

PROCEDURE FOR LICENSING OF RAILWAY LAND FOR COMMERCIAL PLOTS

Licensing of ordinary commercial plot connected with Railway working will be done with approval of GM of the Zonal Railway. Such Railway working are indicated as under:

Types of Plots

- a) Railway related activities such as City Booking offices, Out Agencies etc.
- b) Ordinary Commercial Plots "without structures
- c) Ordinary Commercial Plots "with temporary structures for stacking/storing
 - i) Covered area
 - ii) Open area
- d) Steel Yards/ Coal dumps, Bulk Oil installations etc.
- e) Land used to lay private sidings
- f) Shops/Retail Depots etc.*

℞• The proposal for the commercial plots as indicated above, are submitted to Sr.Divisional Commercial Manager/Divisional Commercial Manager who in turn submits the same to Headquarter Standing Committee along with the following documents:

- a) Sketch Plan of proposed land.
- b) District Registrar's & Revenue Departments circular regarding commercial value of proposed land.
- c) Calculation sheet of License fee.
- d) Minutes sheet of Divisional Committee alongwith DRM's approval on it.

℞• Once General Manager approves the proposal, in each case of licensing, proper agreement must be executed between the Railway administration and the licensees before the licensee is given the possession of the land/plot.

* Temporary licensing of railway land to private individuals for the purpose of setting up shops, commercial offices, vending stalls clinics etc. not connected with the Railway working has been stopped.

℞• The other terms and conditions/policies issued in this regard by Railway Board time to time will be applicable.

Rates of license fee

License fee of plots will be fixed as a percentage of the land value. The percentage applicable w.e.f 1.4.2004 to various types of plots will be as under:

Item no.	Types of Plot	Annual License Fee as a percentage of Land value
(a)	Railway related activities such as	6%

	City Booking offices, Out Agencies etc.	
(b)	Ordinary Commercial Plots "without structures"	6%
(c)	Ordinary Commercial Plots "with temporary structures for stacking/storing"	i) 7.5% ii) 6%
	i) Covered area	
	ii) Open area	
(d)	Steel Yards/ Coal dumps, Bulk Oil installations etc	7.5%
(e)	Land used to lay private sidings	6%
(f)	Shops/Retail Depots etc	10%

A standing committee of three HODs will be set up at the Head Quarters of each Zonal Railway. The standing committee consisting of CE, CCM and FA&CAO shall examine fresh cases connected with Railway working as indicated at item (a) to (e) shown above and submit its recommendations to GM for approval.

Periodical Review

The periodical review will however be done by DRM on the recommendation of Divisional Heads of Engineering, Commercial and Finance departments. The committee will review annually whether the traffic commitments by the licenses of the commercial plots have actually materialized or not and in case of any deviation, initiate suitable corrective action including de-licensing and vacation as necessary.

Fixing of land value

i) A market value will be required to be taken to serve as a base value for working out rental fee payable. This shall be fixed on the basis of the land value of the surrounding area as on 1.1.1985, as determined from the Revenue Authorities and or Evaluation of Town Planning Department, Actuals as per PWD and CPWD transactions, Actual Transactions, as per documents filed in the Office of Sub Registrar, Value of land as assessed by professional evaluators of the State and Central Governments.

ii) The land value as worked out shall be increased every year on the 1st of April, starting from 1.4.1986, at the rate of 10% over the previous year's land value to arrive at the land value for the following year based on which the annual license fee shall be fixed. **From 1.4.2004 onwards, the land value shall be increased at the rate of 7% every year over the previous year's value.**

iii) Fresh cases of licensing of plots, for any purpose(s) defined in 'Rates of License fee' (a) to (e) above, the license fee shall be fixed after obtaining the current value of land. In very rare cases where it is not possible to obtain the current cost (reasons for which should be brought on record), the updated cost based on 1.1.1985 land price should be adopted.

iv) For the Metropolitan towns of Mumbai, Kolkata, Delhi and Chennai if the HOD's Committee feel that the land rates are widely varying within the City, two or more rates can be utilized for the city.

