

# Railways Rates Tribunal (Procedure) Regulations, 1990

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## Railways Rates Tribunal (Procedure) Regulations, 1990

### Rule

### RAILWAYS-RATES-TRIBUNAL-PROCEDURE-REGULATIONS-1990 of 1990

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**1569.**

G.S.R. 600(E), dated 26.6.1990.- In exercise of the powers conferred by sub-section (I) of Section 48 of the Railways Act, 1989 (24 of 1989) and in supersession of the Railway Rates Tribunal Rules, 1959. read with Section 22 of the General Clauses Act. 1897 (10 of 1897) the Railway Rates Tribunal, with the previous approval of the Central Government, hereby makes (he following regulations, namely :-

### 1. Short title and commencement.-

(1)These regulations may be called the Railway Rates Tribunal (Procedure) Regulations. 1990.(2)They shall come into force on the dale of commencement of the Act.

### 2. Definitions.-

In these Regulations, unless the context otherwise requires.(a)'Act' means the Railways Act, 1989 (24 of 1989);(b)'Appendix' means Appendix to these Regulations;(c)'Applicant' means the Railway Administration making application under Section 45;(d)'Chairman' means Chairman of the Tribunal;(e)'Code' means the code of Civil Procedure, 1908 (5 of 1908):(f)'Complainant' means a person making a complaint under Section 36;(g)'Intervener' means any person allowed to intervene

in a proceeding with the leave of the Tribunal;(h)'Member' means Member of the Tribunal;(i)'Pleading' means a complaint under Section 36, an application under Section 45, the answer to any of these by the respondent, a reply to the answer wherever allowed or directed by the Tribunal and includes the grounds of support of objections, as the case may be, filed by an intervener;(j)'Proceeding' means proceeding before the Tribunal;(k)'Reference' means a reference to the Tribunal by the Central Government under Section 39;(l)'Representative' means any person duly authorised in writing and includes a legal practitioner within the meaning of Advocates Act, 1961 (25 of 1961);(m)'Respondent' means any person impleaded as a party in a complaint under Section 36 or in an application under Section 45;(n)'Secretary' means, the person who for the time being is discharging the functions assigned under these Regulations and such other functions as may from time to time be directed by the Tribunal and includes an Assistant Secretary and any other officer appointed by the Tribunal to discharge the functions of the Secretary;(o)'Section' means a section of the Act;(p)'Tribunal' means the Railway Rates Tribunal constituted by the Central Government under Section 33.(q)Words and expressions used herein and not defined but defined in the Act, shall have the meaning respectively assigned to them in the Act.(r)Words and expressions used herein and not defined either in these Regulations or in the Act. shall have the meanings respectively assigned to them in the General Clauses Act, 1897 (10 of 1897);

### **3. Typographical specifications.-**

All pleadings, affidavits and interlocutory applications and copies thereof presented to the Tribunal shall be typewritten, or printed fairly and legibly on substantial white foolscap folio paper, with a left hand margin at least 4 cm wide and a right hand margin about 2.5 cm wide and separate sheets shall be stitched together. The type-script or printing shall be on one side only of the paper, and be divided into paragraphs numbered consecutively. Dates, sums and numbers shall be mentioned expressly in figures.

### **4. Appointment of representative.-**

(1)A party to the proceeding may appoint, in writing, any person as his representative to appear, act and be heard on all occasions before the Tribunal:Provided that such appointment shall take effect only from the date on which the appointment order is filed with the Secretary :Provided further that no Member of the Tribunal who has held office as such member shall be appointed as a representative.(2)Any such appointment or terms of appointment of representative may be revoked or varied by the party appointing him by a declaration in writing :Provided that such revocation or variation shall not take effect unless it is filed with the Secretary.(3)The provisions of Order III of the First Schedule of the Code shall, insofar as may be apply to the representatives.

### **5. Authentication of documents, appearance and acting.-**

A document may be signed, appearance made or act done:(a)in the case of a firm, by any of its partners;(b)in the case of a body corporate, association or authority, by its Chairman, President, Managing Director, General Manager or Secretary, as the case may be;(c)in the case of a railway administration, by the General Manager or the Chief Commercial Manager or any Head of the

Department concerned of that railway administration; and(d)in the case of the Central Government by a Secretary or a Joint Secretary or a Deputy Secretary or an Under Secretary to that Government and in the case of Ministry of Railways (Railway Board) by the Secretary or the Joint Secretary or the Deputy Secretary or an Executive Director or a Director. Joint Director or Deputy Director in the Railway Board.

## **6. Verification.-**

(1)Every pleading shall be verified at the foot by the party or by one of the parties to the pleading or by some other person proved to the satisfaction of the Tribunal to be acquainted with the facts of the case.(2)The person verifying shall specify by reference to the numbered paragraphs of the pleading what he verifies on his own knowledge and what he verifies upon information received and believed to be true.(3)The verification shall be signed by the person making it and shall state the date on which and the place at which it was signed.(4)Where the verification is by some person other than the party, his name and address shall be given underneath his signature.

