No. 106

New Delhi, the 23 May, 2002

Tariff Authority for Major Ports

NOTIFICATION

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 approves the proposal of the Jawaharlal Nehru Port Trust for an amendment of a conditionality in its Scale of Rates relating to penal berth hire charges as in the Order appended hereto.

(S. Sathyam)
Chairman
This case relates to a proposal received from the Jawaharlal Nehru Port Trust (JNPT) for elaborating the existing conditionality in its Scale of Rates stipulating non-applicability of penal berth hire to include situations when vessel operations are stopped due to rain or bad weather.

2. The existing conditionality exempts a vessel from paying penal berth hire if it is forced to idle at a berth for reasons attributable to the Port or to adverse tidal conditions. The Board of Trustees of the JNPT has decided that penal berth hire charges may not be levied in case of stoppage of operations due to bad weather and rain.

3. This proposal aims at providing relief to port users from payment of the penal charge under specified circumstances that compel overstay of vessels at berths. There is not likely to be any objection from any quarters to the proposed amendment. That being so, this Authority is inclined to approve the proposed amendment without resorting to the usual consultation procedure adopted.

4. The terms of ‘bad weather’ and ‘rain’ used in the proposed amendment appear to be very general and may lead to (avoidable) disputes from the user side besides entailing (unnecessary) exercise of discretion by port officials. While the proposed amendment is approved without any modification, it is advisable for the JNPT to propose a more specific formulation with reference to experience gained in operation of this amended conditionality.

5. In the result, and for the reasons given above, this Authority amends note 3(h) of Schedule 1, Section 1(A) of the Scale of Rates of the JNPT as follows:

   “3(h). Penal berth hire charges mentioned at note 3(g) above shall not be leviable if the idling of vessel is attributable to the Port or to adverse tidal conditions or bad weather and rain resulting in stoppage of operation.”

6. The approach adopted by this Authority is to give effect to modifications relating to Vessel Related charges on expiry of 30 days from the date of notification of the relevant tariff order in the Gazette of India. For the reasons given in para (3) above, and recognising the onset of monsoon in the West Coast shortly, this Authority decides to give effect to this Order immediately after its notification in the Gazette of India.

7. The JNPT is directed to amend its Scale of Rates accordingly.

(S. Sathyam)
Chairman
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