

# **T M International Logistics Limited**

## **Scale of Rates for operations at Berth No.12 of Haldia Dock Complex**

### **As on 9<sup>th</sup> November 2011, Gazette No. 219**

#### **1 Short title of Commencement**

The Scale of Rates set out herein shall be called SCALE OF RATES of the T M International Logistics Limited (TMILL), Berth No. 12, Haldia Dock Complex of the Kolkata Port Trust.

#### **2. Definition**

In this Scale of Rates, unless the context otherwise requires, the following definitions shall apply.

- (i). 'T M International Logistics Limited' shall mean the company registered under Companies Act, 1956 having its registered office at 43, Chowringhee Road, Kolkata – 71.
- (ii). TMILL premises shall mean the area licensed to TMILL including the back up area allotted under the License agreement.
- (iii). 'Day' shall mean the period starting from 6 am of a day and ending at 6 am on the following day.
- (iv). 'Demurrage' shall mean charges payable for storage of cargo within TMILL premises beyond free period as specified in this Scale of Rates and shall not include the cargo stored at the area allotted to a port user on licence basis for storage of cargo during the licence period.
- (v). 'Hazardous I' shall mean the cargo categorized as Hazardous-I in the list of Hazardous Cargo adopted by the Kolkata Port Trust from time to time.
- (vi). 'Month' shall mean 30 consecutive calendar days including holidays unless otherwise specified.
- (vii). 'On Board handling Charges' shall mean charges on Cargo/ Commodity/ Article/ Package/ Container for rendering on board services by the TMILL in the form of supply of manpower for ship loading/ unloading operation.
- (viii). 'On-board supervision' shall mean certain services, both on-board and on-shore, rendered by TMILL during ship to shore/shore to ship transfer operation of cargo for achieving greater productivity/efficiency in vessel-operation.
- (ix). 'Overside Discharge/ Shipment' shall mean the operation of unloading/ loading of cargo ex/into vessel without passing through the quay at the time of discharge/ shipment operation.
- (x). 'Shut out' cargo shall mean export cargo left in the TMILL premises having not been shipped on board the vessel for which it was received for shipment in TMILL premises.
- (xi). 'Stock Cargo' shall mean cargo received at the Port for shipment without export documents.
- (xii). 'TEU' shall mean Twenty Feet Equivalent Unit of container.
- (xiii). 'Transshipment' shall mean transfer of cargo/ container from a sea going vessel/ barge to another sea going vessel/barge for destination to other Port/ Ports.

- (xiv). 'Wharfage' shall mean the basic dues recoverable on all cargo/ container landed or shipped or transhipped within the TMILL premises.

### **3. General Principles of Assessment:**

- (i). The minimum weight/ measurement chargeable shall be 1 tonne/1 CBM although the gross weight/measurement may be less than 1 tonne/1 CBM. In case where the charge is on weight basis and the gross weight is not an exact multiple of 100 Kgs, the same will be rounded off to the next higher multiple of 100 Kgs. Where the gross CBM includes decimals, the same should be rounded off to the next higher whole unit of CBM.
- (ii). Rates applicable for a period/ unit other than weight shall be applicable to the part of a period/ unit thereof.
- (iii). Unless otherwise specified, if TMILL equipment is booked for landing/ shipment of cargo/ container from/ into vessel or for any other purpose by the vessel, equipment hire charge as specified in Section 10.1 shall be levied.
- (iv). Cargo Related Charges shall be levied on the owners of the cargo or their Clearing and Forwarding Agents / Handling Agents except where specified otherwise, or in cases where Ship Owners/Steamer Agents agree to pay such charges.
- (v). Samples, Catalogues and other articles for which Shipping Companies charge no freight and on which no Customs duty is payable, diplomatic mail bags, crew baggage and all goods meant for TMILL's use at Berth no.12, HDC shall be exempted from payment of all cargo related charges.
- (vi). No demurrage shall be charged for the days during which delivery cannot be effected due to strike by the Kolkata Port Trust/ TMILL employees provided, the concerned Importer or his Authorized Agent files the complete delivery documents on payment of all charges prior to commencement of the strike.
- (vii). Interest on delayed payments / refunds:
- (a). The user shall pay penal interest on delayed payments under this Scale of Rates. Likewise, the TMILL shall pay penal interest on delayed refunds.
- (b). The rate of penal interest will be 14.75%. The penal interest rate will apply to both the TMILL and the port users equally.
- (c). The delay in refunds will be counted only 20 days from the date of completion of services or on production of all the documents required from the users, whichever is later.
- (d). The delay in payments by the users will be counted only 10 days after the date of raising the bills by the TMILL. This provision shall, however, not apply to the cases where payment is to be made before availing the services / use of TMILL Terminal facilities as stipulated in the Major Port Trust Act and / or where payment of charges in advance is prescribed as a condition in this Scale of Rates.
- (viii). Before classifying any cargo under "unspecified category" or otherwise, if required, to know the nature of cargo for levy of cargo handling charges, the relevant Customs classification shall be referred to in order to find out whether the cargo can be classified under any of the specified categories mentioned in the schedules.
- (ix). Users will not be required to pay charges for delays, beyond a reasonable level, attributable to TMILL.

