



FAO-1085-1993 (O&M) &  
connected matters

[103] IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

[1] FAO-1085-1993 (O&M)  
Date of Decision : 19.03.2025

Union of India and others ...Appellants

**versus**

The Indian Iron and Steel Company Limited ....Respondent

[2] FAO-1101-1993 (O&M)

Union of India ...Appellants

**versus**

M/s Oriental Insurance Company Limited and others ....Respondents

[3] FAO-1105-1993 (O&M)

Union of India ...Appellant

**versus**

Steel Authority of India Limited ....Respondent

[4] FAO-1106-1993 (O&M)

Union of India and others ...Appellants

**versus**

M/s Indian Iron and Steel Company Limited ....Respondent

[5] FAO-1107-1993 (O&M)

The Union of India ...Appellant

**versus**

Steel Authority of India Limited ....Respondent

Coram : **HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Somesh Gupta, Sr. Panel Counsel, UOI.

Mr. Sandeep Punchhi, Advocate for respondent No.1 in  
FAO-1085-1993, FAO-1105-1993, FAO-1106-1993 &  
FAO-1107-1993.

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**PANKAJ JAIN, J. (ORAL)**

[1] In the bunch of these appeals, the primary issue relates to loading of the consignment on the siding not belonging to Railway Administration. The aforesaid issue has been elaborately dealt by this Court in FAO-1177-1996.

[2] Counsels are *ad idem* that the issue is squarely covered by ratio of law laid down in ‘**Punjab Small Industrial & Export Corporation, Chandigarh versus Union of India etc.**’, wherein this Court observed as under:-

“14. Coming on to the merits of the case, Railways does not dispute that original railway receipt was produced by the claimant. It is also not disputed that the claimant made request for reweighment of the consignment.

15. In para No.6 of the written statement, it has been claimed by the Railway Administration that the request of the party was unjustified and uncalled for and was rightly and correctly turned down by the competent authority. It needs to be noticed that Section 79 of the Railways Act deals with weighment of consignment on request of the consignee or endorsee. The statue itself facilitates allowing the request made by consignee though subject to such conditions and on payment of charges as may be prescribed. The provision itself provides for where the weighment has to be disallowed. The other plea raised by counsel for the railway administration w.r.t. Goods having been loaded at a siding not belonging to the railway administration also needs to be noticed and rejected.

16. Section 94(1) needs to be perused carefully.

17. Railway Administration will not be responsible for any loss, destruction, damage or deterioration of goods loaded at a siding not belonging to the railway administration only till the wagon containing the goods has been placed at the specified point of inter change of wagons between the siding and the railway administration. The only exception is where a railway



*servant authorized in this behalf has not been informed in writing accordingly by the owner of the siding. Admittedly, the wagon loaded in the siding belonging to respondent No.2 from whom appellant purchased the consignment was not only interchanged at the specified point but the same was carried by the railways up to the destination. In terms of Section 93, railway administration is generally responsible as carrier of goods and is required to account for any pilferage/loss. Even though in terms of Section 99 wherever the consignment is at owner's risk, the railway administration is not responsible as a bailee. However, by declining the request of the consignee for reweighment, the railway administration has not helped its cause and cannot escape its liability merely by claiming that the consignment was at owner's risk. Admittedly, railway administration charged RR as per the bill. Apprehending loss in transit, consignee requested for reweighment. After railway administration declined the request, consignee was left with no other choice but to appoint independent surveyor to get the consignment reweighed. Tribunal erred in rejecting the surveyor's report merely on the ground that three gate passes were missing. Gate passes were issued by railway administration and railway administration could have well proved the details thereof, in case they were disputing the same. There being no effort made at the end of Railways Department, this Court finds that the Tribunal erred in rejecting the surveyor's report."*

[3] Appeals are **dismissed** in view of aforesaid ratio.

[4] Photocopy of this order be placed on the file of connected cases.

19.03.2025  
'R. Sharma'

**(PANKAJ JAIN)**  
**JUDGE**

*Whether speaking/ reasoned* : Yes/No  
*Whether reportable* : Yes/No