

(Published in Part - III Section 4 of the Gazette of India, Extraordinary)  
**TARIFF AUTHORITY FOR MAJOR PORTS**

G.No. 412

New Delhi,

06 October 2020

**NOTIFICATION**

In exercise of the powers conferred under Section 49 of the Major Port Trusts Act, 1963 (38 of 1963), the Tariff Authority for Major Ports hereby disposes of the proposal received from Mumbai Port Trust (MBPT) for revision of parking fees for Forklifts, Mobile Cranes, TLT/ Reach Stacker, JCB/ Excavator, as in the Order appended hereto.

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

**Tariff Authority for Major Ports**  
**Case No. TAMP/8/2020-MBPT**

The Mumbai Port Trust

- - -

Applicant

**QUORUM**

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

**ORDER**

(Passed on this 8<sup>th</sup> day of September, 2020)

This case relates to a proposal received from Mumbai Port Trust (MBPT) for revision of parking fees for Forklifts, Mobile Cranes, TLT/ Reach Stacker, JCB/ Excavator.

2. This Authority vide its Order No. TAMP/5/2019-MBPT dated 24 July 2019 has approved revised Scale of Rates of MBPT. The revised Scale of Rates alongwith Performance Standards approved by this Authority was notified in the Gazette of India vide Gazette No. 308 dated 03 September 2019. Subsequently speaking Order on the subject proposal was notified on 17 September 2019 vide Gazette No.323.

3.1. In this backdrop, the MBPT vide its letter no. FA/ACC/191(B)/452 dated 29 January 2020 has proposed revision of parking fees for Forklifts, Mobile Cranes, TLT/ Reach Stacker, JCB/ Excavator approved vide the Order dated 24 July 2019. The main submissions made by MBPT in its proposal are given below:

- (i). At MBPT, multiple operational activities take place such as receiving, shipments, discharging, shifting and delivery of Break Bulk, ODC packagers, Dry/ Liquid Bulk, Wooden Logs, Iron & Steel, Pulses, Containerized cargo etc. So, Mobile Crane, forklifts and other Cargo/ Container handling equipment are parked in the Operational areas of docks in large numbers.
- (ii). About 50% to 60% of cargo handling equipment parked in the docks are generally, at any given time, engaged in cargo storage, receipt, delivery operations or on vessel operations and 40% to 50% of the equipment are stationed in the Docks, which may be required to be pressed into service at short notice as replacements or for catering to cargo/ vessel operation. However, it is difficult to pinpoint equipment in the Docks which are engaged in cargo handling operation or idling in the Docks.
- (iii). With a view to regulate parking in the Docks and gainful utilization of Port area, parking charges were proposed to be levied. Such charges were approved by the Board and was included in the proposal forwarded to TAMP for revision of SOR and vide Order dated 24 July 2019, TAMP approved recovery of Parking charges in the SOR under Section 9.7 of Chapter IX- Miscellaneous charges, as given below:

Sr. No	Type of Equipment	Parking Charges per month or part thereof* (in ₹.)
(i)	Forklift	2,869.00
(ii)	Mobile Cranes	7,172.00
(iii)	TLT/Reach Stacker	7,300.00
(iv)	JCB / Excavator	2,700.00

\* Excluding admissible taxes.

- (iv). The rate per day for the equipment worked out by considering 30 days in a month is as under:

Sr. No	Type of Equipment	Per Month (in ₹)	Per Day (in ₹)
(i)	Forklift	2,869.00	95.00
(ii)	Mobile Cranes	7,172.00	239.00
(iii)	TLT/Reach Stacker	7,300.00	243.00
(iv)	JCB / Excavator	2,700.00	90.00

\* Excluding admissible taxes.

- (v). However, in recent discussion of the above rates more specifically on recovery of Parking fees for Forklift, Mobile Cranes, TLT/ Reach Stacker, JCB/ Excavator, it was observed that the above said parking charges of equipment are very less as compared to the parking rates outside the docks.
- (vi). In the recent past, Mumbai Port has allotted Pay and Park Facility at various locations to various parties. One of the Pay & Parking facilities is operating near Balagi Hotel wherein the parking of trucks / trailers and buses is permitted at the following rates:

Sr. No.	Period	Rate (in ₹)
(i)	Upto one hour	60.00
(ii)	Between 1 to 3 hours	100.00
(iii)	Between 3 to 6 hours	160.00
(iv)	Between 6 to 12 hours	300.00
(v)	After 12 hours	370.00

- (vii). It was noted that the parking charges recovered on per month basis is less as compared to the LMVs/ HMVs parked on the roads.
- (viii). The parking charges as per Sec.9.7 of the SOR is thus found to be much lower than the rates recovered at any nearby premises. The daily rate of parking charges worked out prorata for parking of all the equipment is very less as compared to parking charges outside the docks.

