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**Tariff Authority for Major Ports**

G.No. 07

New Delhi,

10 January 2018

**NOTIFICATION**

In exercise of the powers conferred by Sections 48, 49 and 50 of the Major Port Trusts Act, 1963 (38 of 1963), the Tariff Authority for Major Ports hereby disposes of the proposal received from M/s. Bharat Mumbai Container Terminal Private Limited (BMCTPL) for notification of the Scale of Rates for the 4<sup>th</sup> Container terminal developed on Design, Build, Finance, Operate and Transfer (DBFOT) basis under PPP model at Jawaharlal Nehru Port Trust (JNPT).

**(T.S. Balasubramanian)**  
Member (Finance)

**Tariff Authority for Major Ports**  
**Case No. TAMP/71/2017-BMCTPL**

M/s Bharat Mumbai Container Terminal Private Limited

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Applicant

**QUORUM:**

- (i). Shri. T.S. Balasubramanian, Member (Finance)
- (ii). Shri. Rajat Sachar, Member (Economic)

**O R D E R**

(Passed on this 27<sup>th</sup> day of December 2017)

This case relates to the proposal received from M/s. Bharat Mumbai Container Terminal Private Limited (BMCTPL) for notification of the Scale of Rates for the 4<sup>th</sup> Container terminal developed on Design, Build, Finance, Operate and Transfer (DBFOT) basis under PPP model at Jawaharlal Nehru Port Trust (JNPT).

2.1. It may be recalled that this Authority has passed an Order No.TAMP/40/2008-JNPT dated 25 February 2009 fixing upfront tariff for the Container Terminal to be developed at JNPT, based on guidelines for upfront tariff setting for PPP Projects at Major Port Trust, 2008.

2.2. Subsequently, based on the stipulations contained in the Reference Tariff Guidelines of 2013, the JNPT in August 2013 had submitted a proposal for fixation of Reference tariff for the 4<sup>th</sup> container terminal at JNPT, by adopting the upfront tariff fixed in respect of the container terminal at JNPT in the year 2009. Accordingly, this Authority vide its Order no. TAMP/29/2013-JNPT dated 13 August 2013 has approved the Reference tariff for the 4<sup>th</sup> Container Terminal at JNPT.

2.3. The JNPT has entered into a Concession Agreement with BMCTPL on 06 May 2014 for development of 4<sup>th</sup> container terminal at JNPT on Design, Build, Finance, Operate and Transfer (DBFOT) basis. The Concession Agreement includes the extract of Tariff Notification appended as Appendix-12 to the Concession Agreement.

3. In this backdrop, the BMCTPL vide its letter dated 25 September 2017 has made the following submissions:

- (i). Approval is sought for fixation of Reference tariff for the period from 01 April 2017 to 31 March 2018.
- (ii). The equalized rates for containers moving by rail and road fixed by TAMP vide its Order no. TAMP/15/2017-JNPT dated 03 April 2017 has also been incorporated in the tariff schedule.
- (iii). Charges for special services provided to customers has also been incorporated in the tariff schedule.
- (iv). Indexation factor as announced by TAMP has been considered to determine the rates for 2017.

4.1. A copy of BMCTPL's proposal dated 25 September 2017 was forwarded to the Licensor Port JNPT vide our letter dated 09 October 2017 requesting JNPT to furnish its comments on the proposal made by BMCTPL including draft Scale of Rates. The JNPT was also requested to indicate the date/ likely date of commencement of commercial operation by the BMCTPL at the facility and was also requested to furnish a copy of the Completion Certificate issued by the Independent Engineer and a copy of the License Agreement entered between JNPT and BMCTPL.

4.2. Simultaneously, the BMCTPL was requested vide our letter dated 09 October 2017 to indicate the date/ likely date of commencement of commercial operation at the facility and to furnish the copy of the Completion Certificate issued by the Independent Engineer.

