EAST COAST RAILWAY

SL. No. 124 (G)/04

Circular Letter No. CCM/Waiver of DC&WC/95/Pt-I

Office of the
Chief Commercial Manager
Bhubaneswar-23
Dated 24.11.2004

To

All Station Managers / Commercial Supervisors / Goods Supervisors / Siding Clerks / Booking Clerk in charges / Weigh- Bridge Clerks / Clerk in charges / Agencies / Out Agencies.

Copy for information and necessary action to the :

COM/E.Co.Rly.,S.E.Rly.,S.E.C.Rly.,N.Rly.,N.F.Rly.,E.Rly.,S.Rly.,S.C.Rly.,W.Rly., N.E.Rly.,C.Rly.,S.W.Rly.,N.C.Rly.,N.W.Rly.,S.W.Rly.,& E.C.Rly.

CCM/E.Co.Rly.,S.E.Rly.,S.E.C.Rly.,N.Rly.,N.F.Rly.,E.Rly.,S.Rly.,S.C.Rly.,W.Rly., N.E.Rly.,C.Rly.,S.W.Rly.,N.C.Rly.,N.W.Rly.,S.W.Rly.& E.C.Rly.

DRM/ E.Co.Rly./KUR,WAT & SBP, Sr. DOMs/ E.Co.Rly./KUR,WAT & SBP,

Sr.DCMs/ E.Co.Rly./KUR,WAT, DCM / SBP,

CCO,Dy.CCM(Claims)/E.Co.Rly.& S.E Rly. Stand Rd,11th Floor,Kol-1.

CMEs/ E.Co.Rly.,S.E.Rly.,S.E.C.Rly.,N Rly.,E.Rly., S.Rly.,S.C.Rly.,W.Rly.,N.E.Rly.,C.Rly., N.C.Rly.,N.W.Rly.,S.W.Rly.,& E.C.Rly.

FA & CAO / East Coast Railway.CAO( )(TA-1),AAO(C&G)/E.Co.Rly,C.S.Pur.

ACM(Refund)/E.Co.Rly/BBS,DOCK M CPT Railway/Kolkata,

Traffic Manager,CPT Rly./Kolkata Port/VSKP,Paradeep Port/Paradeep,Haldia Port/Holdia.COMs/Konkon Rly,CONC(O House,50 Jawaharlal Nehru rd.,Kolkata.

Executive Director, CRIS,Chanakyapuri, New De)21.

Sub:- Rules regarding waive urrage/wharfage charges .

Ministry of Railways have re previous instructions regarding waiver of demurrage / wharfage charges including s letter No. TC-I/201/72/27 dated 23.04.86 . In supersession of Board's earlier ins as on the subject of waiver /refund of demurrage/wharfage charges , it has beer ed that the guidelines as mentioned in this letter shall be followed while dealing with th s of waiver / refund of demurrage / wharfage charges .

1.0 Power of officers to waive Demur r Wharfage charges

	Designation of officer	Maximum a of demurrage per wagon which can be considered by officer	Maximum amount of wharfage per consignment which can be considered by an officer
1	GM	Full powe	Full powers
2	CCM(Co-ordinating HOD in Commercial Department)	Rs. 1,00,0(	Rs. 1,00,000 /-
3	DRM	Rs. 25,00(/-	Rs. 25,000 /-
4	CTM/Sr.DCM/DCM working as Branch officer	Rs. 6,000 /-	Rs. 6,000 /-
5	DCM/DTM / Area Officer in senior Scale	Rs. 600 /-	Rs. 1200 /-
6	ACM/ATM/Area Officer in junior scale	Rs. 300 /-	Rs. 300 /-

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1.2 Where Demurrage cases are being handled by Officers of Operating Department , CCM / Sr. DCM etc. will mean COM / Sr. DOM etc.

1.3 The cases for waiver should not be dealt by an officer below the level of officer competent to deal with the case as per the schedule of powers given in the above table .

1.4 Prior Finance concurrence will be required for waiver of Demurrage / Wharfage charges above Rs. 25,000 /- per wagon / per consignment respectively . Cases submitted to General Manager should be routed through the Co-ordinating HOD of the Commercial Department and FA & CAO of the Zonal Railways .

2.0 Waiver

2.1 Due care should be taken in preparation of the demurrage /wharfage bills at the first instance to obviate recasting of bills subsequently on representation by the customer or otherwise .

