

No.24

New Delhi, the 6th March, 2000

Tariff Authority for Major Ports

NOTIFICATION

No.TAMP/9/2000-Genl. - 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 notifies the Order appended hereto about implementation of Section 50A and Section 50B of the Major Port Trusts Act (1963) uniformly by all the major ports.

Case No.TAMP/9/2000-Genl.

ORDER

(Passed on this 4th day of February 2000)

It has been the stated position of this Authority to adopt uniform principles, approaches, and concepts in the matter of tariff fixation at the major ports. Towards this end, we have been guided by the Guidelines adopted at the Workshop held in Chennai in February 98.

2. One of the issues on which there can be uniform practice is in respect of implementation of Section 50A and Section 50B of the Major Port Trusts Act.

2.1. Section 50A *ibid* reads as follows:

“A vessel entering any port in ballast and not carrying passengers shall be charged with the Port Due at a rate to be determined by the Authority and not exceeding three-fourths at the rate at which she would otherwise be chargeable”.

2.2. Section 50B *ibid* reads as follows:

“When a vessel enters a port but does not discharge or take in any cargo or passengers therein (with the exception of such unshipment and reshipment as may be necessary for purposes of repair), shall be charged with a Port Due at a rate to be determined by the Authority and not exceeding half the rate with which she would otherwise be chargeable.”

3. It is observed that no uniform practice is being following by all the major ports in respect of these provisions. As a part of the Authority's

commitment to adopt uniformity in the matter of tariff fixation, this issue can be adopted for uniform implementation of the said legal provisions.

4. It is relevant here to refer to two cases wherein this Authority has dealt with this matter:

- (i). The case of M/s. Ispat Industries Limited (IIL) Vs. the Mumbai Port Trust (MBPT) [Case No.TAMP/5/97-BPT] – In this case, the Authority has decided as follows:

“The levy of vessel-related charges on IIL vessels in connection with operations at the anchorage is justifiable subject to the modification that the port due shall be only 50% of the normally chargeable rate as stipulated in Section 50B of the Major Port Trusts Act.”

- (ii). The case of M/s. United Liner Agencies of India (P) Limited (ULAI) Vs. the Paradip Port Trust (PPT) [Case No.TAMP/1/98/PPT] – In this case, the Authority has decided as follows:

“It may be more logical to consider the ULAI request in this perspective rather than in the perspective of number of days between calls as otherwise, as rightly stressed by the Indian National Shipowners’ Association, there may be (consequential) implications for ‘coastal vessels’ and certainly for other ‘foreign-going vessels’. In other words, a LASH vessel making a ‘second call’ to pick up empty LASH barges can be treated as a vessel entering a port but not discharging or taking in any cargo or passengers therein as described in Section 50B of the Major Port Trusts Act. This Authority has the power in such cases to prescribe a rate for the Port Due in such cases not exceeding half the normal rate. Under law, therefore, this Authority can even prescribe a 0% rate for such cases. Accordingly, the demand of the ULAI about waiver of Port Dues on second call was accepted.”

5. Taking all the relevant facts into consideration, and after a collective application of mind, the Authority hereby decides as follows:

- (i). In terms of Section 50A of the Major Port Trusts Act, a vessel entering any port in ballast and not carrying passengers shall be charged with only 75% of the Port Dues with which she would otherwise be chargeable.

- (ii). In terms of Section 50B of the Major Port Trusts Act, a vessel entering a port but not discharging or taking in any cargo or passenger therein shall be charged with only 50% of the Port Dues with which she would otherwise be chargeable.

(iii). 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 50B of the Major Port Trusts Act, and shall not be charged any Port Dues.

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

6.2. Without prejudice to the orders passed in the two specific cases cited above, this order will come into operation 30 days after its Notification in the Gazette of India.

S.SATHYAM, Chairman

[Advt./III/IV/Exty./143/99]

[[List of Ports](#) | [List of Orders](#)]