

GSR 942(E), MANNER OF GIVING OPEN DELIVERY AND PRESCRIPTION OF PARTIAL DELIVERY CERTIFICATE FORM RULES, 1990

)-127 REGIS'TRE, D NO. D. 12? 5301 Che Gazette ot *dia EXTRAORDINARY PART [I—Section 3—Sub-section (i) PUBLISHED BY AUTHORITY 11, 1990Åq(Ttcq 20, 1912 No. 530] NEW DELHI, TUESDAY, DECEMBER 11, 1990/AGRAHAYANA 20, 1912 Separate Paging b given to this Parl in order it may be Gled separate compilation il 1990 ql. GT. 942 1989 (1989 24) 87 (2) (q) 1. trfä f\$qr 1990 (fi) 'tfäfrf4ff" i989 (1989 24) 3290 GI/ 90 qfQ1# filä qiqq t trr qezifr.ü (t) 2 THE GAZETTE OF INDIA : EXTRAORDINARY [PART 11 SEC. qQqqr XRTÄfrfT 5. zrg qiWJii frig qgt qptt fæcqTr (afiFr M. 3/29/2 znq. / 89 (qr€T) äité MIN)STRY OF RAILWAYS (Railway Board) NOTTFJCATFON New Delhi, the 11th December, 1990 G.S.R. 942(E). —In exercise of the powers con- ferred by clauses (h) and (i) of sub-section (2) of section 87 of the Railways Act, 1989 (24 of 1989) the Central Government hereby mak.es the following rules, namely • 1. Short title and commencement 1. These rules may be called the Manner Of Giving Open Delivery and Prescription of Partial Delivery Certificate Form Rules, 1990. 3(i)] 2. They shall come into force on the date of their publication in the official Gazette

2. Definition : In these rules unless the context aequires otherwise '1989 (24 (a) (b) (d) "Act" means the Railways Act, of 1989) ; "Opell Delivery" means delivery of a con- signment.given by railway administration on the demand of the consignee or endorsee when such consignment arrives in a damaged condition or shows signs of having been tampered with". "Partial Delivery" means delivery of a part of the consignment where the whole con- signment has not arrived at the destination ; "Schedule." means the Schedule to these words and expressions used herein and not defined in these rules but defined in the Act shall have the n-Eanings respectively assigned to them in the Act

3. Open delivery of consignment Where any consignment arrives at the destination station in a damaged condition or shows signs of having been tampered with, the consignee or the endorsee may make a request in writing to the rail- way administration for open delivery of such consign- ment, in accordance with these rules.Provided that any assessment of the extent of damage shall not prejudice the rights of the railway administration to repudiate its liability under the Act

4. Condition subject to which open delivery ot a damaged consignment shall be given .A railway administration may give open delivery of a damaged consignment subject to the condition that the extent of damage to the consignment shall be assessed by the railway servant granting such open delivery on the basis of visual examination and such otheE chemical or. physical tests as he may deem necessary. .50 Conditions subject to which open delivery of tampered consignments shall be given • 3 A railway adjnistration may give open delivery of tampered consignments subject to the following conditions namely (1) Assessment of the extent of shortage shall be done by the railway servant granting open delivery after comparing the details of the consignment booked for cari.•iage as recorded in the railway receipt pro- duced by consignee or the endorsee. (2) The extent of shortage may, also, either be assessed, by counting of the packages and their contents focming the consignment, or by weigh- ment

6. Assessment of the value of damage or shortage • The consignee or the endorsee shall produce the original (Tade invoice or beejuck or puttee or any other documentary proof indicating the contents and value of the consignment to enable the railway ser- vant granting open delivery to compute the shortage or damage

7. Imported Consignments With respect to imported consignments open deli- very under rules 4 and 5, shall be given subject to the consignee or endorsee prpducing the Forwarding Agents clearance bill and if such consignments have been surveyed.then, the survey report of such con- signments

8. Record ot open delivery (1) The record of open delivery shau be main- tained in the form specified in Schedule I with res- pect to each consignment.(2) A copy of the form refexred to in sub rule 1 shall be provided to the consignee or the endorsee as the case may be

9. Partial Delivery Certificate .Where partial delivery is given the railway ad- ministration shall furnish to the consignee or endorsee a Partial Delivery Certificate as specified in Sche- dule Director, [No. 81]] S. MAL.IK, Trame Commercial (Claims) Railway Board. [PÄRT 3(i)] THE GAZETTE OF INDIA : EXTRAORDINARY 4 SCHEDULE-I (See Rule 4 & 5) RECORD OF OPEN DBLIVERY OF CONSIGNMENT Name of consigneeendorsee[or his authorised representative Dated Station Stamp •From— Via— Consignment of— Sender Invoice No. - dated ConsigneeEndorsee Remarks on the R. R, Fult Address PARTIAL The---- booked from-- via— SCHEDULE-11 DELIVERY CERTIFICATE (See 9) Railway has delivered Actual. condition of packing found at the time, of giving open delivery (wherever relevant) Delivery remarks (Extent of DamagelShortage and —number of packages of- ———



forming part of the consignment to —under Invoice No.. how arrived at) Signature in full of the consignee/endorsee or his authorised representative taking open delivery with date Railway Receipt No. Signature in full Of the Railway Servant, with designation, granting open delivery consisting Director, of— Traffic d a ted——— —packages of Signature in full of the Railway servant, with de•• signation, granting partial delivery. S. K. MALIK, Commercial (CIO Railway Board. Printed by the. Manager, Govt. of India Press, Ring Road, New Dclhi*1 IUU64 and Published by the of Publications, Dchhi-110054,