2.2 In case the consignor / consignee feels that demurrage/wharfage was due to reasons beyond his control he could apply for waiver giving all relevant datails with documentary evidence wherever necessary .

2.3 First application for waiver of demurrage or wharfage should be submitted to the Station Manager / Goods Supervisor within 10 (ten) days from the date upto which thses chrges had accrued .

2.4 In case of wharfage , the consignor / consignee should first remove the consignment from the Railway premises , deposit the amount of wharfage charges and submit the original proof of such payment along with his application while preferring for waiver at first instance itself .

2.5 The concerned Station Manager / Chief Goods Supervisor will forward the application of waiver of demurrage or wharfage to the Divisional Officer together with the factual position and remarks within 3(three) days of the receipt of the application .

2.6 In case of large sidings , like those of power houses , steel plants etc. , the time limit for preferring the first application for waiver of demurrage charge will be the next month implying that application for waiver of demurrage charges accrued in one month should be submitted latest within the next month .

2.7 The delay beyond 10 days / next month period as mentioned above can be condoned only with the personal approval of the Divisional Railway Manager / Chief Commercial Manager (co-ordinating HOD) depending upon whether the powers to deal with the case lies at Divisional or Zonal level and after having ascertained that the reasons for the delay given in the application are satisfactory . Application for condonation of delay in preferring an appeal for waiver of demurrage , however shall be entertained only after the demurrage charges have been paid in full and the application is supported with proof of such payment .

2.8 The circumstances , which lead to accrual of demurrage/wharfage charges, can be broadly grouped in three categories as under :

(i) Reasons within the control of the consignor/consignee .

(ii) Reasons beyond the control of consignor / consignee like labour strike , transportation strike , general bandhs, agitations , riots, curfew, fire, explosion , heavy rains or other abnormal/unforeseen circumstances .

(iii) Act of God, act of war and act of public enemies .

2.9 Incase of category (i), waiver should normally be not done . However , if at all waiver is to be granted on justified and meritorious facts , speaking orders should be recorded in all such cases . As regards case pertaining to category (ii) or Category (iii), waiver can be considered on merits of individual case .

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2.10 The powers for waiver as mentioned above should be exercised judiciously keeping in view the merits of each case as per instructions contained in this letter . The waiver should not be granted in a routine manner .

2.11 Whenever the waiver exceeds 50% of the powers conferred on an officer , reasons for such waiver should be recorded in writing .

2.12 In the case of large sidings , like those of power – houses, where demurrage is not waived on wagon to wagon or daily basis , speaking orders need not be recorded for each consignment/wagon . It would be sufficient if broad reasons are given in support of such periodical waiver after analyzing the broad causes of such detentions .

2.13 The causes for accrual of frequent demurrage/wharfage charges from a particular Goods shed or a siding or a consignor / consignee should be analysed periodically . Remedial steps including provision of infrastructural facilities should be taken to reduce the detention to rolling stock and prompt removal of goods from the Railway premises .

3.0 Appeal against orders of waiver

3.1 A consignor / consignee can prefer an appeal to a higher authority in case he is not satisfied with the decision of the lower authority . The Station Manager / Chief Goods Superintendent should forward the appeal to the Divisional authorities within 3 (three) days of the receipt of the appeal .

3.2 However , before preferring an appeal for waiver of demurrage charges , he is required to deposit the amount of demurrage charges not waived . The original proof of such should be submitted along with the appeal .

3.3 An appeal against the order of lower authority should be preferred within 30(thirty) days of the date when the decision of the lower authority is communicated .

3.4 A maximum of only two appeals can be made against the decision of the lower authorities.

3.5 In all cases where a change is made by the appellate authority against the decision taken earlier , speaking orders should be recorded by the appellate authority .

4.0 The waiver of demurrage / wharfage charge should be dealt as per the instructions contained in this letter . No direct refund of demurrage/wharfage charge should be made unless proper procedure for waiver as laid in this letter has been followed .

5.0 Refund of waived amount of demurrage / wharfage charges should be made expeditiously through pay orders by Commercial Department of the Division .

All concerned to note and act accordingly .

Authority :- Railway Board's letter No. TC-I/2004/201/9 dated 11.10.2004 .

Compared by
24/11/04

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24/11/04
For Chief Commercial Manager