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Tariff Authority for Major Ports

G.No. 414

New Delhi,

06 October 2020

NOTIFICATION

In exercise of the powers conferred under Sections 48 and 50 of the Major Port Trusts Act, 1963 (38 of 1963), the Tariff Authority for Major Ports hereby notifies the revised Scale of Rates disposing of the proposal received from International Seaports (Haldia) Private Limited (ISHPL) for General revision of its Scale of Rates (SOR) under Tariff Guidelines, 2019, as in the Order appended hereto.

(T.S. Balasubramanian)

Member (Finance)

Tariff Authority for Major Ports

Case No. TAMP/07/2020-ISHPL

International Seaports (Haldia) Private Limited

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Applicant

QUORUM

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

ORDER

(Passed on this 08th day of September, 2020)

This case relates to the proposal received from International Seaports (Haldia) Private Limited (ISHPL), a BOT Operator at 'Syama Prasad Mookerjee Port (SPMP) [Erstwhile Kolkata Port Trust (KOPT)]' for general revision of its Scale of Rates.

2.1. The ISHPL vide its letter no. ISHPL/Kol/2019-20 dated 15 January 2020 has filed its proposal for general revision of its scale of rates under Tariff Guidelines, 2019. The said proposal was taken on consultation with the Licensor port viz., Syama Prasad Mookerjee Port (SPMP) [Erstwhile Kolkata Port Trust (KOPT)] and concerned users / user organisations at the ISHPL.

2.2. The proposal of the ISHPL was internally scrutinized in the office. The additional information/ clarifications were sought from the ISHPL. The ISHPL has responded to the additional information/ clarifications sought. A joint hearing in this case was held on 19 June 2020 thorough Video conferencing. At the joint hearing, the ISHPL, SPMP and one user of ISHPL i.e. Steel Authority of India Limited (SAIL) have made their submissions.

3. With reference to the totality of information collected during the processing of the case, this Authority has approved the revised Scale of Rates of ISHPL.

4.1. The Speaking Order passed by this Authority is in the process of notification in the Gazette of India and it is likely to take some more time for notification. Therefore, this Authority desires that the revised Scale of Rates may come into force without waiting for notification of the detailed Order. Accordingly, this Authority notifies the revised Scale of Rates of the ISHPL immediately which is attached as **Annex**. The revised Scale of Rates will come into force after expiry of 30 days from the date of notification of this Order in the Gazette of India and shall be in force for a period of three years thereafter, subject to annual indexation, as discussed in para no. 5 below.

4.2. In the meanwhile, the validity of the existing SOR of ISHPL is deemed to have been extended from 01 April 2019 till the revised SOR of ISHPL comes into effect.

4.3. The Speaking Order passed by this Authority in respect of ISHPL will be notified separately and communicated to the ISHPL, SPMP and the relevant users/ user organisations in due course of time.

5. As per Clause 2.12 of the Tariff Guidelines, 2019, the SOR will be indexed annually to inflation to the extent of 60% of the variation in Wholesale Price Index (WPI) announced by the Government of India occurring between 1st January to 31st December of the relevant year. Such adjusted SOR is to come into force from 1st May of the relevant year to 30th April of the following year. It is relevant here to state that in the instant case indexation for the years 2019-20 and 2020-21 is already considered in the ARR and for drawing the SOR. Thus, the first annual indexation will be applicable from 01 May 2021. For the subsequent years, the annual indexed SOR will come into force from 1st May of the relevant year to 30th April of the following year. The indexed SOR shall be intimated by the ISHPL to the SPMP, users and to this Authority.

(T.S. Balasubramanian)

Member (Finance)

**INTERNATIONAL SEAPORT (HALDIA) PRIVATE LIMITED
BERTH NO 4 (OLD BERTH NO 4A)**

**SCALE OF RATES
PART I - GENERAL**

1.1. Definitions -

In this Scale of Rates unless the context otherwise requires, the following definitions shall apply:

- (i). "Authorised Representative" means employee or agent of Customer / Berth user and ISHPL designated from time to time by them, through a written notice to other party, to monitor, facilitate and direct their respective parties' performance.
- (ii). "Berth" means the Berth No 4 (old Berth No 4A) at Haldia Dock Complex (HDC), Syama Prasad Mookerjee Port, Kolkata (SPMP) [Erstwhile Kolkata Port Trust (KOPT)] and the back-up area.
- (iii). "Conveyor System" means a series of belt conveyors extending from the berth to stackyard and to wagon loader.
- (iv). "Draft" means the draft prevailing at HDC on day to day basis.
- (v). "Haldia Dock Complex (HDC)" shall mean oil jetty, other jetties, wharves and berths at Haldia and River Moorings at Haldia Anchorage.
- (vi). "Metric Ton" means a weight of 2,204.623 pounds or 1,000 Kilogram.
- (vii). "Port" means 'Syama Prasad Mookerjee Port, (SPMP) [Erstwhile Kolkata Port Trust (KOPT)]', the corporate entity, and will include Kolkata Dock System and Haldia Dock Complex.
- (viii). "Terminal User" means any importer or exporter using the facilities in the port to import and/or export the cargo.
- (ix). "ISHPL" means International Seaport (Haldia) Private Limited, a Special Purpose Company (SPV) incorporated under the Laws of India having its Registered Office presently at Flat No. 27, 5th Floor, 105, Park Street, Kohinoor Building, Kolkata - 700 016, its successors and permitted assignees, which has been granted license for construction, operation, management and maintenance of the Berth No. 4 (old Berth No. 4A) at Haldia Dock Complex of Syama Prasad Mookerjee Port.
- (x). "ISHPL Premises" means the area licensed to ISHPL including the back-up area allotted under the License Agreement with Syama Prasad Mookerjee Port, Haldia Dock Complex (KoPT).
- (xi). "Coastal vessel" shall mean any vessel exclusively employed in trading between any port or place in India to any other port or place in India having a valid coastal licence issued by the Director General of Shipping/ Competent Authority.
- (xii). "Foreign-going vessel" means any vessel other than coastal vessel.
- (xiii). "Day" shall be reckoned as a period from 6.00 a.m. of a day and ending at 6.00 a.m. the following day.
- (xiv). "Weather Working Day" (WWD) means Monday through Sunday, covering three shifts of eight hours each excluding Port Holidays and Custom holidays.
- (xv). "Week" shall mean 7 consecutive calendar days including holidays.

- (xvi). "Month" shall mean 30 consecutive calendar days including holidays unless otherwise specified.
- (xvii). "Shut-out" cargo shall mean export cargo left in the ISHPL Premises, having not been shipped on board the vessel for which it was received in ISHPL Premises.

1.2. General Terms & Conditions

- (i). All goods landed within the limits of the ISHPL shall be assessed on import application and the charges/ fees shall be paid before the goods are removed.
- (ii). All goods intended for shipment shall be assessed on export application and the statutory charges shall be paid before the goods are shipped.
- (iii).
 - (a). System of classification of vessel for levy of Vessel Related Charges (VRC)
 - (i) A foreign going vessel of Indian flag having a General Trading Licence can convert to coastal run on the basis of a Customs Conversion Order. Such vessel that converts into coastal run based on the Customs Conversion Order at her first port of call in Indian Port, no further custom conversion is required, so long as it moves on the Indian Coast.
 - (ii) A Foreign going vessel of foreign flag can convert to coastal run on the basis of License for Specified Period or voyage issued by the Director General of Shipping and a custom conversion order.
 - (b). Criteria for levy of Vessel Related Charges (VRC) at Concessional Coastal rate and foreign rate.
 - (i) In cases of such conversion, coastal rates shall be chargeable by the load port from the time the vessel starts loading coastal goods.
 - (ii) In cases of such conversion coastal rates shall be chargeable till the vessel completes discharging operations at the last call of Indian Port; immediately thereafter, foreign going rates shall be chargeable by the discharge ports.
 - (iii) For dedicated Indian coastal vessels having a Coastal licence from the Director General of Shipping, no other document will be required to be entitled to coastal rates.
 - (c). The corresponding vessel related rates should be applied depending on the status of the vessel at the time of the incidence of such charge.
- (iv). Vessel related charges shall be levied on owners / agents of the vessel. Wherever rates have been denominated in US dollar terms, the charges shall be recovered in Indian Rupees after conversion of US currency to its equivalent Indian Rupees at the market buying rate notified by the Reserve Bank of India. The day of entry of the vessel into the port limit shall be reckoned as the day for such conversion.
- (v). A regular review of exchange rate shall be made once in 30 days from the date of arrival of the vessels in cases of vessels staying in the ISHPL for more than thirty days. In such cases the basis of billing shall change prospectively with reference to the appropriate exchange rate prevailing at the time of review.
- (vi). No refunds shall be made unless the refund amount is ₹100.00 or more.
- (vii). For the purpose of calculating the dues, the unit weight shall be 1 MT or 1,000 kilograms. Fraction of a MT will be rounded off to the nearest MT.