3.2. In view of the above, the MBPT has proposed to revise the parking charges for the Cargo/ Container Handling equipment (**under section 9.7 of SOR**) as under:

Sr. No	Equipment	Present rate Per Month (in ₹)	Revised Rate Per month (in ₹)
(i)	Forklift	2,869.00	5,738.00
(ii)	Mobile Cranes	7,172.00	14,344.00
(iii)	TLT/Reach Stacker	7,300.00	14,600.00
(iv)	JCB / Excavator	2,700.00	5,400.00

3.3. The Board of Trustees of MBPT has accorded approval vide TR No. 195 dated 01.11.2019 for revision of parking fees for Forklifts, Mobile Cranes TL/ Reach Stacker, JCB/ Excavator, as per above table. A copy of the Board note has been made available by MBPT.

3.4. A comparison between the rates of parking charges of MBPT vis-à-vis private parking outside docks is given below:

(Amount in ₹)

Equipment	Charges approved by TAMP w.e.f. 03.10.2019 (per month or part thereof)	Proposed charges as per TR-195 of 01.11.2019 (per month or part thereof)	Private Parking charges outside docks	
			After 12 hours	Per month
Forklift	2,869.00	5,738.00	370.00	11,100.00
Mobile Cranes	7,172.00	14,344.00	370.00	11,100.00
TLT/Reach Stacker	7,300.00	14,600.00	370.00	11,100.00
JCB / Excavator	2,700.00	5,400.00	370.00	11,100.00

4. The MBPT vide its email dated 7 March 2020 has furnished a statement showing the working of additional income to be generated by MBPT on account of the proposed increase in parking fees estimated at ₹. 83.23 lakhs per annum.

5. In accordance with the consultative procedure prescribed, a copy of the MBPT proposal dated 29 January 2020 was circulated to the concerned users/ user organizations/ additional users vide letter dated 13 March 2020 as suggested by MBPT seeking their comments. In response, some of the users / user organisations have furnished their comments which were forwarded to MBPT as feedback information. The MBPT has responded vide its letter dated 24 July 2020.

6. A joint hearing on the case in reference was held on 8 July 2020 through Video Conferencing. At the joint hearing, MBPT made a brief power point presentation of its proposal. The MBPT and the users/ user organisations have made their submissions during the joint hearing.

7.1. During the Joint Hearing, the users/ user organisations had argued against the proposal of the Port and had objected to the proposed increase over the existing rates. Therefore, the MBPT was requested vide letter dated 22 July 2020 to review the proposal and submit the reviewed proposal within 10 days keeping in view the objection raised by the users during the joint hearing.

7.2. Subsequent to the Joint Hearing, comments received from various users were also forwarded to MBPT as feedback information. The MBPT has responded vide its letter dated 10 August 2020.

8. The proceedings relating to consultation in this case are available on records at the office of this Authority. An excerpt of the comments received from the users / user organisations and arguments made by the concerned parties will be sent separately to them. These details will also be made available at our website <http://tariffauthority.gov.in>.

9. With reference to totality of information collected during the processing of this case, the following position emerges:

- (i). The existing Scale of Rates of Mumbai Port Trust (MBPT) [at Section 9.7 in Chapter IX – Miscellaneous charges] prescribes Parking charges for usage of open area for parking of cargo/ container handling equipment like Mobile Cranes, Forklifts, Reach Stackers, JCBs, etc. inside the Docks. Given that the said existing parking charges at MBPT for parking of handling equipment inside the docks of MBPT are less as compared to the rates at Outside Pay and Park facility, the MBPT has come up with a proposal in reference to double the existing parking fees. The proposal of MBPT has the approval of its Board of Trustees.