5.1. After a reminder dated 10 November 2017, the JNPT vide its letter dated 18 November 2017 has furnished the copy of the Concession Agreement dated 06 May 2014, entered into by it with BMCTPL and has made the following submissions:

- (i). The JNPT has entered into a Concession Agreement with BMCTPL for development of 4<sup>th</sup> container terminal at JNPT on Design, Build, Finance, Operate and Transfer (DBFOT) basis.
- (ii). The phase – I is expected to be completed on 22 December 2017.
- (iii). With regard to notification of tariff, the following is submitted:
  - (a). Annexure – 3 – regarding 'Special services provided to customers for each commodity/ category of commodities and each service/ category of services or combination of service or services.
  - (b). Rates are revised based on the indexation of tariff caps fixed in Reference tariff cases for PPP projects at the Major Port Trusts with reference to variation in Wholesale Price Index (WPI).
  - (c). Equalisation of rates for Rail and Road in Clause 3.1 A, B, C and D is in accordance with TAMP's Order no. TAMP/15/2017-JNPT dated 03 April 2017.
- (iv). The BMCTPL has informed that they are likely to commence the operations from 23 December 2017 and the commercial operation will be commenced from 1<sup>st</sup> January 2018, as all the facilities to handle containers will be ready as per schedule i.e. 22 December 2017.
- (v). The inspection of all the facilities is in progress and it is expected that the provisional Completion Certificate will be issued by Independent Engineer by 22 December 2017. Once the Certificate is issued by the Independent Engineer, the same will be forwarded to TAMP and notification can be issued by TAMP as requested by BMCTPL.

5.2. Even the BMCTPL vide its e-mail dated 21 November 2017 has stated that BMCTPL's likely start date of commercial operations is 23 December 2017 and that the Completion certificate will be forwarded through JNPT by 22 December 2017. Thus, the BMCTPL has requested to award the tariff early.

6.1. As per Section 48 read with Section 42(4) of the Major Port Trusts (MPT) Act, 1963, any person authorised by the Major Port Trusts to render services can levy tariff based on the Scale of Rates (SOR) notified by this Authority. That being so, the BOT operators governed under the tariff guidelines 2013 who have been authorised by Major Port Trust under Section 42(3) of the MPT Act 1963, need to get the indexed SOR notified in their name well before the commencement of operations.

6.2. As per General note to Chapter 2 & 3 in the reference tariff schedule for the 4<sup>th</sup> container terminal approved by this Authority vide Order No. TAMP/29/2013-JNPT dated 13 August 2013, tariff caps will be indexed to inflation to an extent of 60% of the variation in the WPI occurring between 1 January 2013 and 1 January of the relevant year.

6.3. The base year for the reference tariff and the corresponding annual escalation for the year 2014-15, 2015-16, 2016-17 and 2017-18 has been announced by this Authority and communicated to all the Major Port Trusts including JNPT. Accordingly, the annual indexation factor announced by this Authority is as under:

Year	Annual Indexation Factor
2014-15	3.78%

2015-16	2.29%
2016-17	NIL
2017-18	1.20%
Cumulative	7.43%

6.4. Thus in short, the BMCTPL has come up for notification of Scale of Rates in its name, in the event of it proposing commencement of operations from 23 December 2017.

7. With reference to the totality of information collected during the processing of this case, the following position emerges:

- (i). This Authority has passed an Order No. TAMP/29/2013-JNPT dated 13 August 2013 fixing reference tariff based on the proposal filed by the Jawaharlal Nehru Port Trust (JNPT) for the 4<sup>th</sup> Container Terminal at JNPT. The said Order was notified in the Gazette of India Extraordinary (Part III Section 4) on 05 December 2013 vide Gazette No.331.
- (ii). The JNPT has entered into Concession Agreement (CA) with M/s. Bharat Mumbai Container Terminal Private Limited (BMCTPL) for development of the 4<sup>th</sup> Container terminal at JNPT on Design, Build, Finance, Operate and Transfer (DBFOT) basis on 06 May 2014 for a period of 30 years.
- (iii). As brought out earlier, as per Section 48 read with Section 42(4) of the Major Port Trusts (MPT) Act, 1963, the Scale of Rates leviable by any person authorised by the Major Port Trusts to render services requires to be notified by this Authority. That being so, the BOT operators governed under the tariff guidelines 2013 who have been authorised by Major Port Trust under Section 42(3) of the MPT Act 1963, need to get the indexed SOR notified in their name before the commencement of operations. Accordingly, the BMCTPL has approached this Authority with a request to notify the Scale of Rates in its name, since it envisages commencement of its commercial operation from 23 December 2017. In this connection, the licensor port JNPT has also confirmed that the BMCTPL is likely to commence the operations from 23 December 2017, as all the facilities to handle containers will be ready by 22 December 2017. Thus, the BMCTPL is advised to commence its operations and start levying the rates based on the Scale of Rates approved by this Authority, only after the Independent Engineer certifies that the Project can be safely and reliably placed in commercial service of the users thereof, and that the Project has been declared fit for entry into commercial operation.
- (iv). (a). With reference to the indexation of the reference tariff fixed vide Order dated 13 August 2013, it is relevant here to mention that the General Note in the Scale of Rates (SOR) approving the reference tariff, state that the tariff caps will be indexed to inflation but only to an extent of 60% of the variation in Wholesale Price Index (WPI) occurring between 1 January 2013 and 1 January of the relevant year. The general note explicitly states that the base year for WPI escalation has to be 1 January 2013.
- (b). As brought out earlier, the applicable cumulative escalation factor to be applied on the base tariff of 2013 to arrive at the indexed SOR as in the year 2017 is 7.43%. Accordingly, the BMCTPL has arrived at the proposed rates by applying the applicable cumulative escalation factor of 7.43% on the reference tariff caps notified in August 2013. The proposed rates furnished by BMCTPL have been verified and found to be correct.
- (v). Based on the proposal filed by the JNPT, this Authority while disposing of the general revision proposal of JNPT vide Order no. TAMP/48/2016-JNPT dated 04 January 2017 has approved equalized rates for movement of containers by road and by rail, for the container terminal operated by the port itself. Subsequently, again based on the proposal filed by the JNPT, this Authority vide its Order no, TAMP/15/2017-JNPT dated 29 March 2017 has, in tandem to the Scale of Rates of

