

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

G.No.537

New Delhi,

01 November 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 disposes of the proposal received from the New Mangalore Port Trust (NMPT) for extension of existing performance norms, reduction proposed in Performance Norms for rock phosphate prescribed vide order No.TAMP/73/2018-NMPT dated 10 October 2019 and extended vide Order No.TAMP/73/2018-NMPT dated 28 October 2020 and for incorporation of performance norms for new cargo viz. industrial salt as in the Order appended hereto.

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

**Tariff Authority for Major Ports**  
**Case No.TAMP/48/2021-NMPT**

New Mangalore Port Trust

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Applicant

**QUORUM**

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

**ORDER**

(Passed on this 26<sup>th</sup> day of October 2021)

This case relates to the proposal received from the New Mangalore Port Trust (NMPT) for extension of existing performance norms, reduction proposed in existing Performance Norms for rock phosphate prescribed vide order No.TAMP/73/2018-NMPT dated 10 October 2019 and extended vide Order No.TAMP/73/2018-NMPT dated 28 October 2020 and for incorporation of performance norms for a new cargo viz. industrial salt.

2. The NMPT has vide its email dated 01 September 2021 alongwith email dated 08 September 2021 forwarded its complete proposal for extension of existing performance norms, reduction proposed in existing Performance Norms for rock phosphate prescribed vide order No.TAMP/73/2018-NMPT dated 10 October 2019 and extended vide Order No.TAMP/73/2018-NMPT dated 28 October 2020 and for incorporation of performance norms for a new cargo viz. industrial salt. The approval of the Board of Trustees of the NMPT for subject proposal is not accompanied with the proposal. In this regard, NMPT was, vide our letter dated 09 September 2021 requested to furnish a copy of the approval of Board of Trustees of NMPT for the subject proposal at the earliest. Response of NMPT is awaited.

3. The said proposal was taken on consultation with the concerned users/ user organisations at the NMPT. No user / user organisation have so far furnished their comments. A joint hearing in this case was held on 06 October 2021 through Video Conferencing. At the joint hearing, the NMPT and the concerned users/ organisation bodies have made their submissions.

4. With reference to the totality of information collected during the processing of the case, this Authority has passed a speaking Order disposing of the proposal filed by the NMPT dated 01 September 2021 alongwith 08 September 2021.

5.1. In the result, and for the reasons given above and based on collective application of mind, the proposal of NMPT for extension of existing Performance norms along with revised reduced Performance Norms for Rock Phosphate and Performance Norms proposed for a new cargo viz., Industrial Salt is approved as follows:

“(a). **Productivity Norms for dry bulk cargo:**

(Tonnes/ day)

Sl. No.	Commodity	MHC of 100T and above capacity (2 Nos.)	64T MHC (2Nos.)	Ship Crane (4Nos.)
1	Coal	22000	14000	13000
2	Pet Coke	16400	10000	12000
3	Met Coke	12000	7700	7500
4	Urea	11600	7400	7000
5	DAP/SOP	11600	7400	7000
6	MOP	12900	9500	8500
7	Sulphur	12000	8600	8000
8	Gypsum and other Ores and Minerals	20000	9600	11000
9	Limestone/ Dolomite	12000	10000	8000
10	Bentonite	12000	8000	7300
11	Rock Phosphate and other FRM	4000	3500	3500
12	Other Finished fertilizer	11600	7400	6600
13	Iron Ore Fines	21600	12000	14500

14	Food Grains	10400	5000	5000
15	River Sand	20000	14000	16000
16	Industrial Salt	14500	13500	12000

(b). **Incentive/ Penalty:**

Based on the performance norm for the commodity-infrastructure combination fixed from time to time, the duration of ship's stay in hours will be stipulated by the port on ship to ship basis. For each ship, actual berth stay will be calculated based on "end of inward pilotage" to sailing time. The actual berth stay will be compared with stipulated berth stay for the ship-commodity combination. Following incentive or penalties will be levied in case of lower or higher stay of ship as compared to stipulated time.

