

**GOVERNMENT OF INDIA/BHARAT SARKAR
MINISTRY OF RAILWAYS/RAIL MANTRALAYA
(RAILWAY BOARD)**

No.TC-I/2010/108/4(Clarf.)

New Delhi, dt. 10.11.2015

Chief Commercial Manager/FM
North Western Railway, Jaipur.

Sub : Levy of penalty/Detention Charge for detention of wagons for load adjustment

Ref: (i) Rates Master Circular/Weighment/2014/0 dt.11.07.14
(ii) NWR's letters No.C-611/0 dt.08.09.2015 & dt.11.06.2012

Please refer to NWR's letters under reference seeking certain clarifications regarding free time during load adjustment of overloaded wagons, levy of Detention Charge, Shunting Charge during load adjustment etc.

In this regard, reference is invited to Rates Master Circular under reference which contains consolidated guidelines on the subject matter. Based on which, relevant guidelines to the Railway's queries are quoted below:

Railway's query	Extant guidelines
1. Whether the left over free time is permissible to the party for load adjustment without levying any detention charges or otherwise.	As per extant guidelines, it is clear that the free time is prescribed only for the purpose of loading/unloading of wagons. If free time left after completion of loading, the same cannot be carried forward for the purpose of weighment, load adjustment of overloaded wagon etc. which are post loading activities. In case of gross overloading where load adjustment/detachment has to be resorted to, 'Charges for detention of the rake' will be realized as per extant guidelines.
When load adjustment is carried out by the loading party within the prescribed free time, the penalty for overloading wagons will be levied or not.	As per Para 4.3(iii) of the circular, no Punitive Charge for overloading is leviable if the customer carries out load adjustment at the originating point itself.
2. Whether the penalty of Rs.5000/- is leviable on detection of overloading during en-route weighment warranting load adjustment.	As per Para 4.3(iii) of the circular, Detention Charge @Rs.5000/- for overloaded wagon(s) is not leviable in case of load adjustment, after weighment on weighbridge at other than originating point.
3. Whether penalty is to be recovered in RR along with freight and overloading Charge or in the manner Demurrage Charge is recovered.	As per Para 1.1.13 of the circular, all the charges including Punitive Charge should be collected and mentioned in RR. As Detention Charge is not waivable, it should also be collected with RR.
4. A rake can be weighed only once after loading is completed. How can it be ascertained that overweight has been completely unloaded and no wagon is left without adjustment.	As per Para 4.1 & 4.2 of the circular, detailed operating procedure should be established by Zonal Railways for unloading overloaded wagons. Further, Para 4.3(iii) of the circular stipulates that the wagons that had undergone load adjustment should be randomly re-weighed.
5. Whether Shunting Charge is also leviable at the goods shed for load adjustment or otherwise.	As per Para 4.3 of the circular, if Railway locomotive is utilized for load adjustment of overloaded wagons, Shunting Charge is leviable.

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