## **7. Presentation.-**

Unless otherwise specially provided, all pleadings and documents, applications and communications intended for the Tribunal shall be presented to the Secretary at the Headquarters of the Tribunal or despatched to him by registered post acknowledgement due.

## **8. Time for presentation.-**

(1)Pleadings and other documents, required or directed to be filed within a certain time, shall be filed at the Tribunal's office within that time.(2)The date of receipt at the office of the Tribunal shall be taken as the date of filing.

## **9. Service of notice and summons.-**

(1)Unless otherwise directed by the Tribunal or the Secretary's notices and summonses to the parties or witnesses as the case may be, shall be served by registered post acknowledgement due to the address furnished to the Tribunal.(2)A notice to a party may also be served on the representative.

## **10. Initiation of proceeding.-**

Every proceeding before the Tribunal shall be initiated by a complaint under Section 36 or by an application under Section 45 or by a reference under Section 39.

## **11. Complaint.-**

(1)A complaint under Section 36 shall be addressed to the Tribunal and shall be in writing signed and verified. It shall set out the name, description and full address of the complainant and if there is a representative for the complainant in the matter, his name and full address shall also be stated.(2)The complaint shall contain a clear and concise statement of facts, the grounds of complaint, the relief or remedy which the complainant claims and, where a person other than a railway administration is sought to be impleaded as a respondent, it shall also set forth the grounds for impleading him.

## **12. Joinder of complainants.-**

(1)Two or more persons having the same interest in the proceeding may join in a complaint, in which case all subsequent proceedings shall be in their joint names.(2)Where there are more complaints than one, they shall nominate in the complaint either one of the complainants or his representatives as the person on whom any summons or notice may be served for and on behalf of all the complainants.

## **13. Respondent.-**

(1)Where a complaint is made against a railway administration such railway administration shall be impleaded as the respondent.(2)Where the complainant has reason to believe that any other person is likely to be materially affected by the relief he is seeking, such person shall also be impleaded as a respondent.(3)The name, description and address of the respondent shall be given in the complaint and, where a railway administration of the Government railway is the respondent, the provisions of Section 79 of the Code shall apply.

## **14. Copies of complaint.-**

Every complaint shall be accompanied with twice as many copies as there are parties and three additional copies for the use of the Tribunal.

## **15. Fee and deposit.-**

With each complaint, the complainant shall pay a fee of Rs. 250 and provisionally deposit of Rs. 150 to meet the charges of the service of notices and other processes and cost of preparation of paper book.

## **16. Scrutiny and registration of complaint.-**

(1)On receipt of a complaint, the Secretary shall mark on it the date of its receipt and initial it, and he shall thereafter endorse on it a report whether prima-facie the complaint is or is not within the jurisdiction of the Tribunal.(2)Where the Secretary endorses that the complaint is not within the

jurisdiction of the Tribunal he shall lay his report before the Tribunal for orders.(3)Where a complaint is not in accordance with these regulations or is not accompanied with the necessary fee or deposit, and the complainant does not rectify the defect within the time allowed by the Secretary, the Secretary shall lay it, as soon as possible, before the Tribunal for orders.(4)The Secretary shall give to the complaints filed, serial numbers according to the order in which they are received by him and enter them in a register specified in Form I of Appendix II.

## **17. Return of complaint.-**

(1)Where the Tribunal is of the opinion that a complaint is prima facie beyond its jurisdiction it shall direct the Secretary to return the complaint with an endorsement to that effect.(2)If within 30 days of the receipt of such endorsement, the complainant makes an application to be heard on the question of jurisdiction, the Tribunal shall decide the question after hearing the complainant and such other party as it may consider proper.(3)The fee paid by the complainant shall be refunded to him if the complaint is returned to him as a result of an order passed under sub-regulation (1).

## **18. Adding and striking out parties.-**

(1)The Tribunal may, at any stage, either upon or without the report of the Secretary or the application of either party, and on such terms as may appear to the Tribunal to be just order that the name of any party improperly joined, whether as complainant or respondent be struck out or that the name of any person who ought to have been joined, whether as complainant or respondent, or who may be materially affected by the relief asked for, or whose presence before the Tribunal is considered proper or necessary for adjudication upon the question involved in the complaint, be added Provided however that no person shall be added as a complainant without his consent.(2)No proceeding shall be defeated by reason merely of misjoinder or non-joinder of parties.(3)When respondents are added, the complaint and the register shall be accordingly amended; and the complainant shall also file such number of additional copies of his complaint as is equal to twice the number of respondents added.