- (x). (a). Wherever a specific tariff for a service/ cargo is not available in the notified Scale of Rates, the TMILL can submit a suitable proposal to the TAMP.
- (b). Simultaneously with the submission of proposal, the proposed rate can be levied on an ad hoc basis with due notice to Kolkata Port Trust about levy of such rate, till the rate is finally notified.
- (c). The ad hoc rate to be operated in the interim period must be derived based on existing notified tariffs for comparable services/ cargo; and, it must be mutually agreed upon by the TMILL and the concerned user(s).
- (d). The final rate fixed by the TAMP will ordinarily be effective only prospectively. The interim rate adopted in an ad hoc manner will be recognised as such unless it is found to be excessive requiring some moderation retrospectively.
- (xi). The rates prescribed in this Scale of Rates are ceiling level; likewise the rebates and discounts are floor levels. The TMILL may, if it so desires, change lower rates and/ or allow higher rebates and discounts.
- (xii). The TMILL does not handle the following cargoes at Berth no. 12:
- (a). Thermal Coal in bulk.
- (b). Coking Coal in bulk.
- (a). Various types of coke and other black cargo in bulk.
- (a). Various types of liquid bulk cargo handled through pipelines.
- (xiii). The rate prescribed for handling of containers is applicable for 20 ft. container. For container above 20 ft. and upto 40 ft. the rate would be 150% of the prescribed rate. For containers exceeding 40 ft. the rate would be 200% of the prescribed rate.
- (xiv). In case of coastal cargo/ containers, other than thermal coal, iron ore and iron ore pellets, 60% of the prescribed rates shall be applicable.

#### 4. Wharfage Charges:

4.1 Wharfage on Foreign cargo shall be levied at the rates as mentioned in the table below:

Sl. No.	Particulars	Rate per MT (in ₹)
1	Iron Ore & Sand	17.44
2	Limestone, Pig Iron and other Ferrous metals and all types of ore except iron ore.	34.88
3	Finished Fertilizer, Soda, Sulphur, C.I. Goods, Cement, all types of bag cargo and other dry bulk not specified.	61.04
4	Tubes and pipes, Iron and Steel, Newsprint.	52.32
5	Project cargo and machinery & spares (Immobile units)	61.06
6	Containers	1918.62 per TEU
7	Car, any rubber tyre vehicle, earth moving equipment	3488.39 per unit
8	Logs/ Timber/ Veneer	91.57 per CBM
9	All other Cargo not specified above, except those specified at Section 3(xii).	236.00

4.2 On cargo discharged/ shipped overside, charges shall be levied 70% of the above mentioned rates.

- 4.3. For transshipment of cargo or shifting of cargo on board, charges shall be recovered at 1.5 times the rates specified in 4.1 above.
- 4.4. On shutout/ stock cargo, which is taken back from TMILL premises, 50% of wharfage shall be levied. In addition, on-board handling charges & shore handling charges, as may be applicable, shall be levied if labour and/or equipment are/ is supplied by TMILL for handling of cargo.  
No additional wharfage shall be levied on shutout cargo if the same is subsequently shipped without being removed from port premises.

