No.43

New Delhi, the 1st May, 2000

Tariff Authority for Major Ports

Notification

No.TAMp/91/99-CPT - In exercise of the powers conferred by Section 49 B of the Major Port Trusts Act, 1963 (38 of 1963), the Tariff Authority for Major Ports hereby dispose of the representation made by M/s. ESSAR Oil Limited regarding the payment of port dues and removal of their barge ‘Pegah’ from the Haldia Dock Complex, as in the Order appended hereto.

SCHEDULE

Case No.TAMP/91/99-CPT

M/s. ESSAR Oil Limited … Applicant

Vs.

The Calcutta Port Trust … Non-applicant

ORDER

(Passed on this 10th day of April 2000)

This case relates to a representation submitted by M/s. ESSAR Oil Limited (EOL) regarding payment of port dues and removal of their barge ‘Pegah’ from the Haldia Dock Complex (HDC).

2. The barge in question is a non propelled barge said to have been engaged in coastal trade. Owing to
repairs and subsequent dispute between the charterer and the owner, the barge remained idle alongside the mud banks of the HDC since March 1993. M/s. EOL contend that the barge had not occupied any commercial berth in the HDC and the billing made by the HDC based on the rate of ‘vessel in Foreign Trade’ and not on the rate of ‘Barge in Coastal Trade’ is incorrect. M/s. EOL confirm their willingness to pay port dues for the barge and the towage tug based on the rates applicable to flat/barge in coastal trade as per the Scale of Rates of the Calcutta Port Trust (CPT).

3. While offering its comments on the representation, the CPT mentioned that on the basis of documents so far produced by the owner/charterer of the barge, they had no other option but to levy the charges applicable to the vessels under ‘foreign going’ category in respect of the barge in question. However, the CPT assured that the barge would be declared as on coastal run for the entire period of her stay at Haldia on receipt of clarifications from the DG(Shipping).

4. A joint hearing in this case has been fixed by the Authority on 26 April 2000. Meanwhile, the CPT has informed that M/s. EOL has taken out the barge from the HDC on 30 January 2000 on payment of all the dues and observance of required formalities. M/s. EOL has also confirmed that necessary clarification from the DG (Shipping) has been obtained so that the barge can be declared as on ‘coastal run’ for the entire period of her stay at Haldia and accordingly settled the matter amicably with the CPT.

5. Since the dispute between M/s. EOL and the CPT has been mutually resolved, there is no need for this Authority to proceed further with this case. It is accordingly dismissed as withdrawn.

S.SATHYAM, Chairman