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TARIFF AUTHORITY FOR MAJOR PORTS

G. No. : 133

New Delhi, 5 September 2006

NOTIFICATION

In exercise of the powers conferred by Section 49 of the Major Port Trusts Act, 1963 (38 of 1963), the Tariff Authority for Major Ports hereby closes the case relating to the proposal of the Kolkata Port Trust (KOPT) for revision of schedule of rent for land and buildings of KOPT at Haldia as in the Order appended hereto.

(A.L. Bongirwar)
Chairman

Tariff Authority for Major Ports
Case No. TAMP/56/2005 – KOPT

Kolkata Port Trust (KOPT)

Applicant

ORDER

(Passed on this 23rd day of August 2006)

This case relates to a proposal from the Kolkata Port Trust (KOPT) for revision of the Schedule of Rent for land and buildings of KOPT at Haldia.

2. The proposal received from the KOPT in September 2005 was registered as a tariff case and processed following the usual consultation process prescribed. The KOPT made a presentation on the case in reference in the office of the Authority on 20 March 2006. A joint hearing was held on 29 March 2006 on the proposal in reference. At the joint hearing Chairman (KOPT) requested to allow some more time to enable KOPT to review the proposal in the light of the observations made during the presentation.

3. Now, the KOPT vide its letter dated 25 July 2006 has conveyed to this Authority, *inter alia* the following:

- (i). It will undertake a fresh valuation of land and buildings of KOPT at Haldia and Kolkata in line with the provisions of the Land Policy Guidelines approved by Central Government and in the light of observations made by the TAMP and file a fresh revised proposal.
- (ii). To treat its proposal dated 16 September 2005 in reference as closed.
- (iii). The validity of the existing Rent Schedule of Land and Buildings of KOPT at Halida may be extended till revision.

4.1. Since the KOPT has decided to undertake fresh valuation of its Land and Buildings at Haldia and at Kolkata in line with the revised Land Policy guidelines announced by the Government of India and in the light of observations made by this Authority, this Authority is inclined to close the case in reference and treat the KOPT's proposal dated 16 September 2005 as withdrawn. The KOPT is advised to file its revised proposal within 90 days from the date of Notification of the Order passed by the Authority.

4.2. This Authority had passed an Order dated 27 December 2005, extending the validity of the existing Rent Schedule for Land and Buildings of KOPT at Haldia beyond 31 December 2005 till the effective date of implementation of the Order to be passed in the case relating to the KOPT's proposal dated 16 September 2005 for revision of Rent Schedule for Land and Buildings of KOPT situated at Haldia. Since the case is closed, the validity of the existing Rent Schedule of Land and Buildings of KOPT at Haldia needs to be

extended. Since the KOPT has to undertake a fresh valuation of Land and Buildings of KOPT at Kolkata in addition to its Land and Buildings at Haldia, this Authority is inclined to extend the validity of the Rent Schedule for Land and Buildings of KOPT at Haldia for a maximum period of six months from date of Notification of this Order.

4.3. The Government of India in the Ministry of Shipping, Road Transport and Highways (MSRTH) has announced revised Land Policy guidelines for major ports including the KOPT. The revised tariff guidelines require this Authority to follow the Land Policy guidelines issued by the Government of India in the matter of regulating lease rentals at the major ports. Some of the conditionalities in the existing Scale of Rates for allotment of land at KOPT may require modifications in the light of the land policy announcement. Till such time the effective date implementation of Order (to be) passed by this Authority on the proposal to be filed by KOPT for revision of its Schedule of Rent for Land and Buildings, the KOPT should implement the conditions prescribed in the policy guidelines. Accordingly, the existing conditionalities in the Rent Schedule for allotment of Land and Buildings of KOPT at Haldia and the relevant Scale of Rates for allotment of land at Kolkata will stand amended to the extent such conditionalities are inconsistent or at variance with the Land Policy guidelines issued by the Government. The KOPT is directed to incorporate the following General Note in its Rent Schedule and Scale of Rates:

"All the conditions / notes stated shall apply to the extent they are not inconsistent with the conditions prescribed in the Land Policy guidelines of February 2004 announced by the Government. In case of disagreement, the conditions prescribed by the Government in the Land Policy guidelines shall prevail."

5. In the result, and for the reasons given above, and based on a collective application of mind, this Authority decides to close this case as withdrawn and extends the validity of the existing Rent Schedule of Land and Buildings of KOPT at Haldia for a period of six months or till the effective date of Notification of Order passed by this Authority on the proposal filed by the KOPT for revision of Schedule of Rent for Land and Buildings of KOPT at Haldia and at Kolkata, whichever is earlier. The KOPT is directed to file its revised proposal within 90 days from the date of Notification of this Order.

(A.L. Bongirwar)
Chairman