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Tariff Authority for Major Ports

G. No. 61

New Delhi, 26 March, 2004

Notification

In compliance of a direction issued by the Government of India under Section 54 of the Major Port Trusts Act, 1963, the Tariff Authority for Major Ports hereby modifies the Scale of Rates of the Mumbai Port Trust relating to License Fees for Water Conveyance payable by boats, crafts, barges and launches plying from the Ballard Pier Jetty as in the Order appended hereto.

(A.L. Bongirwar)
Chairman

Tariff Authority for Major Ports
No. TAMP/31/2003-MBPT

ORDER

(Passed on this 15th day of March 2004)

This Authority had notified an order on 30 November 1998 in respect of proposal of the Mumbai Port Trust (MBPT) relating to composite towage and pilotage charges. Thereafter, a comprehensive listing of the amended provisions in the towage and pilotage charges proposed by the MBPT was notified on 13 January 1999. As per these notifications, the launches operating from Ballard Pier are subjected to a levy of license fee for Water Conveyance at Rs. 50 per GRT per month.

2. Subsequently, Mumbai Ship to Shore Launch Owners Association (MSSLOA) filed a representation before this Authority relating to payment of license fee for Water Conveyance as per the MBPT Scale of Rates. This Authority after usual consultation with the MBPT and representative bodies of users including MSSLOA had passed a speaking order on 14 December 2001 rejecting the representation of the MSSLOA for a reduction in the license fee for Water Conveyance. But, it was decided to examine the issue of re-categorisation for the purpose of charging the concerned fee at the time of the next general revision of tariff at MBPT.

3. Thereafter, MSSLOA filed a Writ Petition against this Authority's order dated 14 February 2001 in the Hon'ble High Court At Mumbai. In the meanwhile, the MBPT proposal for revision of vessel related charges was decided by this Authority vide order dated 9 January 2004. With reference to revision of Water Conveyance Charges the following observations have been made in that Order:

"The MSSLOA has filed a Writ Petition in the High Court of Bombay against the existing license fee for Water Conveyance (Rs. 50 per GRT per month) and it is understood that the Hon'ble High Court has directed the petitioners to approach the Central Government for necessary relief under Section 54 of the MPT Act. Till disposal of the representation by the Government, it is advisable to maintain status-quo with reference to the launches operating from Ballard Pier which incidentally is the proposal of the Mumbai Port Trust also".

Accordingly, the existing rate of Rs. 50 per GRT per month was allowed to continue in the revised Scale of Rates in respect of launches operating from Ballard Pier. But, the rate of Rs.25/- per GRT per month in respect of launches operating from Apollo Bunder and New Ferry Wharf proposed by the MBPT was approved in the Authority's Order dated 9 January 2004.

4.1 The Government of India in the Ministry of Shipping (MOS) vide its letter dated 3 October 2003 informed this Authority that the MSSLOA had, in pursuance of order of Hon'ble High Court at Bombay, approached the Central Government to modify or cancel the Authority's order under Section 54 of Major Port Trusts Act, 1963 (M.P.T. Act) to reduce the license fee for Water Conveyance and bring it at par with the rates charged to other launch owners operating from Apollo Bunder and New Ferry Wharf at Rs. 10 per GRT per month (instead of Rs. 50 per GRT per month) and to charge the said reduced rates retrospectively. Further, the MOS vide its letter dated 16 January 2004 informed this Authority about the order of the Hon'ble High Court at Bombay directing the Government of India to decide the representation of MSSLOA and directed this Authority to modify the Scale of Rates notified with the Authority's order dated 27 October 1998 and 13 January 1999, in accordance with the following decisions of the Central Government:

- (i). The rates of Water Conveyance Charges at Ballard Pier may be made at par with those for Apollo Bunder and New Ferry Wharf in future.
- (ii). For the past period, i.e., from 30 December 1998 to the date of new rates are decided, the rates charged from Ballard Pier launch owners may be reduced from Rs.50/- to Rs.25/- per GRT per month.

4.2 Subsequently, the MOS furnished a copy of the order passed by the Secretary (Shipping) and confirmed the following:

- (i). The direction to modify the Scale of Rates is issued by the Government in exercise of powers conferred by Section 54 of MPT Act, 1963 and in pursuance of directions given by the Hon'ble High Court.
- (ii). New rates of Water Conveyance Charges at Ballard Pier be prescribed immediately for future.
- (iii). From 30 December 1998 to the date new rates are decided rates charged from Ballard Pier launch owners may be reduced from Rs. 50/- per GRT per month to Rs.25 per GRT per month.

5. In compliance with the direction given by the Central Government under Section 54 of MPT Act and in supersession of this Authority's order dated 27 October 1998, Notification dated 13 January 1999 and Order dated 9 January 2004 relating to the Scale of Rates for Water Conveyance Charges in respect of Boats, Crafts, Barges and Launches plying from the Ballard Pier Jetty, this Authority makes the following modifications in the Scale of Rates of the MBPT relating to 2.1. Fees and charges for pilotage, tug assistance, towage and other services:

- (i). The provision at Sl. No. 2 of Table No. II (License Fees for Water Conveyance) in clause No. 2.1.12 is deleted and