JNPT, prescribed equalized rates for movement of normal and reefer containers by road and rail, in respect of the two other BOT Operators operating at JNPT viz., Nhava Sheva International Container Terminal Pvt. Ltd. (NSICT) and Gateway Terminal India Pvt. Ltd. (GTIPL), whose tariff fixation is governed by 2005 Tariff Guidelines.

The BMCTPL in its proposed Scale of Rates, in addition to the indexed tariff, has also proposed equalised rates for movement of normal, reefer, hazardous and over dimensional containers, by road and rail.

Further, the BMCTPL has also sought prescription of tariff for some special services viz. Fixing/ removal of seal, Fixing/removal of Hazardous Sticker, One Door Open Charges per container, On-Wheel Customs inspection/ seal verification charges, Fumigation charges, Charges for fresh supply of Water, Sending containers survey report, photo at gate, documentation charges, charges for clearance of garbage on board, weighment charges and pre-cooling charges.

In this regard, it is to state that the Clause 2.8 of the reference tariff guidelines based on which reference tariff has been fixed for the JNPT, stipulates invitation of bids for award of PPP projects and evaluation of the same based on the then prevailing Reference tariff. The reference tariff is subject to review only to the extent of annual indexation or performance linked indexation. The Reference Tariff Guidelines does not provide for review of Reference tariff from time to time on intervention by this Authority after award of the Project. Incidentally, with regard to the above referred Orders relating to prescription of equalized rates for movement of containers by road and by rail, such equalized rates have not been approved in respect of another container terminal in JNPT viz., Nhava Sheva Gateway Terminal India Pvt. Ltd. (NSIGTPL), as the said Operator is governed by the upfront tariff guidelines of 2008, which also does not provide for review of Upfront tariff from time to time on intervention by this Authority after award of the Project.

Thus, prescription of rates for special services and equalized tariff for road rail movement in the Scale of Rates approved in respect of BMCTPL as requested by BMCTPL, is seen to be beyond the scope of the Reference Tariff Guidelines. Since the Guidelines have been issued to this Authority by the Ministry of Shipping (MOS) as a policy direction under Section 111 of the Major Port Trusts Act, 1963, permission is being sought from the MOS, for prescription of rates for special services and equalized tariff for road and rail movement in the Scale of Rates of BMCTPL. However, considering that the BMCTPL envisages to commence its operations from 23 December 2017, it is not felt appropriate to await the permission from the MOS, to notify the Scale of Rates for BMCTPL. Therefore, this Authority notifies the Scale of Rates for BMCTPL, based on the Reference tariff as approved in August 2013 with the applicable indexation factor, at this juncture.

- (vi). This Authority vide Order dated 13 August 2013 has notified the SOR alongwith Performance Standard as proposed by JNPT as per the Reference Tariff Guidelines. Therefore, the performance standard as approved by this Authority in the Order dated 13 August 2013 is also included in the proposed SOR of BMCTPL and notified.
- (vii). The Government of India in the Ministry of Shipping (MOS) undercover of its letter No. PT-11033/51/2014-PT dated 11 November 2014 has forwarded a copy of the guidelines on priority berthing of coastal vessels at Major Port issued vide letter No.PT-11033/51/2014-PT dated 4 September 2014 to this Authority. Accordingly, this Authority vide its Order no. TAMP/52/2014-Genl. dated 28 November 2014 has, interalia, approved the replacement of definition of 'Coastal Vessel' prescribed in the existing SOR of all the Major Port Trusts as follows:

“Coastal vessel” shall mean any vessel exclusively employed in trading between any port or place in India to any other port or place in India having a valid coastal license issued by the Director General of Shipping/ Competent Authority.”