Minimum license fee

The minimum license fee in respect of plots covered under this should be Rs.1000/- per annum. For the purpose of determining the minimum license fee, the maximum size of a plot shall be taken as 100 sq.metres. For instance, in case licensing of a plot measuring 250 sq.mts. is involved, the minimum license fee chargeable shall be relevant to three plots of 100 sq.meters each and will work out to Rs.3000/- per annum.

Revision of license fee

As the notional land value will increase by 7% over the previous year's land value as mentioned at 'Fixing of land value' item (ii), the license fee will automatically go up by 7% over the previous year's fee from the 1st April every year. Suitable provisions, with Schedule of payment due, shall be incorporated in the Agreement.

The termination/renewal date of the Agreement should always be the Financial year.

Powers of licensing and renewal

Fresh cases of licensing of plots connected with Railway working and mentioned at (a) to (e) of 'Rates of license fee' above will be approved by General Manager on recommendation of HOD's Committee. As regards plots mentioned at (f) viz. shops, retail oil depots etc. as already stated the existing ban on fresh licensing for purposes unconnected with Railway working will continue. Renewal of licenses of railway land not connected with Railway working can be done at GM's level with Finance concurrence.

Security Deposit and Liquidated damages

Instructions contained in para 1025,1026 and 1027 of Indian Railways Code for the Engineering Department (1999) will be applicable.

APPLICATION FORMAT

RULES

INDIAN RAILWAY COMMERCIAL MANUAL

VOLUME II

(Extract)

REFUNDS OF OVERCHARGES

2157. Claims for refund of overcharge.—To ensure that the number of claims for refund of overcharge, is kept as low as possible, the staff employed on booking of passengers, luggage, other coaching and goods traffic must see that fares, freight and other charges are calculated correctly. For this purpose, all tariff passenger fare notebooks; for through tariffs (Para 261), goods rate registers (Para 1438), etc., must be kept up-to-date. All notifications issued by the railway administration inviting attention to common errors resulting in overcharges must be carefully studied and acted upon.

2158. Refund of overcharges due to error in rate, classification, or computation of freight, at the time of delivery.—(a) Station Masters should allow refund of overcharges at the time of delivery in the case of consignments booked freight To-pay, where it is clear that the charges invoiced are incorrect due to any of the following reasons provided the consignment tallies with the description shown in the invoice / way-bill :—

- (1) Error in rate not affected by description or condition of carriage.
- (2) Error in classification, i.e., an error where a consignment as mentioned in the tariff is correctly described on the invoice or way-bill but charged under a wrong class. Overcharges claimed in respect of goods not specifically mentioned in the tariff, and regarding which doubt exists as to the correct class chargeable, do not come under this head.
- (3) Error in calculation.

Note -In the case of error in calculation no overcharge is to be allowed or refunded without first carefully rewriting the consignment with a view to ensuring that the error do not really exist in the entry of weight.

(b) The following examples illustrate the cases to which Station Masters are authorized to allow refunds :—

- (1) A consignment of haberdashery in Wagon load classified at class 180 weighing 130 quintals is booked 'To-pay' ex. Bombay (Carnac Bridge) to New Delhi and charged at the rate of Rs. 66.47 instead of Rs. 6637. This is a case of error in rate and the overcharge can, therefore, be refunded by the Station Master at the time of delivery.
- (2) A consignment of "Jeera Seed, white" in wagon loads, classified to be charged at class 140, booked 'To-pay' and erroneously classified at class 180 and charged as "Jeera Seed black" under main head "Spices" this is a case of error in classification and the Station Master is authorised to allow refund of the overcharge at the time of delivery.

(3) The freight charges on a consignment weighing 20 quintals booked To-pay at the rate of Rs. 10.20 per quintal are computed at Rs. 240.00 instead of Rs. 204.00. This is a case of error in calculation and the Station Master is authorized to allow refund of the overcharge at the time of delivery.

2159. Procedure of refund of an overcharge by Station Master.--

(a) When, in terms of the preceding Para, a refund of an overcharge is admissible, only the net amount due should be recovered from the consignee (endorsee who should be requested to record the actual amount paid by him in the delivery book over his signatures. The consignee's acknowledgement for the amount refunded to him should also be obtained on the back of the relevant railway receipt and in the refund list (see Para 2160). Such acknowledgement in any of the regional languages other than Hindi should be rendered into Hindi or English by the staff granting the refund.