- (viii). In calculating the gross weight or measurement by volume or capacity of any individual item, fractions up to 0.5 be taken as 0.5 unit and fractions of 0.5 and above be treated as one unit, except where otherwise specified.
- (ix). Interest on delayed payments / refunds:
- (a). The user shall pay penal interest at the rate of 15% per annum on delayed payments of any charge under this Scale of Rates.
 - (b). Likewise, the ISHPL shall pay penal interest at the rate of 15% per annum on delayed refunds.
 - (c). The delay in payments by the users will be counted only 10 days after the date of raising the bills by the ISHPL. This provision shall, however, not apply to the cases where payment is to be made before availing the services as stipulated in the Major Port Trusts Act and/or where payment of charges in advance is prescribed in this Scale of Rates.
 - (d). The delay in refunds by ISHPL will be counted beyond 20 days from the date of completion of services or on receipt of all the documents required from the users, whichever is later.
- (x). All charges worked out shall be rounded off to the next higher rupee on the grand total of each bill.
- (xi). Criteria for levy of Cargo Related Charges (CRC) at Concessional Coastal rate.
- (i) Foreign going Indian Vessel having General Trading License issued for 'worldwide and coastal' operation should be accorded applicable coastal rates with respect to Handling Charges (HC) i.e. ship to shore transfer and transfer from/ to quay to/ from storage yard including wharfage in the following scenario:
 - (a). Converted to coastal run and carrying coastal cargo from any Indian Port and destined for any other Indian Port.
 - (b). Not converted* to coastal run but carrying coastal cargo from any Indian Port and destined for any other Indian Port.

*The Central Board of Excise and Customs Circular no.15/2002-Cus. dated 25 February 2002 allows carriage of coastal cargo from one Indian port to another port in India, in Indian flag foreign going vessels without any custom conversion.
 - (ii) In case of a Foreign flag vessel converted to coastal run on the basis of a Special Period License issued by the Director General of Shipping, and a Custom Conversion Order, the coastal cargo loaded from any Indian Port and destined for any other Indian Port should be levied at the rate applicable for coastal cargo.
 - (a). The status of a vessel, as borne out by its certification by the Customs or the Director General of Shipping, shall be the deciding factor for classifying into 'coastal' or 'foreign-going' category for the purpose of levying vessel related charges; and, the nature of cargo or its origin will not be of any relevance for this purpose. The corresponding vessel related charges shall be applied depending on the status of the vessel at the time of the incidence of such charge.
 - (b). A foreign-going vessel of Indian Flag having a General Trading License can convert to Coastal run on the basis of a Customs Conversion Order.

