

(Published in Part - III Section 4 of the Gazette of India, Extraordinary)

**TARIFF AUTHORITY FOR MAJOR PORTS**

G. No. : 147

New Delhi, 17 August 2004

**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 interim tariff arrangement approved vide earlier Order dated 4 May 2004 relating to tariff leviable by the South West Port Limited for its multipurpose bulk cargo terminal at berth Nos. 5A and 6A in the Mormugao Port as in the Order appended hereto.

**( A.L. Bongirwar )**  
Chairman

**Tariff Authority for Major Ports**  
**Case No. TAMP/22/2004-MOPT**

**The South West Port Limited (SWPL)**

----

**Applicant**

**ORDER**

(Passed on this 10th day of August 2004)

1.1. This Authority at the request of the SWPL had passed an Order on 4 May 2004 prescribing the interim arrangement of tariff leviable by the SWPL for its multipurpose bulk cargo terminal at berth numbers 5A and 6A in the MOPT for the period of three months or notification of the final rates whichever is earlier. The Order was notified in the Gazette of India on 19 May 2004 vide Gazette No. 89.

1.2. Subsequently, this Authority passed another Order on 28 May 2004 clarifying that the interim tariff arrangement approved earlier shall be levied on provisional basis subject to settlement of bills based on final rates to be approved.

2.1. Based on scrutiny of the proposal, additional information / clarification on various points was sought from the SWPL and MOPT. Further, the consultation process with the concerned users / user organisations and the MOPT was also initiated in accordance with the procedure followed.

2.2. A joint hearing in this case was held on 24 June 2004. At the joint hearing, the SWPL, MOPT and the users / user organisations had made their submissions. Some of the main objections of users with reference to this proposal are as follows:

- (i). The proposal does not allow road delivery of cargo. Road movement is essential and should be allowed.
- (ii). The proposed berth hire is very high. Small and medium importers who cannot bring panamax vessels due to low volumes will be put to a great disadvantage due to steep hike proposed in berth hire.
- (iii). The proposed ground rent is very high in comparison to the rentals prescribed in the Scale of Rates of the MOPT.

2.3. In view of the objections raised by the users at the joint hearing, it was decided that the SWPL would sit with the MOPT to analyse the demand of users for allowing road delivery and file a joint report conveying an alternate operational plan and consequent tariff arrangement. The SWPL was also requested to file a revised proposed SOR to include differential berth hire for vessel with smaller size.

3.1. In response, the MOPT and the SWPL have filed a joint report wherein they have mutually agreed that the entire bulk coal / coke shall be handled by SWPL as stipulated in the LA and the MOPT would provide storage space of 10,000 sq. mtrs to store cargo moving by road for which storage charge would be levied by MOPT at the rates prescribed in its SOR.

3.2. Based on the revised operational plan worked out by the SWPL to handle road delivery of cargo also, it has filed a revised proposal on 29 July 2004. The modifications made by the SWPL in the revised proposal are as follows:

- (i). The estimates of traffic and income have been scaled down and the estimates of operating cost have been increased.
- (ii). The handling charges have been revised upwards in comparison to the earlier proposed rate. The handling charge proposed for movement by road delivery are higher than the tariff proposed for rail movement of cargo.
- (iii). A separate reduced berth hire charge for handling smaller size vessels is proposed.
- (iv). As regards dust suppression charge, differential rate is proposed for coal and coke. For the cargo received at berth 5A and proposed to be transported to the MOPT nominated storage yard, 50% of the dust suppression charge is proposed.

4. The revised proposal has been forwarded to the MOPT and the concerned users/ user organisations for their comments

5. The SWPL has not furnished adequate justification / clarification with reference to the modifications made in the revised cost statements and proposed Scale of Rates, and hence, the SWPL has been requested to furnish clarifications on various points.

6. The existing interim tariff arrangement approved by this Authority is valid only till 16 August 2004. Since examination of the revised proposal may involve some time, it is necessary to extend the validity of the interim tariff arrangement approved earlier for a further period of two months or notification of final rates, whichever is earlier.

7. In the result, and for the reasons given above, and based on a collective application of mind, this Authority extends the validity of interim tariff arrangement approved vide earlier Order dated 4 May 2004 for a period of two months or notification of final Scale of Rates, whichever is earlier.

**( A.L. Bongirwar )**  
Chairman