	Total delay
1	23	262013482	27.06.2011	14 months

132. In view of the above observation, the appeal stands dismissed as the claim is barred by limitation.

MFA No.78/2021

133. This first appeal arises out of a claim proceeding registered as MA No.68/2015. In the said claim proceedings, the claim was made in respect to the following claim:

Sl No.	Inv. No.	RR No.	Date	Total delay
1	01	211000073	01.04.2012	24 days

134. In view of the above observation, the appeal stands allowed. The delay in filing the claim is condoned subject to imposition of cost of Rs.10,000/- (Rupees ten thousand) which shall be deposited within 30 (thirty) days from the date of the instant judgment and the Railway Administration shall be at liberty to withdraw the same by filing appropriate application before the Claims Tribunal in respect to the claim. The appellant/applicant shall not be entitled to claim interest. The Railway Claims Tribunal shall adjudicate the said claim in accordance with law.

MFA No.79/2021

135. This first appeal arises out of a claim proceeding registered as MA No.18/2012. In the said claim proceedings, the claim was made in respect to the following claim:

Sl No.	Inv. No.	RR No.	Date	Total delay
1	10	200105	25.03.2009	23 days

136. In view of the above observation, the appeal stands allowed. The delay in filing the claim is condoned subject to imposition of cost of Rs.10,000/- (Rupees ten thousand) which shall be deposited within 30 (thirty) days from the date of the instant judgment and the Railway Administration shall be at liberty to withdraw the same by filing appropriate application before the Claims Tribunal in respect to the claim. The appellant/applicant shall not be entitled to claim interest. The Railway Claims Tribunal shall adjudicate the said claim in accordance with law.

MFA No.81/2021

137. The instant MFA arises out of the claim proceeding registered as MA No.56/2014.

138. From a perusal of the said claim proceedings it transpires that the said claim proceedings relates to the following claims:

Sl No.	Inv. No.	RR No.	Date	Total delay
1	17-18	412007850-7851	29.08.2011	18 days
2	19-20	412007866-7867	25.09.2011	In time

139. In view of the above observation, the appeal stands allowed subject to cost in the following manner:-

(i) The delay in filing the claim at Sl. No. 1 is condoned subject to imposition of cost of Rs.10,000/- (Rupees ten thousand) each, which shall be deposited within 30 (thirty) days from the date of the instant judgment and the Railway Administration shall be at liberty to withdraw the same by filing appropriate application before the Claims Tribunal in respect to claim at Sl. No. 1. The appellant/applicant shall not be entitled to claim interest. The Railway Claims Tribunal shall adjudicate the said claim in accordance with law.

(ii) In respect to the claim at Sl. No.2 as there is no delay, the question of condoning the delay does not arise. The appellant/applicant shall be entitled to claim interest in respect to the claim at Sl. No.2.

MFA No.82/2021

140. This first appeal arises out of a claim proceeding registered as MA No.44/2012. In the said claim proceedings, the claim was made in respect to the following claims:

Sl No.	Inv. No.	RR No.	Date	Total delay
1	15	201902	02.06.2009	4 months
2	40	201946	21.08.2009	40 days
3	46	201983	13.09.2009	20 days
4	47	201954	18.09.2009	13 days

141. In view of the above observation, the appeal is partly allowed in the following manner:

(i) The claims at Sl. No. 1 is dismissed as being barred by limitation; and

(ii) The delay in respect to the claim at Sl. Nos. 2 to 4 is condoned subject to imposition of cost of Rs.10,000/- (Rupees ten thousand) each, which shall be deposited within 30 (thirty) days from the date of the instant judgment and the Railway Administration shall be at liberty to withdraw the same by filing appropriate application before the Claims Tribunal in respect to the claims at Sl. Nos. 2 to 4. The appellant/applicant shall not be entitled to claim interest in respect to the claims made in Sl. Nos. 2 to 4. The Railway Claims Tribunal shall adjudicate the said claim in accordance with law.

The appeal is partly allowed subject to above.