## **19. Service notice of complaint.-**

(1)A copy of the complaint shall be served on each respondent with the seal of the Tribunal and an endorsement by the Secretary requiring the respondent to file his answer to the complaint within 30 days from the date of service, and also stating that, in default of such answer being filed within the said period, the Tribunal may proceed to hear the complaint in his absence and also stating that in such a case, the respondent will not be heard except by leave of the Tribunal and subject to such terms as the Tribunal may deem fit to impose.(2)In the case of a railway administration, the copy may be served on the General Manager of the railway concerned.(3)Where the Tribunal is of the opinion that it is necessary in the public interest so to do, a public notice shall also be published, at the cost of the complainant and in the manner ordered by the Secretary of the Tribunal, mentioning the filing of the complaint, names of the parties, brief description of its allegations and relief sought, and calling upon any person wishing to intervene in support of or opposition to the relief sought in the complaint to petition the Tribunal within 30 days of publication of the notice for leave to

intervene.(4)If it is considered that there are persons who are not on the record but have the same interest in the proceeding as the complainant or respondent, that fact should be mentioned in the public notice, and any decision given by the Tribunal after such public notice shall apply to all such persons.

## **20. Withdrawal of complaint.-**

(1)The complainant may at any stage after the institution of the complaint withdraw his complaint, and in that case the Tribunal may pass such orders, including orders as to costs, as it may deem fit.(2)In the case of withdrawal of complaint before the answer is filed, the fee paid by the complainant shall be refunded.

## **21. Compromise of complaint.-**

When any complaint is adjusted by a compromise between the parties, both of them shall immediately notify the Tribunal of the same and the Tribunal shall after such notice, if any, as it may consider necessary, pass suitable orders disposing of the complaint.

## **22. Answer.-**

(1)The answer shall admit or deny specifically each allegation of fact contained in the complaint and not by a general denial of the grounds alleged by the complainant, and, unless, denied specifically or by necessary implication, an allegation of fact in the complaint shall normally be taken as admitted by the respondent. The answer shall contain a clear and concise statement of the material facts on which the respondent relies and shall raise all grounds of defence.(2)The answer shall be divided into paragraphs numbered consecutively and signed and duly verified and is shall set out the name description and full address of the respondent and, if there be a representative acting for the respondent in the matter, his name and full address shall also be stated.(3)Every answer shall be accompanied with twice as many copies as there are parties and three additional copies for the use of the Tribunal, and a sum of Rs. 150 shall also be deposited to meet the charges of service of notice and other processes and the cost of preparation of paper book.

## **23. Scrutiny and service of answer.-**

(1)On receipt of an answer, the Secretary shall mark on it the date of its receipt and initial it.(2)If the answer is not in accordance with these regulations, or is not accompanied with the necessary deposit, and the respondent does not rectify the defect within the time allowed by the Secretary, the Secretary shall lay it as soon as possible before the Tribunal for orders.(3)Copies of the answers received from the respondents shall be scaled and initialled by the Secretary and served on the complainant and on such other party as the Tribunal may order.

## **24. Subsequent pleading.-**

No pleading subsequent to the answer shall be presented except by the leave of the Tribunal and upon such terms as the Tribunal may deem fit, but the Tribunal may at any time require from any of the parties a reply or additional reply together with twice as many copies thereof as there are parties and three additional, copies for the use of the Tribunal and fix a time for presenting the same.

## **25. Amendment of pleading.-**

The Tribunal may at any stage allow any pleading to be amended, or order any matter to be struck out which may tend to prejudice, embarrass or delay the fair hearing of the case, and all such amendments shall be made as may be necessary for the purpose of determining the real questions at issue between the parties.

## **26. Production of documents.-**

(1) Unless for good cause shown and on such terms as the Tribunal may deem fit. all documents in possession of a party on which he wishes to rely at the hearing shall be produced by him, along with, the list thereof, on or before such date as may be fixed by the Tribunal for the purpose. He shall file at the same time, as many copies of the documents as there are parties and three additional copies for the use of the Tribunal. (2) The Tribunal may, at any time, order the production by any party of such of the documents in his possession or power relating to the matters in question as it may deem fit.

## **27. Interrogatories and discovery.-**

Any party to the proceeding may apply to the Tribunal for leave to deliver interrogatories in writings for examination of the opposite party, or for an order directing the opposite party to make a discovery of the documents in his possession, and in either case the provisions of order XI of the first schedule of the Code as far as may be. shall apply and such applications may be rejected if they are so delayed as to necessitate an adjournment of the hearing of the case.

## **28. Inspection of documents.-**

(1) Either party shall be entitled at any time to give notice to the other party, in whose pleadings or affidavits reference is made to any document, to produce such document for the inspection of the party giving such notice, and to permit him to take copies thereof and the party not complying with such notice shall not afterwards be at liberty to put any such document in evidence on his behalf, unless he satisfies the Tribunal that he had sufficient cause for not complying with such notice. (2) All books, documents and other things produced before the Tribunal, whether voluntarily or on requisition, may be inspected by the parties: Provided that Tribunal may in its discretion refuse publication of such parts of the books, documents or things, produced as the parties may submit to be prejudicial to their interests to publish.