- (ii). The main reasons for the MBPT to propose increase in the parking charges is seen to bring the existing parking charges closer to the parking rates prevailing at Outside Pay and Park facility. Also, the port has justified the proposed increase in parking charges by stating that Dock area being restricted area, parking the Equipment in the Dock area is safer and secured than outside area and that it also leads to efficient time management. These factors are reported to have a positive quotient to port users from business perspective. Further, the port has stated that the increased parking charges would discourage unwarranted/ idle parking of equipment and would lead to gainful utilization of the port area.
- (iii). During the consultation process undertaken by this Authority, all the Users/ User Organisations have vehemently objected to the hike in the parking charges proposed by the Port. The users have stated that comparing parking charges inside the dock area with the outside parking facility is not correct, since the equipment parked inside the dock area are for rendering the services to the port for productive purposes and is integrated with port operations unlike the outsiders using the parking facility. Further, the users are of the view that the need of the hour is that the MBPT focuses and addresses the real issues relating to improving its poor infrastructure and develop and increase its business by implementing policies that aid growth of Trade and commerce rather than come up with proposal for increase in parking charges.

Though the MBPT was given an opportunity to review its proposal keeping in view the objections raised by the users, the MBPT has chosen to go ahead with its proposal.

- (iv). In support of its proposal, the MBPT has also stated that since existing parking inside the port premises is economical as compared to outside commercial rates, there is a tendency for users to utilize the Port as a parking facility and indiscriminately park their Container handling equipment in large numbers. Thus, the proposal of the port is essential so as to regulate parking in the Docks and ensure gainful utilization of Port Area. The port has also stated that it is not at all mandatory for the equipment owners to park the equipment in Docks and consequently pay the excessive parking charges. Rather, the users can avail the Vehicle Date Slip (VDS) facility, which is in vogue at MBPT.
- (v). From the details of the VDS facility as furnished by MBPT, it is seen that the facility envisages levy of penalty for per day of overstay for various types of Container Handling Equipment and also the instances where exemption will be allowed by MBPT to the user from payment of overstay charges viz., equipment deployed for vessel/ container operation, Equipment detained by Port administration, custom, police, CISF etc., Equipment deployed for loading import cargo/ unloading export cargo on / from railway wagons.

Accordingly, from the details of the VDS facility as made available by MBPT, it is seen that the equipment which is engaged in some cargo/ vessel operation is waived of from the payment of the penal charges. In other words, the said penal charges are attracted on the equipment only if they are idling in the Dock area.

- (vi). This Authority has on various instances held that the Port areas being valuable resource, it should not be utilized as a storage yard. Parking of idling container handling equipment inside the Dock areas, congest these port areas and also causes operational inconvenience to the port. Given that the proposal of the port has the approval of its Board of its Board of Trustees and also since the proposed levy is towards an optional service and is leviable by the port only if the vehicles choose to not avail the VDS facility, this Authority is inclined to approve the levy of increased level of parking charges, as proposed by the Port. However, it is to state that the revised parking charges approved is at ceiling level. The MBPT has flexibility to levy lower rates based on commercial reasons.

- (vii). The proposed revision in the parking charges is reported to generate an additional revenue to the tune of ₹.83.23 lakhs per annum to the port during the remaining tariff validity period upto 02 October 2022 as per the working furnished by MBPT. In this context, it is relevant here to mention that during the last general revision of tariff of MBPT in July 2019, there was a revenue gap to the tune of ₹.39.02 crores, which has been left uncovered by the Port, then. Thus, the additional revenue of ₹.83.23 lakhs arising out of the levy of rates approved would get subsumed in the revenue gap.
- (viii). Orders of this Authority generally come into effect prospectively after expiry of 30 days from the date of Gazette Notification unless otherwise different arrangement is specifically mentioned in the respective tariff Orders. Accordingly, this Authority is inclined to grant approval for levy of revised Parking charges inside the dock area of MBPT prospectively after expiry of 30 days from the date of notification of this Order in the Gazette of India.

10.1. In the result, and for the reasons given above, and based on a collective application of mind, this Authority accords approval for the replacement of existing charges towards Parking charges for usages of open area for parking of cargo/container handling equipment like Mobile Cranes, Forklifts, Reach Stackers, JCBs, etc. inside the Docks at Section 9.7 of Chapter IX – Miscellaneous charges in the existing MBPT Scale of Rates (SOR) with the following provision :

**“9.7 Parking charges for usages of open area for parking of cargo/ container handling equipment like Mobile Cranes, Forklifts, Reach Stackers, JCBs, etc. inside the Docks.**

- |       |                              |   |
|-------|------------------------------|---|
| (i).  | <b>Forklift :</b>            | ₹.5,738/- plus admissible taxes per Forklift per month or part thereof.             |
| (ii)  | <b>Mobile Cranes :</b>       | ₹.14,344/- plus admissible taxes per mobile crane per month or part thereof.        |
| (iii) | <b>TLT / Reach Stacker :</b> | ₹.14,600/- plus admissible taxes per TLT / Reach Stacker per month or part thereof. |
| (iv)  | <b>JCB / Excavator :</b>     | ₹.5,400/- plus admissible taxes per JCB / Excavator per month or part thereof.      |

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10.2 The MBPT is directed to suitably incorporate the above provision in its Scale of Rates.

