

No. 43

New Delhi, the 15 March 2002

Tariff Authority for Major Ports

NOTIFICATION

In exercise of the powers conferred by Sections 48, 49 and 50 of the Major Port Trusts Act, 1963 (38 of 1963), the Tariff Authority for Major Ports hereby extends its decision on the effective date of implementation of tariff Orders relating to fixation / revision of cargo-related / container-related charges to Private Terminals operating in the Major Ports as in the Order appended hereto.

(S. Sathyam)

Chairman

No.TAMP/90/2001-Misc.

ORDER

(Passed on this 11th day of March 2002)

The Indian Ports Association (IPA) had submitted a proposal suggesting that whenever this Authority passed an Order relating to fixation/revision of cargo related charges, it might be made effective after 15 days from the date of the Order. The IPA had also recommended that in respect of vessel related charges, the effective date of implementation might remain as at present i.e., 30 days after the date of the notification of the Order. This Authority considered the proposal of the IPA and passed an Order on 5 November 2001. The Order was notified in the Gazette of India on 19 November 2001.

2.1. In its Order dated 5 November 2001, this Authority has approved the following arrangement to be followed in all cases relating to major port trusts in future unless a different arrangement is specifically mentioned in the respective Orders:

- (i). This Authority's Orders relating to Vessel Related Charges will, unless otherwise stated, ordinarily come into effect after expiry of 30 days from the date of their notification in the Gazette of India.
- (ii). This Authority's Orders relating to Cargo Related Charges, including Container Related Charges, will come into effect after expiry of 15 days from the date of their notification in the Gazette of India.

2.2. A decision taken in respect of the Major Port Trusts will ordinarily apply to the Private Terminals also. This Authority was not, however, sure whether the proposal made by the IPA was in consultation with the Private Terminals. It was, therefore, decided to consult the Private Terminals before ordering an extension of the decision to their cases.

3.1. The Private Terminals operating at present in the major Port Trusts are M/s. PSA SICAL Terminal Limited at the TPT, M/s. Nhava Sheva International container Terminal Limited at the JNPT, and M/s. Chennai Container Terminal Limited at the CHPT. Accordingly, these Terminal Operators were requested to furnish their comments by 31 December 2001 on the issue of extension of the arrangement prescribed in the case of major port trusts to them.

3.2. The comments received from them are summarised below:—

- (i). The Authority must designate that its Orders regarding vessel related charges and/or cargo related charges shall come into effect not later than 15 days from the date of the notification of the Order in the Gazette of India in case of Private Terminal.
- (ii). The Authority sends copies of its Order to all major users organisations. If the Authority wishes to accelerate the process of distribution of its Orders, we suggest the same be forwarded by e-mail bearing the facsimile signature of the Chairman to all concerned.—

Chennai Container Terminal Limited (CCTL)

It has endorsed the views of the NSICT. In addition, it has suggested that if a Private Terminals operator requires more time for implementation of the Order of the Authority, then this deadline may be extended on a case-to-case basis at the discretion of the Chairman.

PSA SICAL Terminal Limited

It has no objection to the TAMP fixing the effective date of implementation of cargo related tariff orders as 15 days from the date of their notification in the Gazette of India.

4.1. The private terminal operators have not expressed any objection about extension to them of the arrangement already approved for the major port trusts.

4.2. The lead time prescribed is a general deadline; and, it has already been clarified in this Authority's Order in reference that the arrangement prescribed is to be followed in all cases in future 'unless a different arrangement is specifically mentioned in the respective Order'. This stipulation will take care of the contingencies in individual cases projected by the CCTL.

4.3. The Order in reference prescribes a lead-time of 30 days for vessel-related charges and 15 days for cargo-related charges. Since vessel-related charges are not relevant for the private terminals presently in operation, it may suffice to prescribe a lead-time of 15 days for cargo / container related charges in their cases.

5.1. In the result, and for the reasons given above, and based on a collective application of mind, this Authority approves the following arrangement to be followed in all cases relating to Private Terminals operating in the major port trusts unless a different arrangement is specifically mentioned in the respective Orders:

“The Authority’s Orders relating to Cargo related charges / container related charges at the Private Terminals will come into effect after expiry of 15 days from the date of their notification in the Gazette of India.”

5.2. The Private Terminals are required consequently to introduce amendments accordingly to their Scale of Rates.

(**S. Sathyam**)

Chairman

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