

No. 109

New Delhi, the 7th August, 2000

Tariff Authority for Major Ports

NOTIFICATION

In exercise of the powers conferred by Section 50 of the Major Port Trusts Act, 1963 (38 of 1963), the Tariff Authority for Major Ports hereby amends its Order passed on 4 February 2000 relating to implementation of Section 50 A and Section 50 B of the Major Port Trust Act, 1963, as in the Order appended hereto.

Case No. TAMP/9/2000 – Genl.

M/s. United Liner Agencies of India (Private) Limited Applicant

ORDER

(Passed on this 19th day of July 2000)

This Authority had passed an Order on 4 February 2000, for common adoption by all the Major Port Trusts, relating to prescription of Port Dues in terms of Section 50 A and 50 B of the Major Port Trusts Act. This Order was notified in the Gazette of India on 6 March 2000. The Order dated 4 February 2000, inter alia, contains the following decision taken by the Authority relating to levy of port dues on LASH vessels:

- (i). A LASH vessel making a ‘second call’ to pick up empty LASH barges shall be treated as a vessel entering a port but not discharging or taking any cargo or passengers therein, as described in Section 50 B of the Major Port Trusts Act, and shall not be charged any Port Dues.

2. M/s. United Liner Agencies of India (Private) Limited (ULA) has submitted a representation requesting to amend the above Order reiterating its earlier plea to provide for waiver of Port Dues on ‘second call’ by any LASH vessel for picking up both laden and empty barges forced to fleet at a Port. The ULA has pointed out that the fleeted barges left behind in a port which are to be picked up at mother vessel’s ‘second call’ comprise both laden as well as empty barges. Since TAMP’s Order dated 4 February 2000 refers only empty LASH barges, the ULA has apprehended that the Port Trusts when interpreting the said Order may not grant waiver on Port Dues for the ‘second call’ if the vessel picks

up any laden barges which were left behind at the ‘first call’. The ULA has observed that such interpretation will defeat the very purpose of the Order.

3.1. The INSA, in the context of an Order dated 2 June 2000 passed by the Authority relating to the CHPT’s Scale of Rates, has mentioned that exempting a LASH vessel on second call from payment of Port Dues, even when she is loading empty LASH barges will not provide a level playing field for national liners.

3.2. The INSA’s objection is out of context. The Order issued by the Authority is with reference to the provisions contained in the MPT Act and not under any consideration of protecting LASH barge operations or not encouraging the national fleet.

4.1. Port dues on LASH vessels making a ‘second call’ to pick up its barges is fixed by the Authority under Section 50B of the MPT Act. Section 50B is relevant to the vessels entering into a port but not discharging or taking in any cargo or passenger therein.

4.2. Taking a barge (even if laden) does not amount to taking any cargo. A barge is also a vessel; and, during the ‘second call’ of the mother vessel, only a vessel is taken in. In other words, no cargo operation takes place at the fleeting port, during the second call of the mother vessel. In our earlier order, the reference to ‘laden’ barges in the ULA request appears to have been missed by oversight.

5. In the result, and for the reasons given above, and based on a collective application of mind, the Authority hereby modifies its Order dated 4 February 2000 as given below:

The existing paragraph No.5 (iii) is deleted and substituted by the following:

“5(iii). A LASH vessel making a ‘second call’ to pick up empty and / or laden fleeting LASH barges shall be treated as a vessel entering a port but not discharging or taking any cargo or passengers therein, as described in Section 50B of the Major Port Trusts Act, and shall not be charged any Port Dues”.

6. All the major ports are hereby directed to introduce appropriate changes accordingly in their Scale of Rates.

7. This Order will come into operation 30 days after its Notification in the Gazette of India.

(S. Sathyam, Chairman)

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