10.3. The above prescription shall come into effect after expiry of 30 days from the date of notification of this Order in the Gazette of India and shall remain valid co-terminus to the validity of the existing Scale of Rates of MBPT i.e. upto 2 October 2022. The approval accorded shall automatically lapse thereafter unless specifically extended by this Authority.

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

**SUMMARY OF THE COMMENTS RECEIVED FROM THE PORT USERS / DIFFERENT USER ORGANISATIONS AND ARGUMENTS MADE IN THIS CASE DURING THE JOINT HEARING BEFORE THE AUTHORITY.**

<b>TAMP/8/2020-MBPT</b>	<b>:</b>	<b>Proposal received from the Mumbai Port Trust (MBPT) for revision of parking fees for Forklifts, Mobile Cranes, TLT/ Reach Stacker, JCB/ Excavator</b>
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A summary of the comments received from some of the users / user organisations and the response of Mumbai Port Trust (MBPT) thereon are tabulated below:

<b>Sl. No.</b>	<b>Comments of the User / User Organisation</b>	<b>Reply received from MBPT</b>
<b>1</b>	<p><b>(a) Damani Shipping Pvt. Ltd. (DSPL) vide its e-mail dated 19 March 2020</b></p> <p><b>(b) M/s. Oberai Heavy Lifers vide its e-mail dated 20 March 2020 and</b></p> <p><b>(c) Indra Forklift Hiring Company vide its letter dated 20 Mach 2020</b></p> <p><b><u>[Uniform comments are made by above three users]</u></b></p>	<b>MBPT letter dated 24 July 2020</b>
(i).	The proposed hike in the parking charges are inhuman and absolutely intolerable. We strongly condemn such atrocities and staunchly oppose such a move on the part of MBPT.	<p>Mobile Crane, Forklifts and other Cargo/ Container handling equipment were indiscriminately parked in the operational areas of the docks in large number. To regulate parking in the Docks and gainful utilization of Port Area, Parking charges were proposed to be levied and incorporated in the SOR of MBPT.</p> <p>In the Current situation of COVID-19 pandemic, MBPT has granted 30% exemption in Parking Charges (rates stipulated at section 9.7 of SOR) for months of April, May and June 2020.</p>
(ii).	We are all engaged in vessel handling operations and are not intending to stand idle inside MBPT premises. In the past 2 years span, Overhead costs have increased by almost 50% and logistical service provider earnings have dropped by almost 30% in the same span. Making these high MBPT charges highly unbearable and thwarting business sentiment.	
(iii).	MBPT is behaving so petty wherein instead of focusing on developing business avenues and opportunities, MBPT seems more keen on gathering loose change by taxing the loyal supporters of MBPT for all these many years. Today the need of the hour is to develop and increase Business by implementing policies that aid growth of Trade and commerce rather than strangling the already impoverished Logistical service Providers. It's appalling to witness that MBPT has lost its focus as to where their efforts should be channeled rather than creating added issues and problems for the users.	
(iv).	We as the Logistical Service Providers refuse to pay the absolutely exorbitant parking charges with immediate effect. We request and urge MBPT to reconsider its proposal with immediate effect and forward	
		The proposed revision of rates is approved by the Board vide TR No.195 dated 01.11.2019. Mumbai Port Trust has allotted Pay and Park facility at various locations to various parties. One of the pay and parking facility operating near Balgi Hotel has the

