

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

No. 2022/TC(FM)/10/04

New Delhi, dated 08.04.2024

The General Managers,  
All Zonal Railways.

(Amendment No. 02 to FM Circular No. 11 of 2022)

**Sub: Amendment to the Policy for 'Commercial Earning and NFR Contracts' awarded through e-Auctions.**

- Ref: i. Freight Marketing Circular No. 11 of 2022, issued vide Railway Board's letter of even no. dated 13.06.2022.  
ii. Freight Marketing Circular No. 12 of 2023, issued vide Railway Board's letter of even no. dated 06.07.2023.

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'Policy' and 'Standard Conditions of Contract' for Commercial Earning and NFR contracts awarded through e-Auctions, were issued vide Railway Board's above referred FM Circular No. 11 of 2022.


2. An issue of revocation of termination of contract has been highlighted by a Zonal Railway, wherein the contract could not be reinstated in the e-Auction portal.
3. The matter pertaining to revocation of contract cancellation based on appeal, has been deliberated upon, and the Competent Authority has approved following modifications in the FM Circular No. 11 of 2022 (i.e. Policy for Commercial Earning and NFR contracts awarded through e-Auctions):


(i) **Para 19.4 is added as under:**

*"Efforts must be made to initiate the process of re-auctioning of the assets (terminated on account of action taken in terms of para 19.2) immediately so as to avoid opportunity loss to Railways. However, **finalization of auction** to take place only after disposal of the appeal"*

(ii) **Para 25.2 is modified as under:**

*"DRM/concerned PHOD/CHOD may take decision on such appeal duly considering the merits of the case, **including earlier defaults of the contractor**, as well as the documentary evidences, if any, submitted by the contractor. **DRM/concerned***

  
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*PHOD/CHOD shall take a considered decision, so as not to give any undue benefit to a habitual defaulter. Decision (i.e. revocation/ rejection of the appeal) of DRM/concerned PHOD/CHOD shall be final, which shall also be uploaded (along with specified date of such order) on the e-Auction portal, so as to bring transparency in the system. The appeal should be decided within 14 days from the date of submission of appeal"*

(iii) **Para 25.3 is added as under:**

*"In case, the punitive action of termination of contract on any grounds (including failure to deposit full amount of lump-sum freight/ rent/ license fees), is revoked by the Appellate Authority, the contractor shall be allowed to reinstate the contract subject to deposition of total lump-sum freight/ rent/ license fee alongwith **penalty at the maximum rate defined in para 19.1 or 19.3 (as the case may be)** of the Policy, for the subsequent days beyond the grace period detailed in **para 19.1 or 19.3 (as the case may be)** upto the date of revocation."*

4. These instructions shall come into force with immediate effect.
5. This issues with the concurrence of Finance Directorate of Ministry of Railways.
6. Receipt of this letter may please be acknowledged.

(Ashutosh Mishra)

Joint Director Freight Marketing  
Railway Board

No. 2022/TC(FM)/10/04

New Delhi, dated 08.04.2024

Copy forwarded to:

1. The Deputy Comptroller & Auditor General of India (Railways) Room No. 224, Rail Bhawan with 36 spares.
2. Principal Financial Advisors, All Indian Railways.

For Member (Finance)/Railway Board

No. 2022/TC(FM)/10/04

New Delhi, dated 08.04.2024

Copy forwarded for information and necessary action to:

1. The Principal Chief Operations Managers, All Indian Railways.

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2. The Principal Chief Commercial Managers, All Indian Railways.
3. The Chief Passenger Transportation Managers, All Indian Railways.
4. The Chief Commercial Managers (FM), All Indian Railways.
5. Director General, RDSO, Manak Nagar, Lucknow.
6. Director, Indian Railways Institute of Transport Management (IRITM), Manak Nagar, Lucknow.
7. Director General, National Academy of Indian Railways, Vadodara.
8. Managing Director/ Chief Commercial Manager, Konkan Railway Corporation, Belapur Bhawan, Plot No. 6, Sector-11, CBD Belapur, Navi Mumbai-400014.
9. Managing Director, Centre for Railway Information System (CRIS), Chanakyapuri, Near National Rail Museum, New Delhi.
10. Managing Director, DFCCIL, Pragati Maidan, New Delhi.

  
 (Ashutosh Mishra)

**Joint Director Freight Marketing  
Railway Board**

No. 2022/TC(FM)/10/04

New Delhi, dated 08.04.2024

Copy for kind information to:

1. Chairman & CEO, Member (O&BD), Member (Finance), Member (Infra.), Member (T&RS), DG(RPF), and Secretary Railway Board, New Delhi.
2. AM(Traffic), AM(C), Adv (Infra), Adv. (Vig), AM(M&BD), EDPM, EDTC(G)/NFR, EDTC(Rates), EDTT(M), EDTT(S), EDTT(F), ED(Plg.) EDT(PPP), EDV(T), EDF(C), ED(BD), DTT(Coord), OSD/Chairman & CEO, OSD/Member (O&BD), Co-Chairman/TMIR, Chairman and Convener/AGE and DTC(R)/ Railway Board, New Delhi.

  
 (Ashutosh Mishra)

**Join Director Freight Marketing  
Railway Board**