

F. No. PD-13/66/2020-PPP (Part-2)/e-347563

भारतसरकार/GOVERNMENT OF INDIA

पत्तन, पोतपरिवहनऔरजलमार्गमंत्रालय

MINISTRY OF PORTS, SHIPPING AND WATERWAYS

(पब्लिक प्राइवेट पार्टनरशिप विंग/PPP WING)

परिवहनभवन/Parivahan Bhawan,

1, संसदमार्ग/1, Sansad Marg,

नई दिल्ली/New Delhi - 110001

दिनांक/Dated: 21st December, 2021

To,

The Chairperson, All Major Ports and CMD KPL
MD, IPA

**Subject: TARIFF GUIDELINES, 2021 FOR THE FUTURE PPP
CONCESSIONAIRES - Regarding**

Sir,

The Parliament of India has enacted the Major Port Authorities Bill, 2020 to replace the Major Port Trusts Act, 1963. The Ministry of Law and Justice has published the Major Port Authorities Act, 2021 in the Gazette of India vide Gazette no 3 dated 18 February 2021.

As per subsection (zc) under Section 2 read with subsection (1) of Section 24 of the Major Port Authorities Act, 2021, the Board of each Major Port shall be competent to enter into and perform any concession contract with Public Private Partnership (PPP) Concessionaire for Public Private Partnership Project for discharge of functions of the Major Port Authority under the Act.

The proviso clause to Section 27(1) of the Major Port Authorities Act, 2021 provides that in case of Public Private Partnership Projects after the commencement of the Act, Concessionaire shall fix the tariff based on market conditions and on such other conditions as may be notified. Further, clause (f) of subsection (2) of Section 71 of the ibid Act, empowers the Central Government to make rules providing for the norms for fixation and implementation of scales, fees, rates and conditions under subsection (1) of Section 27.

In this backdrop, a Committee was constituted by the Ministry of Ports, Shipping and Waterways vide O.M.No.PD-13/66/2020-PPP/e-341758, dated 08 December 2020 for revision of Model Concession Agreement (MCA) and other issues of Public Private Partnership Projects under the chairmanship of Chairman, V.O. Chidambaranar Port Trust (VOCPT). The Committee has consulted all the Major Ports.

Based on the report of the Committee and in exercise of the powers conferred to the Central Government under Section 53 and clause (f) of subsection 2 of Section 71 of

the Major Port Authorities Act, 2021, this Government hereby issues the following Tariff Guidelines, 2021.

The said Tariff Guidelines, 2021 are issued to the Major Port Authorities (MPAs) for PPP projects approved by the Government but are still under bidding stage and all future concession agreements to be entered by Major Ports, for framing of Project wise Scale of Rates along with necessary conditionalities that will apply upon the services to be provided by the PPP Concessionaires based on market conditions and on such other conditions notified hereunder.

TARIFF GUIDELINES, 2021 FOR FRAMING OF SCALE OF RATES FOR THE CONCESSION AGREEMENTS ENTERED INTO BY THE MAJOR PORT AUTHORITY WITH PPP CONCESSIONAIRE AFTER MAJOR PORT AUTHORITIES ACT, 2021 HAS INTO FORCE

1. PRELIMINARY

1.1. These guidelines are issued to the Major Port Authorities (the "MPAs") and PPP Concessionaires, for framing of Scale of Rates along with conditionalities for each PPP project of the respective PPP Concessionaire(s) who have been authorised as set forth in the Concession Agreement(s) by the Board of Major Port Authority to discharge the authorised functions/ provide services at the Major Port Authority.

1.2. This Tariff Guidelines may be called as "Tariff Guidelines, 2021", for framing of Scale of Rates for PPP projects approved by the Government but are still under bidding stage and all future concession agreements, to be entered by Major Ports as per MPA Act, 2021. The Tariff Guidelines, 2021 may be duly updated or revised from time to time by the Government in exercise of the powers conferred under Section 53 and clause (f) of subsection 2 of Section 71 of the Major Port Authorities Act, 2021.

1.3. These Tariff Guidelines 2021 will be applicable prospectively to all the PPP Concession Agreements entered into by the Major Port Authority with PPP Concessionaire under the MPA Act, 2021. These Tariff Guidelines 2021 shall remain in force until further reviewed or amended or modified or revoked.

1.4. Unless the context otherwise requires, various terms used herein will have the same definition as in the MPA Act, 2021 and the Indian Ports Act, 1908, as amended from time to time.

1.5. If any difficulty arises in giving effect to this Tariff Guidelines, the Central Government may in consultation with PPP Concessionaires and Major Port Authorities pass such orders, as may be necessary for removing the difficulty.

1.6 For purposes of these Tariff Guidelines, the term 'Scale of Rates' shall mean the specific tariff rates along with conditionalities that are to be determined, informed and published by the PPP Concessionaires as per market conditions in respect of their respective PPP Projects awarded as per MPA Act, 2021 and as per provisions therein including Section 27(1).

2. DETERMINATION OF SCALE OF RATES