

Transaction of Business

Provided it has not specifically been required by the Authority to deal with the item differently.

(1) Short Title and Commencement

- (a) These Regulations may be called the Tariff Authority for Major Ports (Transaction of Business), 1998.
- (b) They shall come into force on the date of their publication in the Gazette of India.

(2) Definitions

(A) In these Regulations, unless the context otherwise requires, the following definitions shall apply:

- (a) "Act" means that Major Port Trusts Act, 1963 (Act No.38 of 1963).
 - (b) "Authority" means the Tariff Authority for Major Ports constituted under Section 47 A of the Act.
 - (c) "Chairman" means the Chairperson of the Tariff Authority for Major Ports, appointed under Section 47 A of the Act.
 - (d) "Member" means Member (including a part-time Member) of the Tariff Authority for Major Ports appointed under Section 47 A of the Act.
 - (e) "Port Trust" means any or particular one, as the case may be, of the major Port Trusts to which the Act applies.
 - (f) "Private Operator" means a person or a body corporate who / which operates one or more berths on a lease basis or otherwise.
 - (g) "Secretary" means the Secretary to the Authority appointed under Section 47-H(1) of the Act.
 - (h) "Case" means tariff case registered as such by the Tariff Authority for Major Ports.
 - (i) "Proposal" means a proposal received from a Port Trust or a private operator for fixation or revision of a tariff whether or not registered as a Case.
 - (j) "User" means a person who, either directly or through agents, avails of the services / facilities offered by a Port Trust and includes representative bodies of such users.
- (B) "User" means a person who, either directly or through agents, avails of the services / facilities offered by a Port Trust and includes representative bodies of such users.

(3) Office of the Authority

- (a) The office of the Authority shall be in Mumbai.
- (b) The office of the Authority shall be open at such times as the Chairman may fix from time to time.

(4) Holidays

- (a) The Authority shall observe such of the holidays as are being notified by the Central Government for its offices from time to time. (ii). Where the last day for doing any act falls on a day on which the office of the Authority is closed and, by reason thereof, the act cannot be done on that day, it may be done on the next day on which that office is open.

(5) Language of the Authority

- (a) The work of the Authority shall be conducted in English or Hindi.

(6) Place of Meeting

- (a) a meeting of the Authority shall ordinarily be held at its notified place of office. The Chairman shall, however, have the discretion to call its meeting at any other place.

(7) Frequency of Meetings

- (a) The Authority shall meet at least six times in a year. The meetings may be called as and when considered necessary by the Chairman.

(8) **Notice for the Meeting**

- (a) a meeting shall be called by the Chairman and, in his absence, by the Member nominated by him / her to act on his behalf.
- (b) Notice for a meeting shall be issued by the Secretary, or in his / her absence, by any other officer authorised in this regard by the Chairman.
- (c) Notice for a meeting shall ordinarily be issued at least ten days before the date of the meeting except where it is decided by the Chairman to call a meeting at shorter notice.

(9) **Adjournment**

- (a) The Chairman may, for sufficient cause to be shown, either before commencement or after commencement of the meeting / hearing, adjourn or advance the meeting / hearing.

(10) **Agenda for the Meeting**

- (a) The agenda for a meeting of the Authority shall be approved by the Chairman and, in his / her absence, by the Member(s) nominated by him / her to act on his /her behalf.
- (b) All administrative matters that are required to be reported or ratified / approved by the Authority and all tariff cases involving any kind of formal, substantive order shall be referred to the Authority for consideration.
- (c) Any decision taken by the Chairman in emergent circumstances, in anticipation of the Authority's approval, shall be reported for ratification to the Authority in the meeting immediately following such decision.
- (d) Any decision taken by the Chairman in exercise of powers delegated to him / her by the Authority shall be reported for information to the Authority in its meeting immediately following such decision.
- (e) The agenda for a meeting shall ordinarily be issued at least seven days before the meeting.
- (f) Depending upon exigencies of work, the Chairman shall have the discretion either to withdraw any item from the agenda or add any item at short notice whenever necessary;

(11) **Approval by Circulation**

- (a) Approval of the Authority can be obtained also by circulation of an item; provided that all such cases shall invariably be included for information in the agenda for the meeting immediately following such circulatory consideration.

(12) **Quorum for a Meeting**

Presence of any two Members or of the Chairman and any Member shall constitute the quorum for a meeting.

(13) **Presiding over Meeting**

- (a) A meeting shall be presided over by the Chairman and, in his / her absence, by the Member nominated by him / her to act on his behalf; provided that such a nominated Chairman shall not exercise the powers delegated by the Authority to the Chairman.