## 5. On-Board Charges:

5.1 On-Board Charges shall be levied on Foreign cargo at the rates as mentioned in the table below:

Sl. No.	Particulars	Rate per MT (in ₹)
1	Limestone, Pig Iron and other Ferrous metals and all types of ore.	26.16
2	Finished Fertilizer, Soda, Sulphur, C.I. Goods, Cement, all types of bag cargo and other dry bulk not specified.ore.	26.16
3	Tubes and pipes, Logs, Iron and Steel, Newsprint.	69.77
4	Project cargo and machinery & spares (Immobile units)	34.88
5	Containers (TEU)	239.83 per TEU
6	Car, any rubber tyre vehicle, earth moving equipment	43.60 per unit

- 5.2 On cargo discharged / shipped overside, charges shall be levied 70% of the abovementioned rates.
- 5.3 For transshipment of cargo or shifting of cargo on board, charges shall be recovered at 1.5 times the rates specified in 5.1 above.

## 6. On-board supervision:

- 6.1 On-board supervision charges shall be levied for the following services provided by TMILL at berth no. 12 terminal in respect of import/ export cargo at the rates specified below:
- Unlashing of import cargo.
  - Lashing, securing and dunnaging of export cargo.
  - Providing slings and gears for the cargo handling operation.
  - Tally survey of cargo during discharge.
  - Survey of cargo quality discharged/ shipped.
  - Placement and removal of dunnages at jetty during discharge.
  - Heaping of cargo at hook point.
  - Supervising/ monitoring/ directing the entire cargo handling work during vessel operation including queuing of trailers/ dumper from plot to jetty and vice versa in order to achieve better discharge/ loading thereby reducing the turnaround of the vessel.

Sl. No.	Particulars	Rate per MT (in ₹)
1	Limestone, Pig Iron and other Ferrous metals, all types of ore and other dry bulk cargo	12.70
2	Tubes and pipes, Logs, Iron and Steel, Newsprint discharged from the ship.	78.49
3	Tubes and pipes, Logs, Iron and Steel, Newsprint shipped into ship.	125.96
4	Project cargo and machinery & spares (Immobile units)	145.35
5	Containers	242.25 per TEU
6	Car, any rubber tyre vehicle, earth moving equipment	2906.99 per unit

## 7. Loading/Unloading/Re-Stacking:

7.1 Following charges for supply of manpower and equipment for loading/ un-loading/ re-stacking of Foreign cargo shall be levied at the rates specified in the table below:

Sl. No.	Particulars	Rate per MT (in Rs.)
1	Limestone, Pig Iron and other Ferrous metals and all types of ore.	17.44
2	Soda, Sulphur, C.I. Goods, Cement, all types of bag cargo and other dry bulk not specified.	38.76
3	Tubes and pipes, Logs, Iron and Steel, Newsprint.	43.61
4	Project cargo and machinery & spares including their packages weighing less than 20 tonnes.	43.61
5	Containers	156.97 per TEU

Note: For removal of doubts it is hereby clarified that where equipment support is provided and charges are levied under clause 10 – ‘Miscellaneous charges’ then no separate levy will be made under this section.

7.2 Where a cargo is unloaded and stacked simultaneously at the place of unloading, then it would amount to one operation only.

7.3 Where hoppers are used for the unloading of cargo from the vessel and dumpers are loaded using the hopper then it would constitute one operation of loading activity.

## 8. Transportation

8.1 The following charges shall be levied on cargo, for which TMILL Terminal undertakes any transportation within the port limits.

Sl. No.	Particulars	Rate per MT (in ₹)
1	Limestone, Pig Iron and other Ferrous metals and all types of ore.	30.51
2	Soda, Sulphur, C.I. Goods, Cement, all types of bag cargo and other dry bulk not specified.	30.51
3	Tubes and pipes, Logs, Iron and Steel, Newsprint weighing less than 20 tonnes.	30.51
4	Project cargo and machinery & spares including their packages weighing less than 20 tonnes.	30.51
5	Containers (TEU)	261.62 per TEU

## 9. DEMURRAGE

9.1 Demurrage shall be levied on Import cargo (other than containerised cargo) after allowing a demurrage-free period as specified below: -

Sl. No.	Description	Demurrage-free period
1.	Hazardous-I cargo	Actual date of landing
2.	All other cargo except those mentioned at Sl. No. 1,3 & 4	3 days after the last landing date of the vessel by which the cargo is imported.
3.	Non-hazardous cargo using port equipment for delivery, non-hazardous cargo for Nepal and Bhutan, Log, Timber and Veneer.	6 days after the last landing date of the vessel by which the cargo is imported.