## **29. Framing of issues.-**

(1)After the closure of the pleading and the filing of documents, the Tribunal shall call upon the parties or representatives to furnish the draft issues.(2)The Tribunal shall thereupon frame the issues.(3)Where the Tribunal is of the opinion that the issues cannot be correctly framed without the examination of some person not before it or without the inspection of some documents not produced, it may, subject to any law for the time being in force, compel the attendance of, or the production of any document, by any person.

## **30. Examination of parties before hearing.-**

The Tribunal may, before the hearing of the complaint examine the parties or their representative for the purpose of considering:-(a)the simplification, narrowing down or adjustment of matters in issue between the parties;(b)the admission or denial by each party of the documents of the others;(c)the limitation of the number of witnesses;(d)the procedure at the hearing; and(e)such other matters as may aid in the speedy disposal of the complaint.

## **31. Amendment of issues.-**

At any time before giving its decision, the Tribunal may amend the issues or frame additional issues, as it thinks, fit, or may be necessary, for determining the matters in dispute between the parties, and it may strike out any issue that appears to it to be wrongly framed.

## **32. Intervener.-**

(1)On the public notice given under sub-regulation (3) of regulation 19 any person may within the time prescribed in the said sub-regulation petition the Tribunal for leave to intervene in support of or in opposition to the relief sought for in the complaint.(2)A petition for leave to intervene must set forth the grounds of the proposed intervention, the position and interest of the petitioner in the proceeding, and whether the same is in support of or opposition to the relief sought.(3)It shall be within the Tribunal's discretion to grant or reject such leave in the light of the provisions of sub-regulation (1) of regulation 18 relating to addition of parties.(4)If leave is granted, the petitioner shall be impleaded as intervener and notified of the same, and, within 7 days of receipt of such notice, he shall file his pleading which shall conform to the provisions of sub-regulation (2) of regulation 11 or sub-regulation (1) of regulation 22, as the case may be. He shall also deposit at the same time Rs. 150 to meet the cost of service of notice, other processes and the cost of preparation of paper book and a sum of Rs. 250 if he intervenes in support of the complaint. He shall file twice as many copies of his pleadings as there are parties and three additional copies for the use of the Tribunal.



### **33. Date of hearing.-**

After the settlement of the issues the Tribunal shall fix a day, time and place for the hearing of the complaint and communicate the same to the parties concerned.

### **34. Right of audience.-**

(1) Any party to a proceeding before the Tribunal shall be entitled to be heard either in person or by his representative. (2) The Tribunal may permit any person likely to be of assistance to address the Tribunal.

### **35. Local inquiry and report.-**

In any proceeding in which the Tribunal deems a local inquiry to be requisite or proper, it may appoint any Railway Officer not below the rank of an Assistant Officer to hold a local inquiry after notice to the parties and to report thereon to the Tribunal. The receipt of the report may be communicated to the parties for filing their objections, if any after making an inspection of the report, within the time fixed, and the Tribunal shall dispose of these objections :- Provided that it may refuse to consider, any objections not filed within the said time. The report shall be treated as part of the evidence in the case. The provisions of Order XXVI of the First Schedule to the Code shall apply as far as may be, to such local inquiries and reports.

### **36. Commission.-**

The Tribunal may at any stage of the proceeding issue a commission for examination of witnesses. The provisions of Order XXVI of the Code shall apply as far as may be to the commissions issued under this regulation.

### **37. Summons to witnesses.-**

(1) A party who desires to summon a witness for appearance before the Tribunal or before a Commissioner appointed under regulation 36, shall at least 30 days before the date of hearing, produce a list of persons whose attendance is required, stating the full name, description and address of each person and whether he is required to give evidence as an expert or otherwise or to produce documents, and, in the last mentioned case, specifying the date, if any, and the description of the documents so as to identify them. He shall with such a list deposit the local amount of the allowances to which the said persons are entitled for travelling and attendance before the Tribunal, calculated in accordance with the Rules of the High Court of Judicature at Madras in its ordinary original civil jurisdiction. (2) Whenever the Tribunal deems it necessary, it may, of its own motion, summon any person to give evidence, or to produce any document in his possession, and pass necessary orders as to the costs of summoning such person. (3) Witnesses shall be served with summons in accordance with sub-regulation (1) or regulation 9 requiring them to attend or to produce a document at the time and place fixed. If a witness so served fails to attend as required, his

attendance may be enforced by recourse to the provisions of Order XVI of the First Schedule to the Code.

### **38. Further evidence.-**

The Tribunal may, at any stage of the hearing, call for further evidence on any issue from any party.