- (c). A foreign-going vessel of Foreign Flag can convert to coastal run on the basis of Coastal Voyage License issued by the Director General of Shipping.
 - (d). In cases of such conversion, coastal rates shall be chargeable by the load port from the time the vessel starts loading coastal goods.
 - (e). In cases of such conversion, coastal rates shall be chargeable only till the vessel completes coastal cargo discharging operations; immediately thereafter, foreign-going rates shall be chargeable by the discharge ports.
 - (f). For dedicated Indian coastal vessels having a Coastal Licence from the Director General of Shipping, no other document will be required by her to be entitled to Coastal rates.
- (xii).
- (a). The Vessel related charges for all Coastal vessels should not exceed 60% (or such percentage as may be modified as per Government of India notifications from time to time) of the corresponding charges for other vessels and collected in Indian Rupee.
 - (b). The cargo related charges (as given in Clause 3.1, Clause 3.2 and Clause 3.3 only) for all Coastal cargo, other than thermal coal, POL including Iron Ore and Iron pallets, should not exceed 60% (or such percentage as may be modified as per Government of India notifications from time to time) of the normal cargo related charges.
 - (c). In case of cargo related charges, the concessional rates should be levied on all the relevant handling charges for ship-shore transfer and transfer from / to quay to / from storage yard including wharfage.
 - (d). For the purpose of this concession, cargo from a foreign port which reaches an Indian Port 'A' for subsequent transshipment to Indian Port 'B' will also qualify insofar as the charges relevant for its coastal voyage. In other words, cargo from/ to Indian Ports carried by vessels permitted to undertake coastal voyage will qualify for the concession.
- (xiii). The users will not be required to pay for delays beyond a reasonable level attributable to ISHPL.
- (xiv).
- (a). Whenever a specific tariff for a service/ cargo is not available in the notified Scale of Rates, the ISHPL can submit a suitable proposal.
 - (b). Simultaneously with the submission of proposal, the proposed rate can be levied on an ad hoc basis till the rate is finally notified.
 - (c). The ad hoc rate to be operated in the interim period must be derived based on existing notified tariffs for comparable services/ cargo; and, it must be mutually agreed upon by the ISHPL and the concerned user(s).
 - (d). The final rate fixed by the TAMP will ordinarily be effective only prospectively. The interim rate adopted in an ad hoc manner will be recognised as such unless it is found to be excessive requiring some moderation retrospectively.
- (xv). Survey / testing services shall include drawing of on line sample, moisture analysis both at the time of discharge and loading and submission of report.
- (xvi).
- (a). The rates prescribed in this SOR are ceiling levels; likewise, rebates and discounts are floor levels. The ISHPL may, if it so desires, charge lower rates and/or allow higher rebates and discounts.
 - (b). The ISHPL may also, if it so desires, rationalize the conditionalities prescribed in this SOR.

- (c). The ISHPL should notify the public such lower rates and/or rationalization of the conditionalities governing the application of such rates and continue to notify the public any further changes in such lower rates and/or in the conditionalities governing the application of such rates provided the new rates fixed shall not exceed the rates notified by the TAMP.
- (xvii). The SOR approved by the Authority is subject to automatic annual indexation at 60% of the WPI to be announced by the Authority. The next annual indexation in SOR is applicable from 01 May 2021. For the subsequent years, the annual indexed SOR will come into force from 1st May of the relevant year to 30th April of the following year. The indexed SOR shall be intimated by the ISHPL to the KOPT, users and to this Authority.

PART II - VESSEL RELATED CHARGES

SECTION – A – PORT DUES & SECTION – B – TOWAGE & PILOTAGE

- 2.1. These services will be rendered by the Syama Prasad Mookerjee Port (Erstwhile Kolkata Port Trust) to the vessels entering the ISHPL's Berth No. 4 (Old berth No. 4A), Haldia Dock Complex. The charges for these services shall be payable directly to KoPT by Ship owners / vessel agents as provided in the KoPT Scale of Rates in force.

Section - C - BERTH HIRE CHARGES

- 2.2. Berth Hire Charges at Berth No. 4 (Old Berth No. 4A) shall be payable to ISHPL by Masters/ owners/ agents of the vessel at the rates specified below.

Description	Unit Rate per GRT/ Per hour or part thereof	
	Foreign-going vessel (US\$)	Coastal vessel (₹)
Berth 4	0.0030	0.0796

General Notes relating to Berth hire:

- (i). The minimum berth hire payable is US\$300 in case of foreign going vessels and ₹7960/- in case of coastal vessels.
- (ii). Berth hire for the period of 1 hour in which the vessel changes its status can be charged on the basis of the status of the vessel at the beginning of the relevant block of 1 hour period.
- (iii). The berth hire shall be leviable from the time the vessel occupies the berth till the time the vessel leaves the berth.
- (iv). Whenever a Vessel is double/ triple banked with another vessel occupying the Berth, the Vessel so double / triple banked will be charged at the rate of 50% of the Berth hire charges specified above provided the vessel is in non-working condition.
- (v).(a). No berth hire shall be levied on vessel after expiry of 4 hours from the time of signaling its readiness to sail.
- (b). The time limit of 4 hours prescribed for cessation of Berth Hire shall exclude the ship's waiting time for want of favorable tidal conditions, inclement weather and due to lack of night navigation.
- (c). The master / agent of the vessel shall signal readiness to ISHPL and HDC only in accordance with favorable tidal and weather conditions.
- (d). There shall be a penal rate equal to one day's (24 hours) berth hire charge for a false signal.