(b) original amount of the freight charges (as entered on the invoice / way-bill) and the amount refunded should be entered in the appropriate columns of the delivery books and relevant abstracts and summaries; the amount refunded should also be entered in the overcharge column of the relevant invoice / way-bill if the same is still on hand.

(c) As excess refund allowed at the time of delivery will be debited by the Traffic Accounts Office in a similar manner as undercharges, adequate care should be taken to ensure that the refund is correctly due.

2160. List of refund of overcharges allowed to the time of delivery.—

Overcharge due to error in rate, classification or computation of freight allowed at the time of delivery of goods or parcels should be entered in the 'List of overcharges allowed at the time of delivery'. These lists should be prepared in duplicate, by carbon process, in Form Com.|R-12 Rev. separately for goods and parcels, and local and through traffic. At the end of the month, total of column 'Amount refunded' should be cast and special credit for it taken in the relevant balance sheet. One copy of each list should be submitted along with the balance sheet in support of the credit claimed and the other copy retained as station record. In the case of goods traffic received from Government railways, for which the original invoices are not required to be submitted separately to the Traffic Accounts Office (see Para 2060), the relevant invoices or Transit invoices should be attached with the refund list before it is submitted along with the balance sheet. In other cases, the refund lists should be accompanied by copies of the relevant invoices / way-bills.

2161. Refund of overcharges by Chief Commercial Superintendent.—

Refund of overcharges in all cases other than those referred to in Para 2158 can only be allowed by the Refunds branch in the Headquarters Office. These refunds include—

- (i) error in weight, description or routing of traffic;
- (ii) error in rate, classification or computation of freight, claimed after delivery of goods |parcels;
- (iii) amount twice paid; and
- (iv) overcharges of 'Paid' consignments.

In all such cases, the Refund branch will call for an overcharge sheet (Form Com|0-7 Rev.) from the station collecting the freight. It should be ensured by the Station Master that the overcharge sheet complete in all respects is submitted to the Refunds branch without delay.

2162. A remark about its submission to the Refunds branch should invariably be entered against the relevant entry in the cash book / goods outward book or delivery book, as the case may be, to prevent the possibility of a second overcharge sheet being passed in respect of the same consignment.

2163. Overcharges due to error in weight.—If there is an error in weight and the refund is claimed at the time of delivery the whole consignment should be re-weighed except at large depots with a gazetted officer in charge, where it will be sufficient to reweigh ten per cent of bagged consignments of not fewer than thirty bags provided that (i) reweighments are made under the personal supervision of the officer in charge or his designated assistant officer and (ii) the bags are certified by the same authority, to be of uniform size and in good condition. At stations where there are no means of weighing consignments, a reference should be made to the Station Master of the forwarding station or the station en route, at which the consignment was weighed.

Full details of weighment should be given on the reverse of the overcharge sheet. When the result of weighment has been communicated by the forwarding or any other station, the original letter / telegram admitting the overcharge should be sent to the Refunds branch along with the overcharge sheet.

2164. For all refunds of overcharges due to error in weight, the correct weight will be certified by the Commercial Officer (Refunds) on the overcharge sheet before it is sent to the Traffic Accounts Office for certification or post check, as the case may be.

2165. Overcharges due to error in description of goods or routing of traffic.—(a) If the overcharge be the result of an error in description of goods or routing of traffic, the correct description of goods or the correct routes should be certified by the Commercial Officer (Refunds) on the overcharge sheet before it is sent to the Traffic Accounts Office for check. (b) Similarly, in the case of a commodity not speedily classified in the General Classification of Goods or about which doubt exists as to the classification under which it is chargeable, the correct classification will be certified by the Commercial Officer (Refunds) on the overcharge sheet before it is sent to the Traffic Accounts Office.