Sl. No.	Description	Incentive	Penalties
(i).	Ship stays within 5% (higher or lower) of stipulated time	---NIL--	---NIL--
(ii).	Ship stays more than 5% higher than the stipulated time	---NA--	No. of additional hours X ₹3500/- per hour or part thereof.
(iii).	Ship stay more than 5% lower than the stipulated time	No. of additional hours saved X ₹350/- per hour or part thereof.	---NA--

**Note:**

(i). In computing actual performance achieved by each ship for the purpose of calculating penalty/ incentive any stoppage of operations on account of port-related or weather-related issues will be discounted. Such exclusions will be limited to:

- (a). Break-down/ non-availability of port provided equipment at berth.
- (b). Weather related stoppages as indicated in the Statement of Facts (SOF).
- (c). Shifting of ships between berths on account of port. Port is required to maintain a record of a historical data of the frequency of such cases.
- (d). Any delays in sailing post vessel readiness to sail on account of port i.e. pilot/ tug unavailability, tidal conditions.
- (e). Draft surveys within the prescribed norms for ships. As a guideline maximum 30 minutes per party for interim draft survey should be allowed. Any additional time incurred in draft surveys will be considered in berth stay. Port should also make all attempts to ensure that in case of multi-party consignments, common surveyors are appointed so as to reduce time lost during interim draft surveys.

Any stoppages because of other reasons are not to be excluded for calculation of performance norms, unless specifically approved by Board.

- (ii). Steamer Agents to submit the 'vessel planning' prior to berthing of the vessel.
- (iii). The Stipulated time of stay of vessel shall be calculated based on the total cargo discharged/loaded from the vessel during the stay

at berth and the performance norm prescribed for the commodity. For example, a vessel carrying 44,000 tonnes of coal handled through two Nos. of MHC of 100T and above capacity the stipulated time of stay of vessel will be 48 hours i.e.  $(44,000/22,000) \times 24$ .

- (iv). The penalty of ₹3,500/- per hour or part thereof for the stay of vessel at berth higher than the stipulated time of stay of vessel at berth and incentive of ₹350/- per hour or part thereof for the stay of vessel at berth lower than the stipulated time of stay of vessel at berth.
- (v). If the total stay at berth of a vessel is 3 hours lower than the stipulated time, the Stevedores are eligible for incentive of ₹1,050/- (i.e.  $₹350 \times 3$ ) and in case of vessel stays 3 hours higher than the stipulated time they shall be liable to pay ₹10,500/- (i.e.  $₹3,500 \times 3$ ) in case of penalty.
- (vi). Since licenses are issued by the Port to Stevedores for handling cargo and the stevedores indent resources for handling cargo, the Stevedores would avail incentive and also bear the penalty.
- (vii). The geared vessels are expected to operate all cranes till the completion of loading/ unloading of cargo. Such geared vessels which are unable to engage all or any ship crane for cargo loading/ unloading operations due to breakdown of ship cranes or any other reasons not attributable to port, the vessel agent/importer/exporter is liable to engage Harbour Mobile Crane (HMC) subject to availability till the ship gears is/ are made operational.
- (viii). In case of vessels using more than 2 HMCs to achieve better efficiency, the incentive/ penalty to be calculated considering the productivity norms for 2 HMCs.
- (ix). Where the vessel is not achieving the prescribed productivity norms, NMPT reserve the right to shift the vessel to anchorage at the risk and cost of the ship in addition to levy of penalty charges, if any, at the above prescribed rate.
- (x). NMPT may review the productivity norms on annual basis and revise the same, if required, based on local conditions, up-gradation of berth infrastructure and past performance etc. as stipulated in the Berthing Policy for Dry bulk cargo for Major Ports, 2016 issued by the Ministry of Port, Shipping and Waterways (MOPSW) [the then Ministry of Shipping].

(c). **Anchorage charges for Dry Bulk Cargo Vessels:**

The Anchorage charges for dry bulk cargo may be considered as prescribed in the general revision of SOR of NMPT.”

5.2. The above provisions shall come into effect from 29 November 2021 and shall remain valid for a period of one year i.e. till 28 November 2022 subject to Board of Trustees of NMPT approves the same.

6. The Speaking Order passed by this Authority will be intimated separately and communicated to the NMPT and the relevant users/ user organisations in due course of time.

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