4.	Cargo imported by voluntary/relief organization like Missionaries of Charity, Bharat Sevashram Sangha, Ramkrishna Mission, CARE, CRS, WFP and others as may be accepted by Kolkata Port Trust from time to time on the basis of certification by the Appropriate Govt. Authority of Central Govt./State Govt. and Govt. of Nepal/ Bhutan or their local Consulate General.	30 days after the last landing date of the vessel by which the cargo is imported.
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**Note** Last Landing Date (LLD) is the date on which a vessel completes her import discharge. However, TMILL may declare any other date as such LLD for cargo already discharged from the vessel when the vessel is not doing cargo operation work in working berth for more than 24 hours for any fault/ reason not attributable to TMILL. In such cases, a vessel may have more than one LLD.

i) For the purpose of calculation of free time, Customs notified holidays and the KoPT/ TMILL's non-operational days shall be excluded. Sundays shall not be excluded for the purpose of calculation of free time unless Customs notified holidays and the KOPT/ TMILL's non-operational days fall on Sundays.

After demurrage charge begins to accrue no allowance is made for Customs notified holidays or KOPT/ TMILL's non-operational days.

9.2 Demurrage on Import cargo (except log, timber, veneer) shall be levied after the expiry of demurrage free period at the following rates: -

Sl. No.	Type of cargo	Rate in Rupees per tonne per day or part thereof.	
		For the first 15 days.	16 <sup>th</sup> day onwards
1.	Hazardous – I	125.65 per tonne	147.82 per tonne
2	All other cargo	29.57 per tonne	44.34 per tonne

9.3 Demurrage on Import log, timber, veneer shall be levied after the expiry of demurrage free period at the following rates: -

Sl. No	Type of cargo	Rate in Rupees per CBM per day or part thereof.		
		For the first 7 days.	8 <sup>th</sup> to 14 <sup>th</sup> day	From 15 <sup>th</sup> day onwards
1.	Log, Timber, Veneer	4.44	8.87	13.29

9.4 No demurrage shall be levied on export/stock cargo, except Hazardous-I category, if such cargo is shipped within 30 days from the date of receipt. However, after the 31<sup>st</sup> day, demurrage on such cargo shall be levied @ ₹29.57 per tonne per week or part thereof from the date of receipt till the date of shipment.

9.5 Export cargo of Hazardous-I category shall be received only for direct shipment. In case such cargo is not shipped on the date of receipt, demurrage shall be levied at rate of ₹125.65 per tonne per day or part thereof from the day following the date of receipt upto the date of shipment or removal from port premises.

9.6 Demurrage shall be levied on shutout/stock cargo, other than Hazardous I cargo, @ ₹7.39 per tonne per day or part thereof from the date of receipt of cargo upto the date of removal of cargo from the port premises without being shipped. If shutout cargo is shipped by any subsequent vessel provision of clause.9.4 shall apply.

9.7 On cargo/commodity which is received neither as import nor as export nor as stock for shipment, demurrage shall be levied @ ₹29.57 per tonne per day or part thereof from the date of receipt upto the date of removal of the cargo from the port premises.

- 9.8 On uncleared /Customs confiscated cargo sold by auction or tender or private agreement or in any other manner demurrage shall be levied at the rates specified at clause 9.2 or 9.3, as the case may be, after allowing free time of 10 days after the date the cargo is made available for delivery.
- 9.9 The demurrage on cargo shall not accrue for the period during which the TMILL is not in a position to deliver cargo for reasons attributable to the TMILL when requested by the user.

