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**TARIFF AUTHORITY FOR MAJOR PORTS**

G.No.16

New Delhi,

11 January 2021

**NOTIFICATION**

In exercise of the powers conferred by Section 48 of the Major Port Trusts Act, 1963 (38 of 1963), the Tariff Authority for Major Ports hereby extends the validity of the existing Scale of Rates of the Bharat Petroleum Corporation Limited operating in the Jawaharlal Nehru Port Trust as in the Order appended hereto.

**(T.S. Balasubramanian)**  
Member (Finance)

**Tariff Authority for Major Ports**  
**Case No. TAMP/46/2016-BPCL**

The Bharat Petroleum Corporation Limited - - -

Applicant

**QUORUM**

- (i). Shri. T.S. Balasubramanian, Member (Finance)
- (ii). Shri. Sunil Kumar Singh, Member (Economic)

**ORDER**

(Passed on this 28<sup>th</sup> day of December 2020)

This note relates to the extension of the validity of the existing Scale of Rates of the Bharat Petroleum Corporation Limited (BPCL) operating the liquid cargo berth in the Jawaharlal Nehru Port Trust (JNPT).

2.1. The existing Scale of Rates (SOR) of BPCL was approved by this Authority vide Order No. TAMP/46/2016-BPCL dated 8 February 2017 which was notified in the Gazette of India on 06 March 2017 vide Gazette No. 94. The Order prescribed the validity of the SOR till 31 March 2019.

2.2. Thereafter based on the request of the BPCL, this Authority has on regular occasions extended the validity of the existing tariff of BPCL.

2.3. On the last occasion, the validity was extended for a further period of 3 months i.e. from 01 October 2020 to 31 December 2020.

3.1. In this backdrop, now, the BPCL vide its email dated 10 December 2020 has stated the following:

- (i). BPCL is continuously following up with their top management for approval in the reduction of wharfage for crude oil and maintaining at par wharfage charges for other products.
- (ii). However, It would be taking some more time for final approval from their top management even there are multilevel deliberations and discussions daily on the above proposals and as this would be directly affecting our bottom line margins.

3.2. Therefore, BPCL has requested this Authority to extend the validity of the existing Scale of Rates for a further period of 6 months i.e. from 1 January 2021 to 30 June 2021.

4.1. The general revision proposal submitted by BPCL in November-December, 2019 is pending for finalization for want of requisite information from BPCL. A joint hearing was held on 13 January 2020. In view of the objection raised by Licensor Port, Jawaharlal Nehru Port Trust (JNPT) at the joint hearing for the proposed increased in wharfage for Crude oil, BPCL has decided to review its proposal. However, BPCL being a PSU and having a layered structure, it has expressed that it will take some more time for BPCL to file its revised proposal. Hence, it may take some more time for the case to mature for finalization.

4.2. In view of above and since the extended validity of the existing tariff of BPCL will expire on 31 December 2020 and based on the request made by BPCL for the reasons cited by it and in order to avoid a vacuum in the tariff, it is felt appropriate to extend the validity of the existing tariff of BPCL beyond 31 December 2020.

4.3. Accordingly, this Authority extends the validity of the existing tariff of BPCL for a further period of 6 months i.e. from 01 January 2021 upto 30 June 2021 or upto the finalization of new SOR, based on the receipt of requisite information from BPCL, whichever is earlier, as requested by BPCL.

4.4. If any additional surplus over and above the admissible cost and permissible return emerges for the period post 01 April 2019, during the review of performance of BPCL, such additional surplus will be dealt with as per Clause 3.1.2 of the Tariff Guidelines, 2019, for determination of tariff for BOT operators operating in Major Port Trusts and previously governed by 2005 Tariff Guidelines issued by the Government vide its letter no. PR-14019/20/2009-PG (pt-IV) dated 5 March 2019 and notified by this Authority in the Gazette of India.

**(T.S. Balasubramanian)**  
Member (Finance)