TARIFF AUTHORITY FOR MAJOR PORTS

NOTIFICATION

No. TAMP/3/2000-COPT - In exercise of the powers conferred by Section 49 of the Major Port Trusts Act, 1963 (38 of 1963), the Tariff Authority for Major Ports hereby refixes the rent for bunk measuring 3 mtr. X 2.5 mtr. at the Cochin Port Trust retrospectively with effect from 30 December 98 as in the Order appended hereto.

Case No. TAMP/3/2000-COPT

ORDER

(Passed on this 4th day of February 2000)

This case relates to a proposal made by the Cochin Port Trust (COPT) for re-fixation of rent for a bunk measuring 3 mtr. X 2.5 mtr. at Rs.827/- per month in place of the Rs.1200/- per month inadvertently given in their Scale of Rates (cargo related charges) with effect from 30 December 98 as approved by the TAMP.

2. The rent for a bunk measuring 3 mtr. X 2.5 mtr. was fixed at Rs.827/- per month with effect from 1.3.89 with the approval of the Central Government. The rent of Rs.827/- per month was enhanced to Rs.1200/- per month with effect from 1 July 96 after the approval of the Central Government. The rate was published in the Kerala Government Gazette on 1 January 97. On a representation from the allottee of the bunk, the Port Trust, vide its Resolution No.83 dated 6 August 97, resolved to reduce the rent to the pre-enhanced rate of Rs.827/- per month with effect from 6 August 97. The proposal of the COPT to revert to earlier rate of rent of Rs.827/- per month was approved by the TAMP vide its Order dated 27 March 98, notified on 13 April 98.

3. While sending its proposal in 1998 for a general revision of the Scale of Rates, the COPT did not propose any revision for the bunk measuring 3 mtr. X 2.5 mtr. The Scale of Rates (cargo related charges) of the COPT was approved by the Authority with effect from 30 December 98; and, the COPT accordingly prepared Scale of Rates including also all the items where no revision was ordered. In the Scale of Rates, the lease rent for the bunk measuring 3 mtr. X 2.5 mtr. was wrongly given as Rs.1200/- per month without taking into account the reduction made in our Order dated 27 March 98. In our Notification dated 30
December 98 approving the cargo related charges of the COPT, the contents of our order dated 27 March 98 could not be included. After the issue of the Notification dated 30 December 98, the Port has brought several amendments / modifications in their Scale of Rates which were considered later and necessary amendments were issued on 27 September 99. However, the COPT has not brought out this mistake even at the time of proposing several amendments / modifications in its Scale of Rates.

4. It has now been pointed out by the COPT that, since the rate of rent of the bunk remained at Rs.1200/- per month in the Scale of Rates irrespective of the amendment issued earlier, it is not in a position to charge the amended rent of Rs.827/- per month. This situation has led to refusal of payments by the concerned allottee of the bunk and finally ended up in filing of a writ petition in the Kerala High Court. In view of this situation, the port has requested for reducing the rent of the particular bunk from Rs.1200/- per month to Rs.827/- per month in the Scale of Rates retrospectively with effect from 30 December 98. In other words, we are required to maintain status quo with reference to our Order issued on 27 March 98.

5. This is apparently a case of mistake inadvertently committed by the COPT while compiling its Scale of Rates.

6. In view of the position stated above, it has become necessary to make an amendment to the COPT Scale of Rates approved in case No.TAMP/4/97-COPT.

7. In this backdrop, and based on a collective application of mind, the Authority hereby reduces the rent for bunk measuring 3 mtr. X 2.5 mtr. from the present Rs. 1200/- per month to Rs.827/- per month retrospectively with effect from 30 December 98.

S.SATHYAM, Chairman