NOTIFICATION

In exercise of the powers conferred by Section 48 of the Major Port Trusts Act, 1963 (38 of 1963), the Tariff Authority for Major Ports hereby approves the proposal of the Visakhapatnam Port Trust for an amendment in the earlier Order No. TAMP/39/2003 dated 11 August 2003 about the charges levied for container operations as in the Order appended hereto.

(A.L. Bongirwar)
Chairman
ORDER
(Passed on this 15th day of March 2004)

This Authority had passed an Order on 11 August 2003 prescribing the charges applicable for container landed or shipped at the Visakha Container Terminal (VCTPL) but arriving at the Visakhapatnam Port Trust (VPT) for storage, stuffing and destuffing. The said Order was notified in the Gazette of India on 26 August 2003 vide Gazette No. 127.

1.2. The proposal of the Visakhapatnam Port Trust (VPT) with reference to wharfage on containerised cargo was as follows:

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Particulars</th>
<th>Rates</th>
</tr>
</thead>
<tbody>
<tr>
<td>(ii).</td>
<td>Wharfage on containerised cargo when no stuffing/destuffing is done inside the port premises.</td>
<td>Nil</td>
</tr>
</tbody>
</table>

2. It is relevant to mention that the provision was approved in the said Order taking into consideration the provision prescribed in the (then) existing Scale of Rates of the VPT.

3.1. With reference to this tariff item, the VPT has requested to clarify whether wharfage is to be collected on containerised cargo of the Visakha Container Terminal Private Limited (VCTPL) if stuffing / destuffing is done inside the VPT premises.

3.2. It is relevant to mention that the existing Scale of Rates of the VPT does not prescribe any specific rate for stuffing / destuffing operation for containers handled at the VPT nor has the VPT in its proposal categorically mentioned about the charges leviable for stuffing / destuffing operation. The VPT was, therefore, requested to clarify the charges leviable for stuffing / destuffing in case the container landed or shipped at the VCTPL arrives at the VPT for stuffing / destuffing operation.

4. The VPT has furnished the following clarifications:

(i). No wharfage on container as well as containerised cargo was proposed to be levied irrespective of the fact whether it is stuffed / destuffed inside the port premises.

(ii). The provision approved by the Authority exempts wharfage on container cargo when no stuffing / destuffing is done inside the port premises. It is, however, silent about wharfage leviable, if stuffing / destuffing is done inside the port premises.
(iii). Since wharfage on containerised cargo for all the containers handled through the VCTPL is proposed to be exempted, the words incorporated at Sr. No. (ii) in para 5.1. of the Authority’s Order dated 11 August 2003 may be deleted and the provision as per its original proposal may be retained to avoid any ambiguity.

5.1. As reported by the port, the provision prescribed at Sl. No. (ii) in para 5.1. of this Authority’s Order dated 11 August 2003 is not explicit about non-applicability of wharfage on containerised cargo in case the containers handled at VCTPL arrives at the VPT for stuffing/destuffing. In order to avoid any ambiguity, the VPT has requested to delete the words “when no stuffing/destuffing is done inside the port premises” from the relevant provision. The VPT has clarified that its earlier proposal was also to exempt wharfage in respect of all the containers handled at the VCTPL which enter the VPT irrespective of whether stuffing/destuffing operation is done inside the dock area of the port though this was not categorically mentioned by it in the earlier proposal. Since the relevant containers do not pass through the wharves of VPT, the question of requiring them to pay wharfage does not arise. The proposal of the port to amend the relevant provision is, therefore, accepted.

5.2. Since the proposal of the port is for an amendment in the earlier Order to avoid ambiguity in levy of the charge, this Authority approves the proposed amendment retrospectively from the effective date of implementation of the Order passed on 11 August 2003. It is noteworthy that the proposed amendment will benefit the users.

6. In the result, and for the reasons given above, and based on a collective application of mind, Sl. No. (ii) in para 2(iv) and Sl. No. (ii) in para 5.1. of the Order passed by this Authority on 11 August 2003 are deleted and both are substituted as follows:

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( A.L. Bongirwar )
Chairman