### **39. Preliminary questions of law.-**

The Tribunal, may, with consent of the parties to any proceeding or on the application of any party, or of its own motion, order any point of law raised by the pleadings to be set shown for hearing and to be disposed of at any time before the hearing of the complaint. If, in the opinion of the Tribunal, the decision on such point of law substantially disposes of the whole complaint, the Tribunal may make such order as may seem to it to be just and proper.

### **40. Hearing.-**

(1) Every complaint shall be heard in open Court at the time and place fixed by the Tribunal. (2) The hearing shall proceed from day to day as far as in the judgment of the Tribunal may be practicable and convenient, and the same shall not be adjourned at the instance of a party except for reasons considered sufficient by the Tribunal and on such terms, including payment of costs, as the Tribunal may deem fit.

### **41. Default of appearance.-**

If the complainant does not appear at the time and place appointed for hearing, the Tribunal may dismiss the complaint or, at its discretion, proceed with the hearing at the instance of an intervener supporting the complaint, and if the respondent does not likewise appear, it may hear and decide the complaint in his absence. If at any adjourned date of the hearing the parties or any of them do not appear, the Tribunal may dismiss the complaint or decide it 'ex parte', as the case may be, or it may dispose of the case in their absence.

### **42. Re-hearing.-**

(1) When a complaint is dismissed for default, but the complainant satisfies the Tribunal that there was sufficient cause for default, the order of dismissal may, after notice to the opposite party, where necessary, be set aside and the complaint proceeded with upon such terms as to costs or otherwise as the Tribunal may deem fit. (2) When an 'ex parte' decision has been made, but the respondent satisfies the Tribunal that notice was not duly served on him, or that he was prevented by any sufficient cause from appearing at the hearing, the 'ex parte' decision may be set aside and the case proceeded with upon such terms as to costs or otherwise as the Tribunal may deem fit. (3) An application for setting aside an order of dismissal of complaint or an 'ex parte' decision shall be made within 30 days of the dismissal of the complaint or the passing of the 'ex parte' decision, as the

case may be, unless the Tribunal condones the delay for adequate reasons.

#### **43. Act 1 of 1872 to apply.-**

The provisions of the Indian Evidence Act 1872 (1 of 1872) shall as far as may be, apply to the proceedings :-Provided that the Tribunal may in its discretion, without prejudice to the rights of the parties relax any of its provisions, for securing the necessary evidence inexpensively and expeditiously.

#### **44. Affidavit.-**

(1)The evidence at the hearing of a complaint may be taken either by affidavit or viva voce. or partly by affidavit and partly by viva voce:-Provided that if either party intends to rely on any evidence by affidavit, he shall, at least 10 days before the hearing, deliver or send by registered post to the other party a copy of the affidavit intended to be used, falling which he shall not be allowed to use the same except by special leave of the Tribunal.(2)Either party may, within 7 days after receipt of a copy of any affidavit intended to be so used, deliver or send. by registered post to the other party, a notice requiring the deponent to be produced at the hearing of die complaint for cross-examination, and unless the deponent is so produced his affidavit shall not be used except by special leave of the Tribunal.(3)The Tribunal may at any time for sufficient reason, order that any particular fact may be proved by affidavit, or that the affidavit of any witness may be read at the hearing on such conditions as the Tribunal deems reasonable:-Provided that where it appears to the Tribunal that either party bonafide desires the production of a wit ness for cross-examination and that such witness can be produced, an order shall not be made authorising the evidence of such witness to be given by affidavit.(4)An affidavit shall be confined to such facts as the witness is able of his own knowledge to prove, except in interlocutory proceedings, in which statements as to his belief with the grounds thereof may be admitted.(5)For the purpose of any affidavit to be sworn in any proceeding before the Tribunal, the Chairman may empower any official of the Tribunal to administer an oath to the deponent of the affidavit.

#### **45. Oral evidence.-**

(1)The oral evidence or a witness shall be taken down in the open court in English under the direction of the Tribunal and the Typewritten copy shall be initialled by the Chairman or by any Member of the Tribunal.(2)When evidence is given by a witness in a language other than English, the Tribunal may appoint an interpreter who shall take oath or solemnly affirm that he will render the evidence into English correctly. The interpreter shall be paid such fees as may be directed by the Tribunal.

#### **46. Judgment.-**

(1)The Tribunal after hearing and considering the evidence and arguments shall, give its decision, either at once or as soon thereafter as may be practicable on some future day, and when the decision

is to be pronounced on some future day, the Tribunal shall fix a day for that purpose, of which due notice shall be given to the parties or the representatives.(2)The decision shall be signed by the Chairman and the Members of the Tribunal, and a copy of the operative part of the decision shall be made available to each party.

