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TARIFF AUTHORITY FOR MAJOR PORTS

G No. 43

New Delhi, 1 March 2011

NOTIFICATION

In exercise of the powers conferred under Section 48 and 49 of the Major Port Trusts Act, 1963 (38 of 1963), the Tariff Authority for Major Ports hereby disposes off the reference received from the Paradip Port Trust seeking clarifications on the applicability of wharfage charges prescribed in the port's Scale of Rates for handling Iron Ore Pellets as in the Order appended hereto.

(Rani Jadhav)
Chairperson

Tariff Authority for Major Ports
No. TAMP/9/2011-PPT

The Paradip Port Trust

....

Applicant

ORDER

(Passed on this 18th day of February 2011)

This case relates to a reference received from the Paradip Port Trust (PPT) seeking clarifications on the applicability of wharfage charges for Iron Ore Pellets envisaged to be handled at one of its general cargo berths which is to be mechanized.

2. The PPT has sought clarification on the following issues:

- (a). Whether handling of Iron Ore pellets at the berth after mechanisation can be categorized under Clause 2.1(5)(a) of the Scale of Rates of PPT which provides for sliding rates linked to the quantity of cargo handled.
- (b). If not, whether wharfage of ₹ 34.50 per tonne will be applicable for the same.

3. After preliminary scrutiny of the reference received from PPT, the port was requested to furnish additional information / clarifications. The PPT has responded. While responding to our queries, the PPT has, inter alia, stated that the existing Scale of Rates does not have any ambiguity, but the reference to this Authority was made only at the request of the Licensee.

4. Following the usual consultation process prescribed, the PPT was requested to circulate its reference and its response to our queries to the relevant users / stake holders advising them to furnish their comments. The PPT has reported that it has circulated its letters to Essar Bulk Terminal Paradip Ltd (EBTPL), a licensee licensed to convert existing berth into a mechanized berth and operate the same for handling its own cargo. We have not received any written comments from the EBTPL till finalization of this case.

5. A joint hearing in the case was held on 3 February 2011 at the premises of the PPT at Bhubaneswar along with another tariff case relating to the proposal filed by PPT for general revision of its tariff. The EBTPL maintained at the joint hearing that wharfage for mechanical operation as per the Scale of Rates of PPT should be levied on its cargo. The PPT has stated that the existing Scale of Rates does not have ambiguity and its reference dated 23 October 2010 made to this Authority for clarifications is unnecessary. Consequently, the PPT prayed for withdrawal of its reference made to this Authority.

6. Since the PPT maintains that no ambiguity in the existing Scale of Rates which requires clarification from this Authority, the case initiated based on the reference made by the PPT is hereby closed as withdrawn without going into the merits of rival contentions.

(Rani Jadhav)
Chairperson