2166. (a) When the dispute in description is of such a nature that an error is apparent, a sample of the consignment should be taken before delivery (which should be effected on collection of the charges at the higher rate) and sent to the Refunds branch along with the overcharge sheet. Where the sample cannot be sent with the overcharge sheet, it should be kept in the safe custody of the Station Master, advising the full facts of the case to the Refunds branch and the Traffic Accounts Office.

(b) In the case of doubt, consignee's complaint should only be recorded and he should be directed to address the Chief Commercial Superintendent, forwarding documentary proof of the correctness of his contention and explaining how the sender wrongly described the consignment. If the delivery of the consignment is affected a sample should be taken and retained in the custody of the Station Master till further instructions from the Chief Commercial Superintendent who should be apprised of the fact by the Station Master. A copy of the report should also be sent to the Traffic Accounts Office.

2167. Overcharges in connection with amounts twice paid.—An overcharge sheet (Forth Com|0-7 Rev.) will be prepared by the Refunds Office who will submit it to the Traffic Accounts Office direct for certification. The Traffic Accounts Office will then advise the Refunds Office to issue a pay order for the refund. In the case of 'through traffic', the overcharge sheet will be certified by the Traffic Accounts Offices of both the forwarding and the receiving railways before the refund is made.

2168. Pay orders, (refund).—When refund of an overcharge in freight or fare is found to be due, the Refund branch will issue a pay order (refund) in Form Com.|P-23 Rev. authorizing the Station Master to pay the specified amount to the payee mentioned therein. The pay order (refund) will be sent to the payee and the station on which it is drawn will be advised of the fact separately.

Guidelines for advance stacking at Railway premises.

- 1 Advance stacking of goods at railway premises may be permitted by Zonal Railways without levy of any charge for this purpose.
- 2 DRMs will notify detailed instructions for advance stacking at stations on their divisions in accordance with the guidelines prescribed herein. Such instructions should inter alia include names of stations/goods sheds where advance stacking will be permitted, number of days for which stacking can be permitted, type of commodities which can be stacked/restricted etc.
- 3 Permission for advance stacking will be granted to such rail users only, who have indented for the wagons.
- 4 Rail users desirous of availing the facility of advance stacking, will apply for advance stacking inter alia mentioning the details of indent and giving an undertaking that the stacking will be done at their own risk and responsibility. No claims for loss, damage etc. arising out of stacking will be admissible.
- 5 Advance stacking will be permitted upto such maximum period as specified in the detailed instructions issued by the Division in terms of Para 7.2 above. Divisions may specify different stacking periods for different stations depending upon the number of rakes handled, but in no case the stacking period will exceed five days.
- 6 Sr.DCMs, in consultation with Sr.DOMs will be authorized to grant permission for advance stacking upto a maximum period of five days. Permission for advance stacking may be granted keeping in view the traffic pattern, number of rakes handled, availability of space etc. at the station/goods shed concerned. Advance stacking should not lead to hold up of other inward and outward traffic.
 - 6.1 However, in exceptional cases where additional traffic and additional earnings will accrue, permission may be granted for advance stacking for more than five days on case to case basis. Permission for advance stacking for period upto ten days may be granted with the approval of DRM on recommendation

of Sr.DCM and Sr.DOM and for the period beyond ten days with the approval of GM on recommendation of CCM and COM.

- 7 Wagons will be supplied against the registered indent only after expiry of the permitted time for advance stacking or completion of stacking, whichever is earlier. After supply of wagons and expiry of free time for loading, rules for levy of wharfage charge will apply.
- 8 Once advance stacking permission has been granted, cancellation of indents will not be permissible upto fifteen days from the 1st day of advance stacking. In case rail users cancels the indent within aforesaid period, stacking charge will be levied for the whole period of stacking.
- 9 However, if a rail user cancels his indent after fifteen days from the 1st day of advance stacking and the wagons have not been supplied till such time, no stacking charge will be levied. In such a case, consignment should be removed within 24 hours of the cancellation of indent, else it will attract levy of wharfage charge for period beyond 24 hours of the cancellation of indent.
- 10 Records of particulars (e.g.date, time etc.) should be maintained in all cases where advance stacking has not been permitted.
- 11 No stacking charge will be levied till the supply of wagons even if supply is not done immediately after completion of stacking or lapse of advance stacking period.
- 12 Stacking charge will be levied at the rates of wharfage charge, as prescribed from time to time.
- 13 Extant rules for waiver of wharfage charge will continue to apply in the case of waiver of stacking charge also.

