

Form J(2)

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

WPA 21874 of 2010

**Rungta Mines Limited
Vs.
Union of India & Ors.**

**For the petitioner : Mr. Soumya Mazumder,
Ms. Sumita Shaw,
Mr. Amitava Mitra,
Mr. Paritosh Sinha,
Ms. Antara Choudhury**

**For the State : Mr. Kalyan Kumar Chakraborty,
Ms. Rumana Sahein**

Judgement on : 19.10.2023.

Bibek Chaudhuri, J.

Sometimes in the year 2006 the petitioner applied for granting approval to develop the private sidings at its own cost at various stations within the jurisdiction of South Eastern Railway. The petitioner's application was principally approved vide letter dated 3rd March, 2006. Subsequently, the petitioner constructed private sidings on the railway land at different locations. The petitioner used to pay premium/licence fee to the railways on the basis of master circular of 2005 issued by the railway board. Subsequently, another

circular by the name of freight circular No.12 of 2008 was issued by the railway board on 28th August, 2008 increasing the rate of premium/rent in respect of the railway siding. Petitioner was charged for payment of such increased rent or premium on the basis of 2008 circular. The said circular is under challenge in the instant writ petition.

In course of hearing of the matter, the railway authorities had come up with an affidavit-in-opposition stating, *inter alia*, that the railway board has decided to claim premium/rent from the petitioner for the private sidings on the basis of 2005 circular and not on the basis of freight circular No.12 dated 28th August, 2008.

In view of such decision being taken by the railway authority, nothing remains in the instant writ petition. Accordingly, the instant writ petition is disposed of directing the railway authority to charge premium/rent/licence fee in respect of private sidings constructed by the petitioner on the railway land owned by South Eastern railway.

The railway authority shall consider as to whether the petitioner has already paid the said premium/rent/licence fee at the rate as per the railway board circular of 2005. If any part of such payment is overdue, the railway authority is at liberty to claim the same as per the circular of 2005 up to October, 2020.

If, on the other hand, the petitioner is entitled to get refund of any amount, the railway authority will take decision for refunding such amount.

With the above direction, the instant writ petition is **disposed of.**

(Bibek Chaudhuri, J.)

*Mithun.
A.R. (Ct).
SI No.04.*