	<p>the proposal for abolishing such ridiculous Parking charges altogether.</p>	<p>rate card wherein the parking of trucks/ trailers and buses is permitted at the following rates (para 12 and 13 of the TR):-</p> <table border="1" data-bbox="874 286 1385 600"> <thead> <tr> <th>Sr. No.</th> <th>Period</th> <th>Rate (₹.)</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Up to one hour</td> <td>60</td> </tr> <tr> <td>2</td> <td>Between 1 to 3 hours</td> <td>100</td> </tr> <tr> <td>3</td> <td>Between 3 to 6 hours</td> <td>160</td> </tr> <tr> <td>4</td> <td>Between 6 to 12 hours</td> <td>300</td> </tr> <tr> <td>5</td> <td>After 12 hours</td> <td>370</td> </tr> </tbody> </table> <p>As against above rates, the daily rate of parking charges worked out prorata from the existing MbPT monthly charges for parking in Docks comes out as under (details are stated in TR).</p> <table border="1" data-bbox="874 779 1385 1120"> <thead> <tr> <th>Sr. No.</th> <th>Type of equipment</th> <th>MbPT Charges per month (₹.)</th> <th>Worked out MbPT Charges per day (₹.)</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Forklift</td> <td>2869</td> <td>95</td> </tr> <tr> <td>2</td> <td>Mobile Cranes</td> <td>7172</td> <td>239</td> </tr> <tr> <td>3</td> <td>TLT / Reach Stacker</td> <td>7300</td> <td>243</td> </tr> <tr> <td>4</td> <td>JCB / Excavator</td> <td>2700</td> <td>90</td> </tr> </tbody> </table> <p>Thus, the daily rate of parking charges worked out prorata from the existing MbPT monthly charges for parking in Docks are very less as compared to parking charges outside the Docks.</p>	Sr. No.	Period	Rate (₹.)	1	Up to one hour	60	2	Between 1 to 3 hours	100	3	Between 3 to 6 hours	160	4	Between 6 to 12 hours	300	5	After 12 hours	370	Sr. No.	Type of equipment	MbPT Charges per month (₹.)	Worked out MbPT Charges per day (₹.)	1	Forklift	2869	95	2	Mobile Cranes	7172	239	3	TLT / Reach Stacker	7300	243	4	JCB / Excavator	2700	90
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(v).	<p>We as the Logistical Service providers urge the MBPT to focus on business development, on increasing steel/ cargo tonnage rather than waste time on such futile exercises of harassing port users of years and years of loyalty to MBPT.</p>	<p><b>[ No Specific reply is given by MBPT ]</b></p>																																						
(vi).	<p>We urge the port officials to actually for the various accidents happening inside the MBPT premises of late such measures will be beneficial in growing Business and footfalls of vessels inside MBPT which is the bleeding need of the hour rather than mindless policies with regards to parking.</p>	<p><b>[ No Specific reply is given by MBPT ]</b></p>																																						
(vii).	<p>We request MBPT to address such core issues with promptness rather than levy unnecessary and senseless charges which are in utter bad taste given the actual need of the hour in today's day and time of high volatility</p>	<p><b>[No Specific reply is given by MBPT]</b></p>																																						
2.	<p><b><u>M/s. Sunwing Carriers vide its letter dated 17 March 2020</u></b></p>	<p><b>MBPT letter dated 24 July 2020</b></p>																																						
(i).	<p>We possess 2 JCBs and 1 small size Excavator at MBPT, which is mainly used to handle bulk cargo vessels. The JCB's</p>	<p>Proposed parking charges are less as compared with outside parking charges in terms of area occupied by the equipment in</p>																																						



	and small excavator area occupy around 11.6 sq. mtrs. each equipment, and our subject equipment are in the smaller size, which is mainly used for vessel onboard services / loading cargo from the wharf and clearance purpose including port dry dock's area as an when required.	sq.mrt. The comparison of proposed charges vis-à-vis outside parking charges per day rate is tabulated and given below:																						
(ii).	The proposed increase for these subject equipment from the earlier rate of ₹.2400/- per month to ₹.5400/- per month is on very higher side. The subject equipment are occupying less sq. mtrs area in port per machine, and presently there are very few such equipment parked and used in the port for handling of the bulk / other services.	(Rate in ₹. )																						
(iii).	Hence, it is requested to reduce the subject proposed hike rate and maintain the rate of ₹.2400/- per month for the subject equipment.	<table border="1"> <thead> <tr> <th>Type of equipment</th> <th>Proposed MBPT rate pro rata per day</th> <th>Area in sq mtrs</th> <th>Rate worked out on area basis at outside pay and park facility</th> </tr> </thead> <tbody> <tr> <td>Forklift</td> <td>191/-</td> <td>15</td> <td>232/-</td> </tr> <tr> <td>Mobile Cranes</td> <td>478/-</td> <td>37.5</td> <td>579/-</td> </tr> <tr> <td>TLT / Reach Stacker</td> <td>486/-</td> <td>38.2</td> <td>590/-</td> </tr> <tr> <td>JCB / Excavator</td> <td>180/-</td> <td>14.1</td> <td>218/-</td> </tr> </tbody> </table>	Type of equipment	Proposed MBPT rate pro rata per day	Area in sq mtrs	Rate worked out on area basis at outside pay and park facility	Forklift	191/-	15	232/-	Mobile Cranes	478/-	37.5	579/-	TLT / Reach Stacker	486/-	38.2	590/-	JCB / Excavator	180/-	14.1	218/-	<p>(Area occupied by equipment at MbPT:- Area of Forklift is 15 sq. mtrs. and of Crane is 37.5 sq. mtrs. Area occupied by equipment is more)</p> <p>Average area occupied by Truck, Trailer (20 feet and 40 feet average) and Bus works out to about 23.95 sq. mtrs for which ₹.370/- are charged per day at outside pay and park facility.</p>	
Type of equipment	Proposed MBPT rate pro rata per day	Area in sq mtrs	Rate worked out on area basis at outside pay and park facility																					
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2. A joint hearing on the case in reference was held on 8 July 2020 through Video Conferencing. At the joint hearing, MBPT made a brief power point presentation of its proposal. The MBPT and the users/ user organisations have made the following submissions during the joint hearing:

**Mumbai Port Trust (MBPT)**

- (i). The presentation made by MBPT highlighted upon the existing parking charges, gave comparison between MBPT existing parking charges and parking charges levied by others.
- (ii). Since the existing parking charges are far less as compared to the parking charges levied by others, MBPT proposes to revise the existing parking charges prescribed in its SOR , by increasing it by 2 times.
- (iii). Moreover, the Dock area being a restricted area, it is more safe and secure than the outside areas. Also, the equipment can be parked in the Dock area as per operational convenience, without affecting traffic and can be moved in/out, any number of times.

- (iv). In view of Covid - 19 pandemic and as requested by Transporters, 30% exemption in parking charges has been given during the months of April, May and June 2020.

### **MANSA**

- (i). Entire logistics chain for operation is fully dependent on Transport facility. Till 2019, the MBPT used to never charge parking fees from any party. Now the Parking charges are being more than doubled. It is not acceptable to us. Comparison of parking charges inside dock with outside parking is not correct. Some nominal parking charges can be levied, if Port so desires.
- (ii). Without the services of equipment supplier, cargo handling at port is not possible.
- (iii). We discussed with Deputy Chairman for a nominal charge. But, it is now double.

### **Damani Shipping Private Ltd.**

- (i). Working is expensive in current Covid-19. Parking charge causes too much of hardship. When we are wholly providing services to the port, it should not charge any parking fee. The parking of equipment is for rendering of services at Port itself & not to any outsiders. Outsiders are charging to public. We are a part of Port. We should not be charged. If you increase the parking charges we have to pass it on to our end users or clients and they are not ready to pay. From where would we recover ? Therefore, Parking charges should not be increased. In fact, it should be removed. Atleast maintain status quo in rates. We are not taking excess space.

### **Oberoi Enterprises.**

- (i). None of the port charges parking fee. Only MBPT is charging We are giving our services to the port. We object the increase of parking fees.

### **Indra Forklift Hiring Co.**

- (i). We strongly oppose the parking charges and request for cancellation of parking charges.
- (ii). Port should not get into matters as trivial as levy of parking charges.

### **Barkat Cranes and Equipment**

- (i). Port should aim to improve the infrastructure and improve productivity. No facility is available, but Port levies parking charges. Parking of vehicle is an integrated part of the operation. Vehicles/ equipment come inside the dock only to facilitate port services. We do not use port as parking facility. Parking charges should not be increased. In fact it should not be levied at all.

### **Crane Owners Association**

- (i). MBPT Cranes are idling in the Port. Instead of focusing on the idle cranes and throwing them out if they are not required, Port is proposing to levy parking charge.
- (ii). Comparison with outsiders makes no sense. Outsiders are not adding to the productivity of the port. We add.
- (iii). We have not increased our charges during Covid-19. Port wants to increase.
- (iv). Condition of infrastructure inside the port is bad. Can't do one shifting without us.

### **MBPT**

- (i). The MBPT Board has already approved the proposal. The Authority may consider the same.
- (ii). Users should not use the Port as a parking facility. If they are coming for work, we are not charging. But we have seen vehicles/ equipment idling. They have an option to go back, if they have no work at the port.

[Crane Owners Association: We are not using Port as parking space. We are facilitating the Port for cargo operations.]

- (iii). We have proposed the increase in parking fees to improve operational convenience.
- (iv). Covid-19 is a separate situation. We have given 30% discount in parking charges at the request of Transporters.
- (v). We acknowledge the services of equipment providers. But, some equipment lie inside the Port for no reason. That is why we came out this proposed increase.