'False Signal' would be when a ship signals readiness and asks for a pilot in anticipation even when she is not ready for un-berthing due to engine not being ready or cargo operation not completed or such other reason attributable to the vessel. This excludes the signaling readiness when a ship is not able to sail due to unfavourable tide, lack of night navigation or adverse weather conditions.

- (vi). In case a vessel idles due to non availability or breakdown of the ISHPL equipment or power failure at ISHPL or any other reasons attributable to ISHPL, rebate equivalent to berth hire charges accrued during the period of idling of the vessel shall be allowed.

2.3. Penal Berth Hire Charges

2.3.1. Penal berth hire charges shall become payable for over-stayal of the vessel beyond the berth occupancy as per the norms given in clause 2.4 if the norms cannot be achieved due to any reasons attributable to the vessel.

2.3.2. Vessels, which require closing hatches/ draft survey, shall be permitted to occupy the berth after completion of cargo operation without attracting penal berth hire charges for four hours.

2.4. **Penal berth hire charges** shall be levied in addition to normal berth hire for the period of over-stayal at the rates prescribed below

Sl. No.	Particulars	Rate per GRT per hour	
		Foreign-going vessel (in US \$)	Coastal vessel (in ₹)
(i).	Upto 6 hours	0.0050	0.1388
(ii).	Above 6 hours & upto 12 hours	0.0100	0.2676
(iii).	Above 12 hours & upto 18 hours	0.0250	0.6690
(iv).	Above 18 hours per day or part thereof	0.0500	1.3380

2.5. Commodity wise per day output rates

Sl. No.	Nomenclature	Output per WWD (in MT)
(i).	Coking coal	14000

Note: (i) The above output is based on two workable hatches or pro-rata, if less.

PART - III CARGO RELATED CHARGES

SECTION A – SUPPLY OF MANPOWER AND MOBILE EQUIPMENT

3.1. These Charges shall be payable by the importer/ exporter of cargo to ISHPL on the draft survey quantity of cargo at the rates specified below for supply of man power and mobile equipment inside the holds of the vessel.

Sr. No.	Particulars of Commodity	Rate per metric tonne (₹)	
		Foreign	Coastal
(i).	Coking coal	13.22	7.93

Notes:

The weight to be charged shall be computed on the basis of the draft survey weight on arrival of the vessel and on completion of cargo discharge/shipment

SECTION B - WHARFAGE CHARGES

3.2. Wharfage charges shall be payable by the importer/ exporter of cargo to ISHPL on the draft survey quantity of cargo at the rates specified below, and shall cover transfer of cargo up to stack yard, i.e.,

- (i). Unloading of cargo from Vessel to Berth or vice versa,
- (ii). Movement of cargo from Berth till TP-2 or vice versa, and
- (iii). Cleaning Charges
- (iv). Dust suppression services wherever necessary and provided.

Sr. No.	Particulars of Commodity	Rate per metric tonne (₹)	
		Foreign	Coastal
(i).	Coking coal	115.82	69.49

Notes:

The weight to be charged shall be computed on the basis of the draft survey weight on arrival of the vessel and on completion of cargo discharge/shipment.

SECTION C - SHORE HANDLING CHARGES

3.3. Shore Handling Charges shall be payable to ISHPL by the importer/exporter on the draft survey quantity of cargo at the rates specified below and will cover

- (i). Conveying from TP-2 to the stack yard in ISHPL Premises.
- (ii). Stacking the same with the help of Stacker & Reclaimer and other mobile equipment to avoid mix up and contamination.
- (iii). Heaping the cargo, dozing, covering the cargo with tarpaulin to avoid sliding during rain and flying away during wind, extra dozing for accommodating more cargo and dozing in while loading wagon to enable reclaiming by the reclaimer, Collection of spillage right from vessel to stack yard and to transmission, water sprinkling, system cleaning, keeping the cargo grade-wise at different bay, keeping drainage system in proper working condition with continuous maintenance.

