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TARIFF AUTHORITY FOR MAJOR PORTS

G.No. 19

New Delhi,

14 January 2020

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 extends the validity of the existing Scale of Rates of the Bharat Petroleum Corporation Limited operating in the Jawaharlal Nehru Port Trust as in the Order appended hereto.

(T.S. Balasubramanian)
Member (Finance)

Tariff Authority for Major Ports
Case No. TAMP/46/2016-BPCL

The Bharat Petroleum Corporation Limited - - -

Applicant

QUORUM

- (i). Shri. T.S. Balasubramanian, Member (Finance)
- (ii). Shri. Rajat Sachar, Member (Economic)

ORDER

(Passed on this 26th day of December 2019)

This case relates to the extension of the validity of the existing Scale of Rates of the Bharat Petroleum Corporation Limited (BPCL) operating the Liquid Cargo berth at the Jawaharlal Nehru Port Trust (JNPT).

2.1. The existing Scale of Rates (SOR) of BPCL was approved by this Authority vide Order No. TAMP/46/2016-BPCL dated 8 February 2017 which was notified in the Gazette of India on 06 March 2017 vide Gazette No. 94. The Order prescribed the validity of the SOR till 31 March 2019.

2.2. Based on the request of BPCL, the Authority vide its Orders dated 25 February 2019, 14 June 2019 and 10 October 2019 has extended the validity of the existing tariff of BPCL for a period of 3 months each i.e. from 01 April 2019 to 30 June 2019, from 01 July 2019 to 30 September 2019 & from 01 October 2019 to 31 December 2019 respectively. Vide Order dated 10 October 2019, the BPCL was advised to file its proposal for general revision of the tariff by 30 November 2019.

3. In this backdrop, the BPCL vide its letter dated 29 November 2019 has filed its proposal for general revision of its Scale of Rates. The BPCL proposal is under consultation process with the relevant stakeholders.

4. In the meanwhile, considering that it may take some more time for the proposal of BPCL to be finalised and for the new rates to come into effect, BPCL has vide its letter dated 18 December 2019 requested this Authority to extend the validity of the existing Scale of Rates for a further period of 3 months i.e. from 1 January 2020 to 31 March 2020 or till such time new SOR is given by through a notification, as BPCL rates need to be updated in SAP for invoicing their customers.

5. The proposal of BPCL has been taken up on consultation with the relevant stakeholders. The proposal of BPCL is to be scrutinized to seek additional information/clarification from BPCL. A joint hearing on the case in reference is yet to be scheduled. Thus, it may take some more time for the case to mature for final consideration of this Authority.

6.1. In view of above and since the validity of the existing tariff of BPCL will expire on 31 December 2019 and in order to avoid a vacuum in the tariff, it is felt appropriate to extend the validity of the existing tariff of BPCL beyond 31 December 2019.

6.2. Accordingly, this Authority extends the validity of the existing tariff of BPCL for a further period of 3 months i.e. from 01 January 2020 to 31 March 2020 or till the date the new rates come into effect, whichever is earlier, as requested by BPCL.

6.3. If any additional surplus over and above the admissible cost and permissible return emerges for the period post 01 April 2019, during the review of performance of BPCL, such additional surplus will be dealt with as per Clause 3.1.2 of the Tariff Guidelines, 2019, for determination of tariff for BOT operators operating in Major Port Trusts and previously governed by 2005 Tariff Guidelines issued by the Government vide its letter no. PR-14019/20/2009-PG (pt-IV) dated 5 March 2019 and notified by this Authority in the Gazette of India.

(T.S. Balasubramanian)
Member (Finance)