Tariff Authority for Major Ports

NOTIFICATION

In exercise of the powers conferred by Section 48, 49 and 50 of the Major Port Trusts Act, 1963 (38 of 1963), the Tariff Authority for Major Ports hereby disposes of the representation jointly made by M/s. Indian Oil Corporation and M/s. Bharat Petroleum Corporation Limited about finalisation of MOU with the Kandla Port Trust (KPT) for construction of a permanent jetty at the KPT, as in the Order appended hereto.

(S. Sathyam)
Chairman

Case No. TAMP/59/99 – KPT

M/s. Indian Oil Corporation Limited
and
M/S. Bharat Petroleum Corporation Limited

v/s
The Kandla Port Trust (KPT)

ORDERS

(Passed on this 26th day of September 2000)

This case relates to a representation jointly made by the Indian Oil Corporation Limited (IOC) and the Bharat Petroleum Corporation Limited (BPCL) about finalisation of an MOU with the Kandla Port Trust (KPT) in connection with construction of a permanent jetty at the KPT.

2. The representation was referred to the KPT for comments. The KPT has been of the view that this Authority cannot intervene in the matter which pertains to a bilateral agreement. It has been the stated view of this Authority that it may be associated from the time of finalisation of the Bid Document itself so that its discretion would not be circumscribed by having to contend with fait accompli in Bid Document, MOU, Agreement, etc. That being so, this Authority then decided that the joint representation made by the IOC and the BPCL should be processed further formally as a ‘case’.

3. The case was taken up for a joint hearing on 7 March 2000 at Kandla. The IOC requested for an adjournment citing unavoidable circumstances coming in the way of its senior officer attending the joint hearing. The case was
accordingly adjourned with the direction that it would be heard after receipt of intimation from the IOC about the further developments in the negotiations between the Oil Companies and the KPT which were reported to be in progress.

4. The IOC subsequently requested the Authority not to take any further action on the joint representation at this stage as it anticipated that the pending issues would be settled mutually between them and the KPT.

5.1 Since nothing was heard from the IOC and the BPCL for more than five months, the Authority requested, in August 2000, to intimate the present developments by 15 September 2000, failing which it would be presumed that they were not interested to pursue the representation.

5.2. The IOC has informed that the matter will be mutually settled between them and the KPT; and, it does not require any assistance at the moment from the TAMP. The BPCL has not responded within the stipulated time limit and hence their intention of not pursuing further with the representation is presumed.

6. In the result and for the reasons given above, the Authority decides to close this case as withdrawn.

(S. Sathyam)

Chairman

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