भारत सरकार GOVERNMENT OF INDIA
रेल मंत्रालय MINISTRY OF RAILWAYS
(रेलवे बोर्ड RAILWAY BOARD)

No.TC-I/2021/201/Advance Stacking (3356743)

New Delhi, dt.05.04.2022

General Manager
 All Zonal Railways

Sub: Guidelines regarding Advance Stacking

Ref: (i) Rates Master Circular/Demurrage-Wharfage-Waiver/2016/0 and its amendments
 (ii) Chapter-II of Goods Tariff Part-I (Vol-I)

One of the Zonal Railways has requested to modify the guidelines regarding cancellation of indents by freight customers, after the permission has been granted for advance stacking.

The matter has been reviewed and it has been decided to modify Paras No.7.8 and 7.9 of Chapter-II of Rates Master Circular/Demurrage-Wharfage-Waiver/2016/0 and Chapter-II of Goods Tariff Part-I (vol-I), as given below:

Extant Guidelines	Modified Guidelines
7.8: Once advance stacking permission has been granted, cancellation of indents will not be permissible upto fifteen days from the 1 st day of advance stacking. In case Rail User cancels the indent within the aforesaid period, Stacking Charge will be levied for the whole period of stacking.	7.8: Once advance stacking permission has been granted, cancellation of indents will not be permissible upto fifteen days from the time of advance stacking permission granted by the Railway Authority . In case Rail User cancels the indent within the aforesaid period, Wagon Registration Fee will be forfeited and Stacking Charge will be levied from the time of advance stacking permission till the withdrawal of indent . It is to clarify that Stacking Charge is leviable for the number of wagons as per the indent, irrespective of the fact whether physical stacking has been taken place or not.

[Signature]
 05.04.2022

[Signature]

7.9: However, if a Rail user cancels his indent after fifteen days from the 1 st day of advance stacking and the wagons have not been supplied till such time, no stacking charge will be levied. In such a case, consignment should be removed within 24 hours of the cancellation of indent, else it will attract levy of Wharfage charge for period beyond 24 hours of the cancellation of indent.	7.9: However, if a Rail user cancels his indent after fifteen days from the time of advance stacking permission granted by the Railway Authority and the wagons have not been supplied till such time, no stacking charge will be levied. In such a case, consignment should be removed within 24 hours of the cancellation of indent, else it will attract levy of Wharfage charge for period beyond 24 hours of the cancellation of indent.
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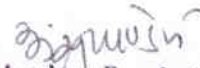
Para 15 (c) of Chapter-II of Goods Tariff Part-I (Vol-I) -

EXISTING PROVISION	REVISED PROVISION
15 Forfeiture of Wagon Registration Fee- Sub para (c); when a wagon indent is cancelled by the indenter within 10 days from the date of registration, irrespective of the commodity.	15 Forfeiture of Wagon Registration Fee- Sub para (c); when a wagon indent is cancelled by the indenter within 10 days from the date of registration, irrespective of the commodity. Further, in case advance stacking permission has been granted, cancellation of indents will not be permissible upto fifteen days from the time of advance stacking permission granted by the Railway Authority. In case Rail User cancels the indent within the aforesaid period, Wagon Registration Fee will be forfeited.

CRIS/FOIS will make provision for giving message about advance stacking permission to the customer through the system.

This issues in consultation with Traffic Transportation Directorate and with the concurrence of Finance Directorate of Ministry of Railways.

(This disposes off ER's letter No.C.144/0/Vol-XX/R-I/Notification-III dt.03.02.2022)


(Anshoo Pandey)
Director, Traffic Commercial(Rates)
Railway Board



Please click the below link for further details in claims:

www.claims.indianrail.gov.in

FOOD PLAZA

Food Plazas, Food Courts and Fast Food Units are under the control of IRCTC.

For further details click www.irctc.com