#### **47. Costs.-**

(1)The Tribunal may in its discretion order payment of costs of the proceedings by either party to, any other, either in whole or in part. The fact that the Tribunal has no jurisdiction in respect of the proceedings shall be no bar to the exercise of such powers.(2)The scale of fees admissible for the award of costs for and in connection with the proceeding before the Tribunal shall be shown in the Appendix I.(3)The bill of costs shall be prepared by the Secretary and attached to the decision of the Tribunal, and a copy thereof shall be sent to the parties. The bill of costs may be corrected by the Secretary or the Tribunal at the instance of any party, if it be necessary to do so.

#### **48. Change in personnel of tribunal.-**

Where the Tribunal is prevented by a change in its personnel from concluding any proceedings before it the succeeding re-constituted Tribunal may resume the same from the stage at which the previous Tribunal left it, and it may give a decision, or submit a report, written but not given or submitted by its predecessor, and correct the bill of costs relating to a decision given by its predecessor.

#### **49. Rectification of errors.-**

Clerical or arithmetical mistakes in any decision or order of the Tribunal, or errors arising therein from any accidental slip or omission, may at any time be corrected by the Tribunal either of its own motion or on the application of any of the parties.

#### **50.**

The Tribunal may at any time, and on such terms as to costs or otherwise as it deems fit, amend any defect or error in any proceedings before it and all necessary amendments shall be made for the purpose of determining the real question at issue raised by or depending on such proceedings.

#### **51. Interlocutory orders.-**

The Tribunal may pass, vary or set aside, after hearing or 'ex parte' such interlocutory orders, including temporary injunctions, as may be necessary.

## **52. Enlargement or abridgement of time.-**

The Tribunal may enlarge or abridge the time limit for doing any act or taking any proceeding upon such terms as the justice of the case may require :Provided that the period prescribed for applying for setting aside an order of dismissal of complaint or an ex parte' decision, shall not be abridged.

## **53. Computation of time.-**

In all cases in which a particular number of days is presented by these regulation ; or in an order passed by the Secretary or the Tribunal, the same shall be reckoned exclusively of the first day and inclusively of the last day. and if the office of the Tribunal is closed on the last day, the time shall be reckoned exclusively of that day also. If on any day on which an act is required to be done by a party and the office is closed on that day, it may be done on the day on which the office next opens.

## **54. Application, under sections.-**

These regulations shall as far as may be, apply to the disposal of cases where a railway administration is an applicant under Section 45.

## **55. Reference.-**

A reference to the Tribunal for inquiry and report shall be in the form of a letter addressed to the Secretary of the Tribunal and sent by registered post. The letter shall specify, inter alia,(a)the details of the matter referred to the Tribunal for inquiry and report; and(b)all information in the possession of the Central Government which that Government may think relevant to the matter before the Tribunal.

## **56. Public notification of inquiry.-**

The Tribunal may, at any stage, publish a notification, either generally about the inquiry or about any of the proceeding in connection therewith, to enable the trades or trade associations or persons interested in the matter to submit their memoranda or offer oral evidence at the inquiry.

## **57. Public inquiry.-**

At the discretion of the Tribunal, a public inquiry may be held at a time and place announced by public notification.

## **58. Report of the inquiry.-**

The report of the inquiry shall be submitted to the Central Government, and that Government may, if it thinks fit, release it to the public.

## **59. Commissions for inquiry.-**

For purpose of inquiry, the Tribunal may issue such commissions and summon such witnesses as it may consider necessary.

## **60. Paper books.-**

In every case relating to a complaint or an application there shall be prepared typed paper books of the pleadings, issues, evidence recorded, documents admitted and such other parts of the record as may be specifically ordered to form part of the paper book. As many copies of such paper books shall be prepared as may be required for the Members of the Tribunal and the parties. Cost of preparation of paper books shall be charged at Rs. 1.75 per page in respect of such matter as may be typed in the office of the Tribunal.

## **61. Working hours of the tribunal.-**

Except on Saturdays, Sundays and other Public holidays and subject to any order made by the Chairman, the working hours of the Tribunal shall be from 10.30 A.M. to 1.30 P.M. and 2.15 P.M. to 4.30 P.M. and that of the office of the Tribunal shall be from 10.00 A.M. to 1.30 P.M. and 2.00 P.M. to 6.00 P.M.

## **62. Holidays and vacations.-**

The Tribunal may observe the same holidays and vacations as that of the Madras High Court: Provided that the office shall remain open during the vacation and transact its normal business : Provided further that no extension of time shall be granted merely on the ground that the Tribunal was closed for vacation.

## **63. Return of documents.-**

(1) Documents admitted in evidence may after the disposal of the proceedings be returned to the party concerned either by being delivered to him in person or sent to him by registered post acknowledgement due, or by parcel at his risk and cost: Provided that a document admitted in evidence may be returned earlier if the party applying therefor, delivers to the Secretary a certified copy to substituted for the original and undertakes to produce the original if required to do so. (2) Where a document is returned to a party by its being delivered to him, a receipt shall be given by the person receiving it. (3) Documents not admitted in evidence shall not form a part of the record and shall be returned to the parties respectively producing them in the manner provided in sub-regulation (1).