MFA No.94/2021

142. This first appeal arises out of a claim proceeding registered as MA No.4/2015. In the said claim proceedings, the claim was made in respect to the following claim:

Sl No.	Inv. No.	RR No.	Date	Total delay
1	01	212000499	18.10.2011	3 months 5 days

143. In view of the above observation, the appeal stands dismissed as the claim is barred by limitation.

MFA No.103/2021

144. This first appeal arises out of a claim proceeding registered as MA No.3/2014. In the said claim proceedings, the claim was made in respect to the following claim:

Sl No.	Inv. No.	RR No.	Date	Total delay
1	16	212002449	12.03.2010	9 months 1 day

145. In view of the above observation, the appeal stands dismissed as the claim is barred by limitation.

MFA No.111/2021

146. This first appeal arises out of a claim proceeding registered as MA No.81/2015. In the said claim proceedings, the claim was made in respect to the following claim:

Sl No.	Inv. No.	RR No.	Date	Total delay
1	16	262005816	13.03.2016	17 months

147. In view of the above observation, the appeal stands dismissed as the claim is barred by limitation.

MFA No.135/2021

148. This first appeal arises out of a claim proceeding registered as MA No.47/2015. In the said claim proceedings, the claim was made in respect to the following claim:

Sl No.	Inv. No.	RR No.	Date	Total delay
1	19	212000541	18.11.2011	3 months 2 days

149. In view of the above observation, the appeal stands dismissed as the claim is barred by limitation.

MFA No.140/2021

150. This first appeal arises out of a claim proceeding registered as MA No.53/2014. In the said claim proceedings, the claim was made in respect to the following claims:

Sl No.	Inv. No.	RR No.	Date	Total delay
1	43	212006295	22.01.2011	9 months 24 days
2	01	212003505	27.01.2011	9 months 20 days
3	05	212006581	26.04.2011	4 months 21 days
4	07	212006627	03.05.2011	3 months 10 days
5	12	212006772	17.06.2011	2 months 29 days

151. In view of the above observation, the appeal is partly allowed in the following manner:

(i) The claims at Sl. Nos. 1 to 4 are dismissed as being barred by limitation;

and

(ii) The delay in respect to the claim at Sl. No. 5 is condoned subject to imposition of cost of Rs.10,000/- (Rupees ten thousand) which shall be deposited within 30 (thirty) days from the date of the instant judgment and the Railway Administration shall be at liberty to withdraw the same by filing appropriate application before the Claims Tribunal in respect to the claim at Sl. No. 5. The appellant/applicant shall not be entitled to claim interest in respect to the claim made in Sl. No.5. The Railway Claims Tribunal shall adjudicate the said claim in accordance with law.

The appeal is partly allowed subject to above.

MFA No.156/2021

152. This first appeal arises out of a claim proceeding registered as MA No.79/2015. In the said claim proceedings, the claim was made in respect to the following claim:

Sl No.	Inv. No.	RR No.	Date	Total delay
1	16	262013282	21.06.2011	14 months

153. In view of the above observation, the appeal stands dismissed as the claim is barred by limitation.

MFA No.160/2021

154. The instant appeal arises out of MA No.43/2015. As the delay in filing the application was 4 months 16 days, the said delay, in view of the observation made herein above, is not condoned. Consequently, the instant appeal stands dismissed as the claim application was barred by limitation.

MFA No.167/2021

155. This first appeal arises out of a claim proceeding registered as MA No.25/2013. In

the said claim proceedings, the claim was made in respect to the following claims:

Sl No.	Inv. No.	RR No.	Date	Total delay
1	05+06	412004672+4673	10.01.2010	10 months 5 days
2	07+08	412004869+4870	28.01.2010	9 months 18 days
3	09+10	412004895+4896	05.02.2010	9 moths 10 days
4	11+11	412004941+4942	09.02.2010	9 months 6 days
5	13	412004960	12.02.2010	9 months 3 days
6	01+02	412014317+14318	07.03.2010	8 months 8 days
7	01	412014359	10.03.2010	8 months 3 days
8	06	412005065	14.03.2010	8 months 1 day
9	07	412005167	21.03.2010	7 months 24 days
10	16	412005242	30.03.2010	7 months 15 days
11	01	412005318	04.04.2010	7 months 11 days
12	01	412015236	07.05.2010	6 months 8 days
13	05	412006327	21.11.2010	In time

156. In view of the above observation, the appeal stands partly allowed in the following manner:-

(i) The claims at Sl. Nos. 1 to 12 are dismissed as being barred by limitation; and

(ii) In respect to the claim at Sl. No.13, as there is no delay, the question of

condoning the delay does not arise. The appellant/applicant shall be entitled to claim interest in respect to the claim at Sl. No.13.

The appeal is partly allowed subject to above.

MFA No.176/2021

157. This first appeal arises out of a claim proceeding registered as MA No.77/2015. In the said claim proceedings, the claim was made in respect to the following claim:

Sl No.	Inv. No.	RR No.	Date	Total delay
1	09	262004769	15.01.2011	19 months

157. In view of the above observation, the appeal stands dismissed as the claim is barred by limitation.

158. In view of the above directions and observation, the instant appeals stand disposed of.

159. Registry is directed to send back the LCRs forthwith.

JUDGE

Comparing Assistant