

# **Manner Of Giving Open Delivery And Prescription Of Partial Delivery Certificate Form Rules, 1990**

UNION OF INDIA

India

## **Manner Of Giving Open Delivery And Prescription Of Partial Delivery Certificate Form Rules, 1990**

### **Rule**

### **MANNER-OF-GIVING-OPEN-DELIVERY-AND-PRESCRIPTION-OF-PARTIAL DELIVERY CERTIFICATE FORM RULES, 1990**

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Manner Of Giving Open Delivery And Prescription Of Partial Delivery Certificate Form Rules, 1990 Published vide Notification Gazette of India, Extra, Part 2, Section 3(i), dated 11.12.1990.

**1562.**

G.S.R. 942(E) dated 11th December, 1990.- In exercise of the powers conferred by clauses (h) and (i) of sub-section (2) of Section 87 of the Railways Act, 1989 (24 of 1989) the Central Government hereby makes 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. (2) They shall come into force on the date of their publication in the official Gazette.

#### **2. Definition.-**

In these rules unless the context otherwise requires :- (a) "Act" means the Railways Act, 1989 (24 of 1989) ; (b) "Open Delivery" means delivery of a consignment 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; (c) "Partial Delivery" means delivery of a part of the consignment where the whole consignment has not arrived at the destination ; (d) "Schedule" means

the Schedule to these rules ;(e)words and expressions used herein and not defined in these rules but defined in the Act shall have the meanings 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 railway administration for open delivery of such consignment, 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 of 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 other chemical or physical tests as he may deem necessary.

### **5. Conditions subject to which open delivery of tampered consignments shall be given.-**

A railway administration 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 carriage as recorded in the railway receipt produced by consignee or the endorsee.(2)The extent of shortage may, also, either be assessed, by physical counting of the packages and their contents forming the consignment, or by weighment.

### **6. Assessment of the value of damage or shortage.-**

The consignee or the endorsee shall produce the original trade invoice or beejuck or puttee or any other documentary proof indicating the contents and value of the consignment to enable the railway servant granting open delivery to compute the shortage or damage.

### **7. Imported Consignments.-**

With respect to imported consignments open delivery under rules 4 and 5, shall be given subject to the consignee or endorsee producing the Forwarding Agents clearance bill and if such consignments have been surveyed then, the survey report of such consignments.

## 8. Record of open delivery.-

(1)The record of open delivery shall be maintained in the form specified in Schedule I with respect to each consignment.(2)A copy of the form referred 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 administration shall furnish to the consignee or endorsee a Partial Delivery Certificate as specified in Schedule II.

I

(See Rules 4 and 5)RECORD OF OPEN DELIVERY OF CONSIGNMENTNo .....Dated.....  
Station Stamp From.....To ..... Via..... Invoice No..... RR. No..... dated .....  
Consignment of..... Wagon No..... Sender ..... Consignee/Endorsee..... Remarks on  
the R.R. Actual condition of packing found at the time of giving open delivery (wherever  
relevant)..... Delivery remarks (Extent of Damage/Shortage and how arrived at)  
.....Signature in full of the consignee/ endorsee or his authorised representative taking open  
delivery with date .....Name of consignee/endorsee/or his authorised  
representative.....Full Address .....Signature in full of the Railway Servant, with  
designation, granting open delivery.

II

PARTIAL DELIVERY CERTIFICATE(See Rule 9)The .....Railway has delivered.....  
number of packages of ..... forming part of the consignment..... booked from .....  
to..... via..... under Invoice No. .... Railway Receipt No. .... dated  
.....consisting of.....packages of.....Signature in full of the Railway Servant, with  
designation, granting partial delivery.