#### **64. Certified copies of record.-**

Unless specially ordered otherwise by the Tribunal, a party to a proceeding shall be entitled to have certified copies of any part of the record of the proceeding. Such certified copies shall be prepared in the office of the Tribunal and charged at the rate of which certified copies are charged in the Madras High Court.

#### **65. Remittance.-**

All monies to be paid to or deposited with the Tribunal shall be paid in cash at the office of the Tribunal or remitted by money order in favour of the Secretary; Railway Rates Tribunal, Madras or crossed postal order or crossed bank draft in favour of the Chief Cashier, Southern Railway, Madras.

#### **66. Refund or recovery against deposit.-**

After the conclusion of a case, the Secretary shall calculate the amount spent out of the deposit made by each party and either return to him the excess or recover from him the deficit, as the case may be.

#### **67. Forms and registers.-**

The notices to be served and registers and other records to be maintained in the office of the Tribunal shall be as specified in Appendix II.

#### **68. Rules of practice of Madras High Court.-**

The rules of practice of the Madras High Court, in so far as they are not inconsistent with the Act and these regulations, may in the discretion of the Tribunal be followed.

#### **69. Court seal.-**

The seal of the Tribunal shall be kept in the custody of the Secretary. APPENDIX I [See Regulation 47(2)] Scale Of Fees For Award Of Costs In Connection With Proceedings Before The Tribunal.

For filing a complaint under section 36 an application under section 45 or for intervening in support of a complaint.	250.00
For Vakalatnama	5.00
For filing any other application.	3.00
For service of notice, summons	5.00 Or the actual cost whichever is more.
For service of interrogatories.	5.00
For filing any affidavit made outside the Tribunal.	5.00
For injunction petition	10.00

For making an affidavit before an Officer of the Tribunal/Court 5.00

APPENDIX IIFORM IRegistration Of Complaint For The Year.....

Sl. No.	Date of complaint and its receipt	Date of registration	Date of complaint
1	2	3	4
Name of respondent	Subject matter	Name of intervener	Date of judgment
5	6	7	8
Operative part of judgment	Date of communication of the operative part to parties.	Writ to High Court, Appeal to Supreme Court or correction and result.	Miscellaneous Application, if any
9	10	11	12

FORM IIRegistration Of Complaint For The Year.....[See Regulation 16(4) and Regulation 54]

Sl. No.	Date of complaint and its receipt	Date of registration	Date of complaint
1	2	3	4
Name of respondent	Cross reference to Original proceedings	Name of intervener	Date of judgment
5	6	7	8
Operative part of judgment	Date of communication of the operative part to parties.	Miscellaneous Application, if any	Remarks
9	10	11	12

FORM IIIRegister Of Miscellaneous/interlocutory Application For The Year.....[See Regulation 51]

Sl. No.	Date of application and its receipt	Date of registration	Name of applicant
1	2	3	4
Name of respondent	Subject matter	Cross reference to the Original complaint/application	Date of intervener
5	6	7	8
Date of Order	Nature of Order	Date of communication of the order to the parties	Remarks



FORM IV Register Of References For The Year.....[See Regulation 55]

Sl. No.	Particulars of reference and date of receipt	Date of registration	Subject matter of reference
1	2	3	4
Date of Report of the Tribunal	Recommendation	Date of despatch of the Report	Remarks
5	6	7	8

FORM V [See Regulation 19] Before The Railway Rates Tribunal At Madras Complaint/application No. .... Of