(14) **Conduct of meeting**

- (a) A meeting shall be called to order by the Chairman.
- (b) The sequence of the agenda items for consideration shall be decided by the Chairman.

- (c) Presence of and participation in deliberations by non-Members, who are invited to assist the Authority, shall be approved by the Chairman.
- (d) A meeting shall be called to closure by the Chairman.

(15) Attendance at Meeting

- (a) Attendance at a meeting shall be registered.
- (b) Attendance of Members shall be registered in the formal Attendance Register maintained for the purpose by the Office of the Authority.
- (c) Attendance of non-Members shall be separately detailed.

(16) Decisions in Meeting

- (a) As far as possible, decisions in meetings shall be unanimous.
- (b) Where such unanimity is not possible, decisions shall be based on majority opinion established through voting.
- (c) For purposes of voting, all Members (including the Chairman) shall have one vote each.
- (d) The Chairman shall not have a casting vote.

(17) Minutes of Meeting

- (a) Minutes of a meeting incorporating the decisions taken shall be recorded and approved by the Chairman.
- (b) With the approval of the Chairman, it shall be circulated for comments within a week after the meeting.
- (c) After taking the comments into account, the Chairman shall authorise the approved minutes to be circulated with such modifications as may be necessary.
- (d) Any such approved minutes shall invariably be included in the agenda of the next meeting for formal approval for being taken on record; provided that action to implement the decisions shall not pend for such taking on record.
- (e) After such formal approval, the minutes shall be pasted on the Minute book and every page of the minutes shall be authenticated with signature either by the Chairman or by any Member authorised in this behalf by the Authority.

(18) Notification of Decisions

- (a) Any decision taken in respect of a case or proposal shall take effect from the date of its publication in the Gazette of India unless otherwise stipulated in the decision itself.
- (b) Any such decision shall be authenticated either by the Chairman or by any Member authorised in this behalf by the Authority.

(19) Consideration of case / proposal

- (a) A case or proposal shall invariably be brought before the Authority for any formal / final / substantive decision with reference to all the material gathered.
- (b) The Authority may delegate all or any of its powers in respect of processing of a case or proposal to the Chairman and / or a Member or to the two Members. It shall not be necessary for all interim processes of a case or proposal to be brought at every stage for the Authority's consideration; provided it has not specifically been required by the Authority to deal with the case or proposal differently.
- (c) The Chairman and / or either or both Members may visit any establishment, including that of an Applicant, as they may consider necessary to hold discussions with representatives of the Applicant or otherwise, if, in the opinion of the Authority or the Chairman, such visits and discussions may be expedient in the interest of proper determination of the matters under consideration.

- (d) The Chairman may depute such of his employees to such places to meet such persons, as he / she may deem appropriate, for scrutiny, examination, evaluation of a case / proposal and discuss matters under its consideration and collect information from them.

(20) Processing of a case or proposal

- (a) To promote the greatest participation of the greatest number of interested parties a consultative process shall be adopted by the Authority to process proposals **except in implementation of a direction under section 111 of Act.**
- (b) As part of the consultative process it may be necessary to organise either at the Office of the Authority or at the port level hearings of a case or proposal jointly with the Port Trusts / private operators and users. Such hearings shall be organised on behalf of the Authority by the Chairman or a Member or Members authorised so to do.
- (c) For processing of cases, the Chairman or a Member or Members so authorised in this behalf shall apply such principles and adopt such approaches as may be notified from time to time by the Authority ensuring adherence to the principles of natural justice.

(21) Assistance to the Authority

- (a) The Authority may, at any time, take assistance of any Port Trust or other institutions, consultants, experts, including a legal expert, Chartered Accountants, a Surveyor and such other technical and professional persons, as it may consider necessary on payment, if any, of reasonable fee and ask them to submit report(s) or furnish any information;

(22) Sitting Fee for Meetings of the Authority

- (a) For attending a meeting of the Authority, a part-time Member shall be entitled to a sitting fee at the rate notified from time to time by the Government.

(23) TA / DA for Chairman / Members

- (a) For attending a meeting of the Authority or for participation in any proceedings of a case or proposal, or for any other work on tour on behalf of the Authority, the Chairman and Members (including part-time Members) shall be entitled to TA / DA as per the terms and conditions fixed for them by the Government.
- (b) Nothing in these Regulations shall bar the Authority from adopting in conformity with the provisions of the Act, a procedure, which is at variance with any of the provisions of these Regulations, if the Authority, in view of the special circumstances of a case / proposal or a class of cases and for reasons to be recorded in writing, deems it necessary or expedient so to deal with such a case / proposal or a class of cases / proposals.