

Union of India

Vs

Lord Krishna Sugar Mills

Civil Appeal No. 3286 of 1984

(S. Rajendra Babu, S.N. Phukan JJ)

21.04.1999

JUDGMENT

S.N. Phukan, J.

1. This appeal is preferred by the Union of India through the General Manager, Northern Railway against the Judgment and Order dated 30th January, 1982 passed by the Railway Rates Tribunal, Madras.
2. A complaint was filed under Section 41(1)(c) of the Indian Railways Act, 1890 by the respondent regarding the siding charges levied by the appellant at the respondent's siding at Saharanpur and fixation of maintenance charges of the siding by the railway. The tribunal framed as many as 7 issues and after elaborate discussion held that the siding charges and maintenance charges fixed by railway w.e.f. 13.3.1980 were unreasonable. Hence the present appeal.
3. We have heard Ms. Anjani Aiyangiri, learned counsel for the appellant and Mr. Pradeep Misra, learned counsel for the respondent.
4. From the impugned judgment we find that maintenance charges were fixed at Rs. 4838/- for the period 3.10.80 to 31.3.81 and also for subsequent years.
5. At the time of argument it was stated before us that the siding of the respondent was closed down in the year 1996, therefore, these two questions regarding siding charges and maintenance charges have become academic. The tribunal fixed the siding charges and maintenance charges not only on the basis of All India cost incurred by the Railway but on the zonal basis. The tribunal had given elaborate reasons and had also relied on other decisions of the tribunal.
6. In view of the fact that the siding was closed down in the year 1996, both the questions have become infructuous, therefore, we don't want to interfere in the present appeal leaving the question regarding the method of calculation of siding and maintenance charges open.
7. In view of the above observations, appeal is disposed of. The parties to bear their own costs.