Sr. No.	Particulars of Commodity	Rate per metric tonne (₹)	
		Foreign	Coastal
(i).	Coking coal	135.20	81.12

Notes:

The weight to be charged shall be computed on the basis of the draft survey weight on arrival of the vessel and on completion of cargo discharge/shipment.

SECTION D - DELIVERY CHARGES

3.4.1. For delivery of cargo by mechanized wagon loading system charges shall be payable to ISPHL by the importer/ exporter on the draft survey quantity of cargo at the rates specified below.

3.4.2. Delivery Charges will cover

- (i). Reclaiming cargo from the Stack Yard within ISHPL Premises by Stacker & Reclaimer.
- (ii). Conveying and loading into the wagon, through the wagon loader, maintaining proper profile of loading as per the carrying capacity of the wagon.
- (iii). Loading of cargo as per grade and as per requirement for various plant destinations.

Sr. No.	Particulars of Commodity	Rate per metric tonne (₹)
(i).	Coking coal	45.03

3.5.1. For delivery of cargo by loading trucks by conventional method charges shall be payable to ISPHL by the importer/ exporter on the draft survey quantity of cargo at the rates specified below.

3.5.2. Delivery Charges will cover

- (i). Reclaiming from the Stack Yard within ISHPL Premises by front end loader.
- (ii). Loading into the trucks through the front-end loader maintaining proper profile of loading as per the carrying capacity of the truck.
- (iii). Loading as per grade and plant site requirement

Sr. No.	Particulars of Commodity	Rate per metric tonne (₹)
(i).	Coking coal	39.55

SECTION E - GROUND RENT / STORAGE CHARGES

3.6. All the cargo, which is received at ISHPL Berth No. 4 for export / outward and/or import / inward handling, shall be stored in the stack yard at ISHPL Premises. The charges for Storage / Ground Rent for the stack yard at ISHPL Premises shall be charged as follows:

Sr. No.	Particulars of Commodity	Rate per metric tonne per day for the period beyond 21 th day for the balance cargo (₹)
(i).	Coking coal	50.00

NOTE:

- (i). Twenty-one free days shall be allowed after the complete discharge of vessel's cargo in case of imports and the date of arrival of cargo at the yard in ISHPL Premises in case of exports.
- (ii). For the purpose of calculating the free period Customs notified holidays and Port/ ISHPL Berth non-working days shall be excluded.
- (iii). Ground rent /storage charges shall be payable for all days including Sundays and customs notified holidays for stay of cargo beyond the prescribed free days.

SECTION F – MISCELLANEOUS (OPTIONAL SERVICES)

Sr. No.	Particulars	Rate per metric tonne (₹)
(i).	Weighment charges for in-motion weigh bridge empty and loaded including weighment certificate	5.50
(ii).	Loading, unloading & restacking of cargo	22.00
(iii).	Taking Photograph of loaded wagons converting into CD and supplying 1 CD wagon wise / rake wise.	120/- per Wagon
(iv).	Siding Charges	6.00
(v).	Retrieving cargo which spills over in transit to the conveyor system/stack yard to minimize loss of cargo	5.50
(vi).	Charges for On-line Sampling for Moisture analysis of Receipt and Despatch Cargo	5.50
(vii).	Despatch related services for rail bound cargo through Berth No. 4, including trimming, cleaning, labeling & lime spraying	12.00
(viii).	Quarterly Survey of Stock by approved surveyor	3.60

PART – IV - CHARGES FOR OTHER SERVICES

4.1. Visitor Entry Pass:	Yearly	Monthly	Daily
(a) Per Application	₹ 240	₹ 60	₹ 30
(b) Per Replacement	₹ 60	₹ 60	₹ 30

4.2. Vehicle Entry Pass (for vehicles other than the vehicles entering the terminal for delivery/dispatch of cargo): ₹ 100 per entry

4.3. Photography:

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| (i). Film shooting and photography | ₹ 10,000 per day |
| (ii). Taking photographs of Crews and Others | ₹ 300 per day |
| (iii). Video-graphy (related to operational activities) | ₹ 3,000 per day |

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