**10. Storage and Miscellaneous Services:**

10.1 Charges shall be levied for the following services/facility as per table below –

Sl.No	Particulars	Rate (in ₹)
1	Despatch related services for opening, cleaning and closing of wagons	5.81 per MT
2	Lease rentals for short term allotment of Hard stand land	39.33 per sq.mtr per month
3	Lease rentals for short term allotment of Hard stand Covered shed	62.01 per sq.mtr per month
4	Lease rentals for short term allotment of bare land	25.29 per sq.mtr per month
5	Charges for supply of unskilled labour	123.18 per manshift
6	Equipment hire charges for Front end loaders of Bucket capacity exceeding 3.5 CBM	9854.21 per shift
7	Equipment hire charges for Front end loaders of Bucket capacity not exceeding 3.5 CBM	4927.10 per shift
8	Equipment hire charges for Forklift of capacity below 10 MT	2052.96 per shift
9	Equipment hire charges for Forklift of capacity between 10 MT and 20 MT	9854.21 per shift
10	Placement and Removal of dunnages at plot for steel cargo wherever customer demands	9.69 per MT
11	Clearing and Forwarding	4.36 per MT
12	High heaping of bulk cargo at plot	19.90 per MT
13	Equipment assistance charges for Harbour Mobile Crane of 104 MT	35.30 per MT
14	Cleaning of Jetty/ deck and water sprinkling for bulk cargo handling wherever necessary for bulk cargo handling.	4.00 per MT

- 10.2 Equipment hire charges shall be levied at 50% of the specified rates wherever the deployment of equipment is less than or equal to 4 hours in any shift.
- 10.3 The licensing of open/ covered space by TMILL within its allotted area for a period of up to (11) eleven months on monthly rent basis for storage of import/ export cargo may be done without recourse to a tender procedure. The following conditions shall be followed in such cases:
- (i). The period of license shall not exceed (11) eleven months.
  - (ii). The space allotted shall not be subletted/ assigned/ transferred/ shared by the allottees.
  - (iii). Encroachment or unauthorized occupation of land and Railway Tracks etc. by the licensee will involve a liability to pay a penalty at the rate of ten times the scheduled license fee in addition to the cost of rectification of damages caused to the TMILL's properties. If the licensee fails to remove the cargo from the encroached area in spite of notice to do so, the cargo will be removed elsewhere within TMILL's allotted area by TMILL at the risk and cost of the licensee and penal license fee at the rate of ten times the normal rate will be levied on the space occupied by the cargo so removed.

- (iv). Cargo stored under a license shall be at the entire risk and responsibility of the licensee. The licensee shall post his own watchman to safeguard the cargo stored at the allotted space and to prevent any unauthorized occupation of such space by others.
- (v). The licensee shall not construct or put up any building, erection or convenience on space occupied under license.
- (vi). In case the licensee fails to hand over the space in vacant possession on the date of expiry of the license, TMILL shall levy normal demurrage charges as per TMILL's Scale of Rates as applicable from time to time for the period the cargo remains in TMILL's premises beyond the period for which the license was granted.
- (vii). The licensee shall agree to comply with all rules and directions issued by TMILL from time to time. If the licensee neglects to comply with such rules or directions, TMILL may terminate the license.
- (viii). The license is terminable on 15 days' notice on either side. No claim for any compensation whatsoever for revocation of the license will be entertained.
- (ix). The licensee shall agree that all payments and expenses of whatever sort due to TMILL in respect of the license be recovered at the rates prescribed on TMILL's Scale of Rates from time to time.
- (x). The licensee shall comply with all instructions, rules or regulations that may from time to time be issued by KOPT, Municipal Authority, the Chief Controller of Explosives, Government of India or whosoever concerned in relation to storage of cargo.
- (xi). The license fee will be charged from the date of handing over possession of the land on the actual area to be found on demarcation.
- (xii). When the storage area is allotted on license basis for storage of import / export cargo, demurrage on cargo stored in the licensed premises shall not be levied again.
- (xiii). The licensee shall be required to utilize the allotted land for the purpose for which it is licensed. No change in purpose of utilization will be allowed without specific written permission from TMILL.
- (xiv). The licensee will not cause any damage to TMILL's properties. If, however, any damage is caused, the licensee shall be liable to make good the damages at his own cost and arrangement to the satisfaction of TMILL.
- (xv). The licensee shall have to make his own arrangements to keep the allotted land and its surroundings neat, clean and in proper sanitary condition.

#### **11. Rebates/Refunds:**

In case a vessel idles at berth no. 12 due to non-availability or breakdown of the port equipment or power failure at TMILL or for any other reasons attributable to TMILL, rebate equivalent to the berth hire charges accrued during the idling period of vessel shall be allowed.

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