3. Subsequent to the Joint Hearing, M/s Oberai Heavy Lifters (OHL), M/s Indira Forklift Hiring Co. (IFHC) and Maritime Association of Nationwide Shipping Agencies (MANSA) also furnished its comments which were forwarded to MBPT as feedback information. The MBPT vide its letter dated 10 August 2020 has responded. The comments received from the users /user organizations after the Joint Hearing and the response of MBPT thereon are tabulated below:

Sl. No.	Comments of the Users/ User Organisations	Reply of MBPT
1.	(a) M/s. Oberai Heavy Lifers vide its e-mail dated 15 July 2020 and (b) Indra Forklift Hiring Company vide its e-mail dated 15 July 2020. <u>[Similar comments are made by above two users ]</u>	

(i).	The MBPT has devised the suggestion of hiking parking charges based on research of comparison of parking charges outside the walls of MBPT run by a private contractor who pays royalty to MBPT and the current parking charges relevant inside MBPT.	<p>The proposed revision of rates is approved by the Board vide TR No. 195 dated 01.11.2019. The MBPT has allotted Pay and Park facility to be run at various locations to various parties. One of the pay and parking facility operating near Balgi Hotel has the rate card wherein the parking of trucks / trailers and buses is permitted. The daily rate of parking charges worked out prorata from the existing MBPT monthly charges for parking in docks are very less as compared to parking charges outside the docks.</p> <p>This point was well demonstrated and explained by the presentation made in the meeting called by TAMP on 08.07.2020.</p> <p>The equipment owners pay for parking outside port premises at commercial rate. Whereas, parking inside the port premises is economical, safe, secured and time efficient. These factors have positive quotient to port users from business perspective. The parking charges are being levied to discourage unwarranted/ idle parking of equipment and to gainfully utilize the port area.</p> <p>Parking charges for equipment were introduced with a view to enforce discipline in parking of Mobile cranes, Forklifts and other cargo/ container handling</p>
(ii).	The research is based on comparison of charges levied to Tourist company buses situated outside MBPT who will never ply inside MBPT nor render any service to MBPT on one hand and equipment's placed inside MBPT premises which are constantly engaged in port operations of all sorts vis-à-vis vessel operations, CHA operations and many times MBPT operations as well.	
(iii)	Also post the meeting we have found out that the comparison offered by the respected Traffic Manager is further skewed as the private tourist bus operators offer a monthly lump sum to the parking contractor which is not at all in accordance with the figures projected at the meeting.	
(iv)	We strongly oppose the said hike primarily because it is literally economically squeezing the Life out of the section of port users engaged in port operations. The charges for Diesel, labour, spares, equipment and various other desirables have sky rocketed beyond compare, yet our earnings based on the service we supply have hardly increased as a matter of fact under guise of being economical competitive our earnings have been reduced like never before, we literally operate on a cost basis. We do so with a smile in the face of the current slowdown.	
(v)	The port users engaged in port operations are bearing the brunt of it all and now when MBPT officials come up with such a move of further hiking parking charges, it is literally endangering our existence. For the record we do not use MBPT premises as a parking lot, our equipment are stationed inside MBPT premises for vessel and allied activities and the same is evidently visible When the concept of parking charges was initiated we had opposed it then at the onset and the Traffic Manger had assured us it was a nominal charge to rid the port of unnecessary non-performing assets and the agenda was met promptly. Thereafter instead of understanding our plight, MBPT keep proposing hike after hike, be that parking charges or permit charges, etc which make absolutely no sense.	
(vi).	A further perspective with regards to parking charges is that we have been working solely within port premises for the past several years infact decades and have been performing vessel operations with utmost sincerity and dedication for mutual benefit of not only own but also the entire shipping and EXIM trade. We have been firm stalwarts and pillars of support even when Port was going through the most lean period ever in history. Our constant presence and never say die attitude has enabled the port to function normally inspite of	

