



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Writ Petition (C) No.2534 of 2023

M/s. Shubh Minerals Private Limited, through its Director Pratish Kumar Goyal, aged about 44 years, S/o Shri Hari Kishan Goyal, R/o H.No.03, Magneto Signature, Home-II, Labhandi, Raipur, District Raipur (C.G.), PIN-492001

---- Petitioner

Versus

1. Union of India, through the Secretary, Ministry of Railways, Rail Bhawan, Raisina Road, New Delhi, Pin-110001
2. Railway Board, through its Chairman, Rail Bhawan, Raisina Road, New Delhi, Pin-110001
3. South Eastern Central Railway, through its General Manager, Bilaspur, District Bilaspur, Chhattisgarh.
4. Principal Chief Commercial Manager, Office of the Principal Chief Commercial Manager, New Zonal Building, Bilaspur, District Bilaspur Chhattisgarh, Pin-495004.
5. Principal Chief Operations Manager, Office of the Principal Chief Commercial Manager, New Zonal Building, Bilaspur, District Bilaspur, Chhattisgarh, Pin-495004.
6. Senior Divisional Commercial Manager, Office of Senior Divisional Commercial Manager, DRM Complex, Bilaspur, District Bilaspur, Chhattisgarh, Pin-495004.
7. Assistant Commercial Manager (Goods), Office of Senior Divisional Commercial Manager, DRM Complex, Bilaspur, District Bilaspur, Chhattisgarh, Pin-495004.
8. Senior Commercial Manager (FS)/(Freight Services), Office of the Principal Chief Commercial Manager, New Zonal Building, Bilaspur, District Bilaspur, Chhattisgarh, Pin-495004.
9. Chief Commercial Superintending, Baradwar, Naya Baradwar, District Janjgir-Champa, Chhattisgarh

---- Respondents



Writ Petition (C) No.2541 of 2023

M/s Dolomite Mining Corporation, (a partnership firm), Registered Address Sakti Road, Baradwar, District Sakti (C.G.), Through its partner namely Pawanjay Agrawal, S/o Late Shri Umesh Prasad Agrawal, presently aged around 36 years, R/o Y-20, Civil Township, Rourkela, District Sundergarh, (Odisha)

---- Petitioner

Versus

1. Union of India, through the Secretary, Ministry of Railways, (Railway Board), Room No.467, Rail Bhawan, New Delhi 110001
2. The Director, Traffic Commercial (Rates), Railway Board, Rail Bhawan, New Delhi.
3. South Eastern Central Railway, Bilaspur Division, Divisional Railway Manager, DRM Complex, Bilaspur (C.G.)
4. The Principal Chief Commercial Manager, Office- New Zonal Building, Bilaspur (C.G.), Pin-495004
5. Senior Commercial Manager (FS), South Eastern Central Railway, Bilaspur (C.G.)
6. The Senior Divisional Commercial Manager, South Eastern Central Railway, DRM Complex, Bilaspur (C.G.)
7. The Assistant Commercial Manager (Goods), South Eastern Central Railway, Bilaspur (C.G.)
9. The Chief Commercial Superintending, South Eastern Central Railway, Baradwar.

---- Respondents

AND

Writ Petition (C) No.2545 of 2023

M/s Guru Shree Minerals Private Limited (a Private Limited Company Registered under the relevant provision of Company Act) Registered Address Shop No.39-42, Krishna Crown Complex, Chaitnaya Nagar, Dhimrapur Road, Raigarh (C.G.) Through its Authorized Representative Nirmal Agrawal, S/o Suresh Chand Agrawal, aged around 37 years, R/o Flat No.604, 6th Floor, Block 'C', Gurushree Tower, Rambhata, Raigarh, Tahsil and District Raigarh (C.G.)

---- Petitioner



Versus

1. Union of India, through the Secretary, Ministry of Railways, (Railway Board), Room No.467, Rail Bhawan, New Delhi 110001
2. The Director, Traffic Commercial (Rates), Railway Board, Rail Bhawan, New Delhi.
3. South Eastern Central Railway, Bilaspur Division, Divisional Railway Manager, DRM Complex, Bilaspur (C.G.)
4. The Principal Chief Commercial Manager, Office- New Zonal Building, Bilaspur (C.G.), Pin-495004
5. Senior Commercial Manager (FS), South Eastern Central Railway, Bilaspur (C.G.)
6. The Senior Divisional Commercial Manager, South Eastern Central Railway, DRM Complex, Bilaspur (C.G.)
7. The Assistant Commercial Manager (Goods), South Eastern Central Railway, Bilaspur (C.G.)
9. The Chief Commercial Superintending, South Eastern Central Railway, Baradwar, District Sakti (C.G.)

---- Respondents

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Hon'ble Shri Justice Sanjay K. Agrawal

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08/06/2023	Mr. Siddharth Dubey and Mr. Ishan Verma, counsel for the petitioner in W.P.(C)No.2534/2023. Mr. Hari Agrawal, counsel for the petitioners in W.P.(C)Nos.2541/2023 & 2545/2023. Mr. Keshav Prasad Gupta, counsel for the respondents / Railways, on advance copy. Heard on admission. The writ petitions being arguable are <u>admitted</u> for hearing.



Issue notice to the respondents.

Mr. Keshav Prasad Gupta accepts notice for all the respondents in all the writ petitions. Let necessary extra sets of the writ petitions along with annexures be served to him. He undertakes to seek instructions from the respondents and file reply on or before 16-6-2023. Rejoinder, if any, be filed on or before 20-6-2023.

Learned counsel for the petitioners submit that they have deposited the wagon registration fees (WRF) at the rate of ₹ 50,000/- as per the circular of the Railways, however, by order dated 17-10-2022, registration fees has been enhanced to ₹ 1,00,000/- by the Railway Board for all Zonal Railways with effect from 1-11-2022 for prospective indents only, whereas the petitioners have registered wagons prior to 1-11-2022 and by virtue of order dated 31-3-2023, registration fees has been enhanced from ₹ 1,00,000/- to ₹ 3,00,000/- by Zonal Railways and thereafter, by order dated 29-5-2023, a decision has been taken by the Zonal Railways to collect the enhanced WRF in retrospective manner for all pending indents, as such, by order dated 1-6-2023, the petitioners have been directed to deposit the difference of enhanced WRF retrospectively. Since the petitioners have deposited WRF prior to 1-11-2022 as per the then applicable and prescribed WRF of the Railway Board, therefore, the Zonal Railways cannot now ask for deposit of the difference of enhanced WRF retrospectively.

Learned counsel for the Railways / respondents seeks time to file reply. As already been ordered, reply be filed on or before 16-6-2023.

List the matters on 20-6-2023. Till then, no coercive steps shall be taken against the petitioners.

Certified copy today.

Sd/-
(Sanjay K. Agrawal)
Vacation Judge