

Office of the
Pr. Chief Commercial Manager
Bhubaneswar 751017
Dtd. - 19.10.2022

Commercial Circular No. 340(G)/2022

Sub: Concession Agreement with CTO – Reimbursement of claim for
loss due to the damage of wagons, container, goods etc
Ref: Railway Board's letter No. 2020/TT-III/73/3 Dtd.06.10.2022

Enclosed please find herewith Railway Board's letter No. 2020/TT-III/73/3
Dtd.06.10.2022 regarding Concession Agreement with CTO – Reimbursement
of claim for loss due to the damage of wagons, container, goods etc.

All concerned to note and act accordingly.

Encl. - 01 page



(P.P. Sinha)

Dy. Chief Commercial Manager (Claims)

No. CCM/87/containers/Pt-III

All station Managers/Goods Supervisors/Commercial Supervisors/Siding Clerks/Booking
Clerk in Charges/Weigh Bridge Clerks/Clerk in Charges/Commercial Inspectors.

Copy for information and necessary action to the :-

**COM/ECOR,CFTM/ECOR, SDGM/ECOR,Chairman/RCT/BBS, DyCVO(T)/ECOR, DyCOM(FOIS)
/ECOR, PO/RCT/BBS, Audit Officer/BBS, Rates Section/CCM/ECOR/BBS-10 sets, DRM :**
KUR,WAT,SBP/ECOR, **Sr DOM** : KUR,WAT,SBP/ECOR, **Sr DCM** : KUR,WAT,SBP/ECOR, **Dy**
CCO/ECOR, FA& CAO/ECOR/BBS, FA&CAO(T)/ECOR, Traffic Manager: Visakhapatnam port
Trust, Paradeep Port/Paradeep



(P.P. Sinha)

Dy. Chief Commercial Manager (Claims)

No. 2020/TT-III/73/3

Rail Bhawan, New Delhi, dt: 06 .10.2022

Chief Commercial Manager (R&M),
Northern Railway,
Baroda House
New Delhi

CCM/FS

Sub: Concession Agreement with CTO-Reimbursement of claim for loss due to the damage of wagons, container, goods etc.

Ref: i) CCM/R&M/NR's letter No. 37 RD/CTO/Misc/2021 dated 02.11.2011.

ii) Dy.CCM/Claims/NWR letter no.C-50/CL/OW/19/02 dated 10.05.2022 addressed to Dy.Director/TC(Claims), Railway Board.

Please refer to this office earlier letter of even no. dated 24.12.2021, now it is revised and may be read as under;

Concession Agreement Clause no. 13.2.1.1 states that "Subject to the provisions of Article 13.1 above, Railway Administration shall be liable for any loss, damage or destruction to any Container or any goods in Railway Administration's custody in accordance with the provisions of the Railways Act". and

As per Section 106 in the Railway Act, 1989:

106. Notice of claims for compensation and refund of overcharge-

(i) A person shall not be entitled to claim compensation against a railway administration for the loss, destruction, damage, deterioration or non-delivery of goods carried by railway, unless a notice thereof is served by him or on his behalf,-

(a) to the railway administration to which the goods are entrusted for carriage; or

(b) to the railway administration on whose railway the destination station lies, or the loss, destruction, damage or deterioration occurs, within a period of six months from the date of entrustment of the goods.

Hence, issues regarding claim for loss due to the damage of wagons, container, goods etc. may be dealt as per Section 106 of the Railway Act 1989 and it is clarified that the parties/claimants may file their claims at either of the three (03) Railways i.e. either at Originating Station or Destination Station or the place where loss, destruction, damage or deterioration occurs.

(Ravi Shekhar)

OSD/Traffic Transportation
Railway Board

Copy to:

PCOM/All Indian Railways

PCCM/All Indian Railways

Dy.CCM/Claims/NWR: with reference to your letter no.C-50/CL/OW/19/02 dated 10.05.2022 addressed to Dy.Director/TC(Claims), Railway Board.

→ P. C. Gaurin
→ C. S. Swain

12/10/22

11/10

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CLAIMS OFFICE
E.Co. RAILWAY, BBS.

Received on Dt. 12.10.2022