	<p>the Ports own age old equipment's and workshops out dated specifications which have had almost turned to scrap. On account of our presence the port has not had to invest huge capital as we collectively have been more than capable to meet port demands and requirements. We mention this only to stress on the mutually beneficial scenarios it has facilitated. Time is witness that the Port has always observed our tireless efforts and performance and been kind enough to always accommodate our gears/ equipment without any Parking charges in the past- which is also the current scenario in all the ports in the country. Hence these current parking charges being levied upon us let alone the proposed hike is a highly unfair move towards us. Our request is not with regards to the Covid situation as briefly summarised in the zoom call meeting, but our request is for MBPT to understand our plight and offer redressal by doing away with these parking charges altogether.</p>	<p>equipment in the dock operational area, after approval of the Board by TR No. 66 dated 21.07.2017 and was implemented w.e.f. 01.09.2017 vide circular No. TM/A/15-Misc./19 dated 07.08.2017.</p> <p>It is not mandatory for the equipment owners to park the equipment in docks. They can avail VDS facility.</p> <p>Exemption from payment of overstay charges is also provided vide circular dated 07.08.2017 as under :</p> <p><b>VDS System:</b> VDS System shall be made applicable for cargo / container handling equipment for the operators who do not opt to pay License Fees as above. In such cases, penalty of ₹.500/- per forklift per day of overstay and ₹.1000/- per mobile crane / TLT / Reach Stacker / JCBs etc. per day of overstay shall be recovered. However, exemption for payment of overstay charges will be allowed to cases enumerated below :</p>
(vii).	<p>When we have been requesting continuously that the existing parking charges be reduced/ cancelled, it is unnatural and unheard of that the MBPT should consider hiking the parking charges by 100% of value. A figurative value which we are as protesting and has not been addressed or even paid heed to. We also urge to reflect on the fact that this parking charges is a move initiated fairly recently when business has been suffering world over. Such times require all including MBPT to stand by each other in solitude and grow collectively. We request to reflect on this fact as back when business was booming none of us at MBPT collectively saw any stationary equipment primarily because all were engaged.</p>	<p>(a). Equipment deployed by Vessel Agent for vessel operation / container operation shall be considered for waiver of overstay charges from the date of berthing of vessel till the date of sailing of vessels.</p>
(viii).	<p>We urge MBPT to undertake a survey and devise a business plan addressing how to grow business, how to increase tonnage handled, how to make MBPT great again. The true method of generating revenue is generating and attracting more business and not judgement and request you to give a proper direction to this process of revenue generation which should be focussed towards business development and also humbly request TAMP to advise the Port not to levy any parking charges leave aside reviewing and hiking it.</p>	<p>(b). Equipment detailed by Port administration, custom, police, CISF etc, shall be considered for waiver of overstay charges after due verification.</p>
2.	<p><b><u>Maritime Association of Nationwide Shipping Agencies (MANSA) vide e-mail dated 16 July 2020</u></b></p>	<p>(c). Equipment deployed for loading import cargo / unloading export cargo on / from railway wagons from the date of commencement till the date of completion of railway wagon operations.</p>
(i)	<p>The mobile gear like forklifts/ cranes are regularly utilized by hiring from private Crane/ equipment owners inside Port as the Port does not supply this equipment any longer. Factually, the position of port owned equipment is very deplorable and not available to Trade for use since long time and they are in inoperable condition as per our best knowledge.</p>	<p>(d). Equipment used for MBPT / custom / CISF work. Thus, exemption facility for operational reasons is already in force, which can be availed by the port users,</p>
(ii)	<p>The Ship operators and other users have no option but use private machinery supplied by the crane owners on payment of their hire charges. Hence</p>	

	any additional levy of charges will be further passed on to EXIM trade making it difficult and escalation in cost of handling.	instead of parking equipment in docks and consequently paying the parking charges.
(iii)	The Ship Agent Members therefore urge Port not to increase the Parking Charges making it uneconomical to the Suppliers and the users.	The transporters need everything gratis to run their business not realizing that the very opportunity and the infrastructure has been provided to them by the port.
(iv)	It is specially requested that MBPT does not increase parking charges on mobile cranes/ forklifts which are regularly used for steel cargo. Further, say, for other equipment which are brought inside DOCK premises just for parking or carrying business and parked stationary /idly for shelter purpose may be hiked reasonably because these machines are all useful sometime or other for Vessel operations occasionally as per requirement, though not daily. Such machines include heavy lift crane which may not be used regularly or daily, its presence in Port helps Trade to take its service at short notice as and when needed.	The transporters are basically the contractors of the vessel agents with whom they have an agreement to do the handling of cargo alongside the vessel side and at the storage yards and transit sheds.
(v)	MANSA members are main users of these equipment for vessel operations and it may be facilitated for easy availability of machines inside the Port.	The port has granted 30% exemption in the parking charges for the month of April, May, June of 2020 though the Government directives to grant exemption/ remission was not applicable to the parking fees.

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