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TARIFF AUTHORITY FOR MAJOR PORTS

G. No. 100

New Delhi, 4 June 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 amends its earlier Order No. TAMP/22/2004-MOPT dated 4 May 2004 relating to fixation of interim 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 28th day of May 2004)

This Authority has passed an Order on 4 May 2004 in case No.TAMP/22/2004-MOPT relating to fixation of interim tariff leviable by the South West Port Limited for its multipurpose bulk cargo terminal at berth Nos. 5A and 6A in the Mormugao Port. This Order was notified in the Gazette of India Extraordinary (Part-III Section 4) on 19 May 2004 vide Gazette No.89.

2. In the said Order, this Authority has approved levy of cargo handling charges as proposed by the SWPL and berth hire, wharfage, ground rent/storage charge and dust suppression charge to be levied as per the applicable rates and conditionalities in the Scale of Rates of MOPT.

3. With reference to this Order, the SWPL has made the following main points:

- (i). The interim tariff arrangement does not state which berth hire rate of the MOPT SOR are to be adopted for vessels berthing at its terminal. Of the separate berth hire charges prescribed for various berths in the MOPT SOR, only the berth hire charges prescribed for berth No.9 for handling mechanical ore is comparable to its berth and may be considered applicable in its case as an interim tariff arrangement.
- (ii). The charges for rubber-tyred shore crane and other equipment are included in the proposed berth hire charge and not in the handling charge. The interim tariff approved by the Authority prescribing levy of berth hire as per the MOPT SOR and handling charges as proposed by it does not reckon with the charges for crane. The charges approved are, therefore, lower than the rate proposed by it.
- (iii). In view of the above position, it has requested that interim tariff arrangements approved may be made purely provisional for recovery of advance payment to be adjusted against the amount payable at the tariff that may be finally approved. The final tariff may be made applicable retrospectively from the date when the interim arrangements became effective.

4.1. As stated in our Order, adhoc approval of the rates existing at the MOPT SOR was accorded without going into any detailed analysis and scrutiny of the proposal. Handling charge as proposed by the SWPL was approved as an interim tariff since no rate was prescribed for this item in the Scale of Rates of MOPT.

4.2. It is relevant to mention that cost of provision of cranes in case of bulk cargo is generally included in the handling charges. The SWPL has reported that the charges for crane and other equipment has been included in the proposed berth hire charge. As a result, it is found that the interim tariff approved by this Authority to levy berth hire as per the SOR of MOPT and handling charges as proposed by the SWPL does not reckon the component of cranaage and other equipment charges. That being so, the request of the SWPL to levy the interim tariff provisionally is found to be reasonable and is accepted. Its request for allowing berth hire as applicable for berth No.9 of MOPT cannot be acceded at this juncture without a detailed analysis.

5. In the result, and for the reasons given above, this Authority decides the following:

- (i). The interim tariff arrangement approved vide Order No.TAMP/22/2004-MOPT dated 4 May 2004 shall be levied on provisional basis subject to final settlement of bills.
- (ii). The final rates leviable by the SWPL for its multipurpose berth nos. 5A and 6A, when fixed, shall have effect from the date of this Order. The SWPL shall adjust its billing accordingly.

(A.L. Bongirwar)
Chairman