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Tariff Authority for Major Ports

G.No.171

New Delhi,

28 April 2017

NOTIFICATION

In compliance of the direction issued by the Government of India in Ministry of Shipping and in exercise of the powers conferred under Clause 1.2 of the 'Guidelines for Regulation of Tariff at Major Ports, 2004', the Tariff Authority for Major Ports hereby further extends the validity of the 'Guidelines for Regulation of Tariff at Major Ports, 2004' notified vide Order No.TAMP/23/2003-WS on 31 March 2005, as in the Order appended hereto.

(T.S. Balasubramanian)
Member (Finance)

Tariff Authority for Major Ports
No. TAMP/21/2009 - WS

QUORUM

- (i). Shri. T.S. Balasubramanian, Member (Finance)
(ii). Shri. Rajat Sachar, Member (Economic)

ORDER

(Passed on this 29th day of March 2017)

The 'Guidelines for Regulation of Tariff at Major Ports, 2004' were notified in the Gazette of India on 31 March 2005 vide Gazette No.39 by this Authority in compliance of policy directions issued by the Government of India under section 111 of the Major Port Trusts' Act, 1963. These guidelines came into effect from 31 March 2005 and as stipulated in clause 1.2 of the guidelines, remained in force for a period of 5 years, i.e. up to 31 March 2010, unless reviewed earlier or extended by this Authority. The said Guidelines was then applicable in respect of all Major Port Trusts and private terminals operating thereat.

2. The Ministry of Shipping (MOS) vide its letter No. 8(1)/2014-TAMP dated 13 January 2015 issued a Tariff Policy for Major Port Trusts called "Policy for Determination of Tariff for Major Port Trusts, 2015" in exercise of powers conferred on it by Section 111 of the Major Port Trusts Act, 1963, and directed the Authority to act accordingly with immediate effect. Accordingly, the Tariff Policy for Major Port Trusts called "Policy for Determination of Tariff for Major Port Trusts, 2015" has been notified in the Gazette of India Extraordinary (Part III Section 4) on 27 January 2015 vide Gazette No.30. The said Tariff Policy for Major Port Trusts, 2015 came into effect from 13 January 2015, as directed by the MOS vide its letter dated 13 January 2015. As per clause 1.1. of the said Tariff Policy 2015, it is applicable to Major Port Trusts. Clause 1.3. of the *ibid* Tariff Policy states that the Tariff Policy 2015 is not applicable to BOT/ BOOT operators or any other arrangement for Private Sector Participation.

3. As advised by the MOS, this Authority extended the validity of the 'Guidelines for Regulation of Tariff at Major Ports, 2004' from time to time. In the last extension, the validity of the said guidelines was extended by the Authority for BOT Terminal Operators operating at Major Ports presently governed under 2005 guidelines from 1 April 2016 to 31 March 2017 or until further orders, whichever is earlier, as advised by the MOS vide its letter No.PR-14019/20/2009-PG(pt-III) dated 21 March 2016.

4. The MOS vide its letter No.PR-14019/20/2009-PG(Pt-III) dated 27 February 2017 has extended the validity of "Guidelines for the Regulation of tariff at Major Ports, 2004" till 31 March 2018 or until further orders, whichever is earlier. Further, the MOS has stated that, the extension is applicable only to the BOT terminals operating at the Major Port Trusts whose regulation of tariff is being governed by the said "Guidelines for Regulation of Tariff at Major Ports, 2004".

5. Accordingly, the validity of the 'Guidelines for Regulation of Tariff at Major Ports, 2004' is extended till 31 March 2018 or until further orders, whichever is earlier. This extension is applicable only to the BOT terminals operating at the Major Port Trusts whose regulation of tariff is being governed by the said "Guidelines for Regulation of Tariff at Major Ports, 2004".

(T.S. Balasubramanian)
Member (Finance)