20.....Complainant/ApplicantVersus.....RespondentTo.....RespondentUnder Regulation 19(1) of the Railway Rates Tribunal Regulations 1990, you are hereby required within 30 days from the date of service upon you of the enclosed complaint/application to put in your answer to the same together with..... copies and to take notice that in default of such answer being put in within the said time, the Tribunal may proceed to hear the said complaint/application in your absence. Your answer and the copies thereof may be presented to me at my office at the headquarters or sent to me by Registered post. You should also make a provisional deposit of Rs. 150/- to meet the charges of service of notice, etc. and preparation of paper book. The amount may be remitted either in cash/money order in favour of the Secretary, Railway Rates Tribunal, Madras or by means of crossed postal order or crossed bank draft in favour of the Chief Cashier, Southern Railway, Madras. Given under my hand and the seal of the Tribunal, this.....day of.....19 ..... at No. 3, Victoria Crescent Road, Madras-600105. Secretary Railway Rates Tribunal FORM-VII [See regulation 19(3) & (4)] Before The Railway Rates Tribunal At Chennai Complaint/application No. .... Of 20.....Complainant/ApplicantVersus.....Respondent Whereas the complainant/applicant above named has made a complaint/application that.....And, whereas, it is thought that there are numerous persons who are not on record but have the same interest in the proceedings as the complainant/applicant or respondent above named. This public notice is, therefore, given under Sub-regulations (3) and (4) of Regulation 19 of the Railway Rates Tribunal Regulations, 1990, so that any person who so desires may petition the Tribunal within 30 days of the publication of this notice for leave to intervene in support of or opposition to the relief sought in the complaint /application or be added on the side of the complainant/applicant or the respondent, setting forth the grounds of the proposed intervention and the position and the interest of the petitioner in the proceedings on the grounds for being added as a party in the said case. Any decision given by the Tribunal after such public notice shall apply to all such persons. Given under my hand and the seal of the Tribunal, this..... day of..... 19..... at No. 3, Victoria Crescent Road, Madras-600105. Secretary Railway Rates Tribunal FORM-VIII [See regulation 29(2)] Before The Railway Rates Tribunal At Chennai Complaint/application No. .... Of 20.....Complainant/ApplicantVersus.....RespondentTo.....Complainant/Applicant/Respondent/Intervener Whereas the Tribunal has to frame issues in the

above case. Take Notice that you shall file the draft issues in the above complaint under regulation 29(1) of the Railway Rates Tribunal Regulations, 1990, on or before.....day of.....  
 20.....And also take notice that the above complaint will come up for hearing and framing issues before the Tribunal, in accordance with sub-regulations (2) and (3) of regulation 29 of the Railway Rates Tribunal Regulations, 1990, sitting at..... on the..... day of.....20 .....at.....O'clock in the.....noon. If no appearance is made on your behalf by yourself or your representative, the case will be heard and decided in your absence. Given under my hand and the seal of the Tribunal, this.....day of..... 19..... at No. 3, Victoria Crescent Road, Madras-600105. Secretary, Railway Rates Tribunal. FORM-IX[See regulation 32(4)] Before The Railway Rates Tribunal At Chennai Complaint/application No. .... Of 20.....Complainant/Applicant Versus.....Respondent To.....Intervener On your application, dated.....under Regulation 32(1) of the Railway Rates Tribunal Regulation, 1990, you have been granted leave by the Tribunal to intervene in the above complaint/application (in support of/in opposition) to the relief sought. Under Regulation 32(4) of the said Regulation, you are hereby required within 7 days of the date of receipt of the enclosed complaint/application, to put in your statement of grounds in support of/in opposition to the relief sought, duly signed and verified, together with.....copies thereof, and to take notice that in default of such statement being put in within the said period, the Tribunal may proceed to hear the said complaint/application in your absence. Further, you are hereby called upon to make along with your statement a provisional deposit of Rs. 150 with the Tribunal to meet the charges for the service of notice, etc. and cost of preparation of paperbook, and as your intervention is in support of the relief sought, also a fee of Rs. 250. The amount may be remitted either in cash/money order in favour of the Secretary, Railway Rates Tribunal, Madras or by means of crossed postal order or crossed bank draft in favour of the Chief Cashier, Southern Railway, Madras. Given under my hand and the seal of the Tribunal, this..... day of..... 20..... at No. 3, Victoria Crescent Road, Madras-600105. Sd/-Secretary, Railway Rates Tribunal, Madras FORM-XI[See regulation (33)] Before The Railway Rates Tribunal At Chennai Complaint/application No. .... Of 19.....Complainant/Applicant Versus.....Respondent To.....Complainant/Applicant notice that the above complaint/application will come up for hearing before the Tribunal sitting.....on the.....day of..... 20..... at.....O'Clock in the ..... noon on the issues as already settled in this case. If no appearance is made on your behalf by yourself or your representative ..... along with your witnesses, the case will be heard and decided in your absence. Given under my hand and the seal of the Tribunal, this..... day of..... 20 ....., at No. 3, Victoria Crescent Road, Madras-600105. Secretary, Railway Rates Tribunal Madras FORM-XI[See regulation (35)] Before The Railway Rates Tribunal At Chennai Complaint/application No. .... Of 19.....Complainant/Applicant Versus.....Respondent To The person appointed to hold the enquiry. Whereas the Tribunal deems a local enquiry to be requisite in this case, you are hereby required to hold, such enquiry under Regulation 35 of the Railway Rates Tribunal Regulation, 1990 after notifying the parties concerned for the purpose of.....and to submit your report on or before.....day of 20.....Process to compel the attendance before you of any witness or for the production of any document whom or which you may desire to examine or inspect will be issued by this Tribunal on your application. The Tribunal will order payment of your remuneration and expenses after it has received your report. Given under my hand and the seal of the Tribunal, this..... day of..... 20..... at No. 3, Victoria Crescent Road,

Chennai-600105.Secretary,Railway Rates Tribunal,Madras