

REWEIGHTMENT

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

No.87-TC-III/54/1

New Delhi dated 20-3-87.

The General Managers,
All Indian Railways.

Sub: Reweighment of Iron & Steel consignments.

It has been represented to this Ministry that requests for reweighment of iron & steel consignments are generally turned down by the railways on the pleas, such as RRs bear remarks as “said to contain”, “the consignment has arrived within reasonable time”, “no transshipment enroute has taken place”, “permission for re reweighment in case of block rake not possible” etc. even in cases where there are indications of pilferage/shortages in consignments.

2. In this connection your attention is invited to Board’s letter No. TC-III/3111/75 dated 22-5-75 where a procedure for dealing with such cases was laid down which is reiterated below:-

- i) When a wagon has been received without any transshipment enroute re-weighment should be allowed by the competent authority if the packing condition is disturbed or the bundles are in loose condition or there is any other evidence of tampering enroute. In any case, re-weighment may be allowed when shortage becomes apparent as a result of physical check of goods vis-à-vis weight and description given on the Railway Receipt and also the sale invoice if produced by the consignor.
- ii) Though the power to permit re-weighment should continue to rest with the Divisional Officers, Station Master or Goods Supervisor should obtain such orders by the quickest possible mode of communication. The condition of the goods and the wagon should be communicated to the D.C.S. or A.C.S. on telephone. Wherever possible, Divisional officers should give their decision to the Station on phone unless they feel that consignment should be inspected by any official higher than a Station Master. Telephonic conversation should be recorded and confirmation copy should be sent in writing. If any further is necessary that should also be completed within 48 hours and the inspecting official should finalise the matter in consultation with the D.C.S. or A.C.S. on telephone.

- iii) Wharfage and demurrage accruing during the period between application for re-weighment and communication of decision should be waived unless it is considered that the party had applied for re-weighment on frivolous ground; and
 - iv) If there is no wagon weigh-bridge at the destination station D.C.S. may at his discretion allow, weighment to be made on any lorry weigh-bridge in the vicinity which should be witnessed by a responsible railway official. Where the articles are of standard weight and are countable, there weigh by computing the weight on the basis of the number of articles received.
 - v) As a long term policy it should be ensured that wagon weigh-bridges are provided at every important station at which substantial traffic in bulk originates. Similarly, there should be lorry weigh-bridges at important terminals for the facility of weighment of outward as well as inward goods. In addition to facilitating re-weighment delivery, provision of such lorry weigh-bridges will also help in making test weighment of goods received for detecting undercharges.
3. It is requested that these instructions should be reiterated for the guidance of the concerned staff and their due compliance ensured.
4. Receipt of the letter may please be acknowledged.

Sd/-
(JK MITRA)
Jt. Director, Traffic Commercial (Claims)
Railway Board.

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

NO.89/TC-III/31/4

New Delhi dated 3-12-91.

The General Manager(Commercial),
All India Railways.

Sub: Request for open delivery/re-weighment received from M/s Steel
Authority of India Ltd.

M/s Steel Authority of India Ltd. have been continuously representing to Board about the problems faced by them in getting permission from the local railway administrations for open delivery and re-weighment of their wagons in which shortages are perceived.

Two sections of the railways Act, 1989 are relevant in this context – Section 81 which governs open delivery and Section 79 which deals with re-weighment. Both these sections are new provisions introduced in the present Act. They read as under:-

Section-81: Where the consignment arrives in a damaged condition or shows signs of having been tampered with and the consignee or the endorsee demands open delivery, the railway administration shall give open delivery in such manner as may be prescribed.

Section-79: A railway administration may, on the request made by the consignee or endorsee, allow weighment of the consignment subject to such conditions and on payment of such charges as may be prescribed and the demurrage charges if any:

Provided that except in cases where a railway servant authorised in this behalf considers it necessary so to do, no weighment shall be allowed of goods booked at owner's risk rate or goods which are perishable and are likely to lose weight in transit:

Provided further that no request for weighment of consignment in wagon-load or train-load shall be allowed if the weighment is not feasible due to congestion in the yard or such other circumstances as may be prescribed.

It will be observed that under Section 81, open delivery is mandatory when the conditions laid down in this section are fulfilled, namely, when the consignment arrives in

damaged condition or when there are visible signs of it having been tampered with. Therefore, whenever requests are received from M/s Steel Authority of India Ltd. seeking open delivery, it would be incumbent upon the railway authorities to grant these requests after satisfying themselves that either of these conditions is applicable. Where, however, the above conditions do not apply, requests for re-weighment should be treated as such and considered under Section 79 under which the railway administration may allow re-weighment depending upon the circumstances.

In this connection reference is invited to Board's letter No. 87-TC-III/54/1 dt. 20-3-87, wherein it has been emphasized that re-weighment of Iron & Steel consignments should not be denied as a matter of course, or for reasons which cannot be sustained in a Court-of-Law. Railways have also been directed to arrange for re-weighment on the nearest available lorry weighbridge, in case, a wagon weighbridge is not available at the destination station or in its vicinity.

Railways may note that in terms of the new Railways Act of 1989, it has become obligatory for the railway administration to grant open delivery and re-weighment. It would be in the railway's interests to ensure that such requests are not summarily rejected without assigning detailed reasons for the refusal which should also be conveyed to the applicants. This will help to prevent avoidable claims cases and future litigation.

Receipt of this letter may be acknowledged.

Sd/-
(SARLA PISHARODY)
Jt. Director, Traffic Commercial (CL)
Railway Board.