Therefore, the definition of Coastal Vessel proposed by the NSIGTPL is modified with the above mentioned definition of ‘Coastal Vessel’ to reflect the position contained in MOS letter dated 11 November 2014.

(viii). All the other conditionalities governing the application of the rates as approved in the Scale of Rates of the Order dated 13 August 2013 are retained subject to the following:

- (a). This Authority, in view of the clarification sought by the V.O. Chidambaranar Port Trust regarding levy of concessional charges for coastal cargo/ container has passed an Order No.TAMP/53/2015-VOCPT dated 29 September 2015 regarding system of clarification of vessels for levy of vessel related charges and the time of incidence of vessel related charges and cargo related charges at concessional coastal rate based on the recommendations of Directorate General (DG) Shipping. The provisions approved in the said Order were further amended vide Order No.TAMP/53/2015-VOCPT dated 26 November 2015. The said Order passed is for common adoption by all the Major Port Trusts. Subsequent to the said Order, the DG Shipping vide its letter no.SD-9 CHART(309)/2016 dated 20 May 2016 has issued further clarification on the provision approved in the 26 November 2015 Order. This Authority has accordingly passed a clarificatory Order slightly amending the provision prescribed in para 9A (ii) and 10(ii) of the Order dated 26 November 2015. The amended provisions approved by this Authority in the said Order has been updated accordingly, in the Scale of Rates of BMCTPL as note no. (ii), (iii) and (iv) in place of note no. (ii) under General terms and conditions notified vide Order dated 13 August 2013. The subsequent note nos. are consequently renumbered.
- (b). The General note to Chapter (2) and (3) proposed by BMCTPL states that the tariff caps will be indexed to inflation but only to the extent of 60% of the variation in Wholesale Price Index (WPI) occurring between 1 January 2017 and 1 January of the relevant year. Such automatic adjustment of tariff caps will be made every year and the adjusted tariff caps will come into force from 1 April of the relevant year to 31 March of the following year. This general note is seen to be in line with the prescription in the Scale of Rates of other BOT operators governed under 2013 guidelines who have commenced the operations.

9.1. In the result, and for the reasons given above, and based on the collective application of mind, this Authority approves notification of Scale of Rates and Performance Standards for the 4<sup>th</sup> Container Terminal in the name of BMCTPL operating at JNPT attached as **Annex- I** and **Annex- II** respectively.

9.2. The Scale of Rates notified for BMCTPL will come into force from the date of commencement of commercial operations by BMCTPL, i.e. after the Independent Engineer certifies that the Project can be safely and reliably placed in commercial service of users thereof, and that the project has been declared fit for entry into commercial operation.

9.4. The BMCTPL is expected to perform at least at the performance norms brought out in the Concession agreement.

10.1. From the date of Commercial Operation (CoD) till 31st March of the same financial year, the tariff would be limited to the indexed Reference Tariff relevant to that year, which would be the ceiling. The aforesaid Reference Tariff shall be automatically revised every year based on an

indexation as provided in para 2.2 of the guidelines of 2013 which will be applicable for the entire concession period.

However, the BMCTPL would be free to propose a tariff along with Performance Standards (the "Performance Linked Tariff") from the second year of operation onwards, over and above the indexed Reference Tariff for the relevant financial year, at least 90 days before the 1<sup>st</sup> April of the ensuing financial year. Such Performance Linked Tariff shall not be higher than 15% over and above the indexed Reference Tariff for that relevant financial year (and this will be the Tariff Cap). The Performance Linked Tariff would come into force from the first day of the following financial year and would be applicable for the entire financial year.

10.2. The proposal shall be submitted by BMCTPL to this Authority along with a certificate from the independent engineer appointed under the Concession Agreement of the Project indicating the achievement of Performance Standards in the previous 12 months as incorporated in the Concession Agreement or for the actual number of months of operation in the first year of operation as the case may be.

10.3. On receipt of the proposal, this Authority will seek the views of the JNPT on the achievement of Performance Standards as outlined in para 5 of the Tariff Guidelines of 2013, within 7 days of receipt.

10.4. In the event of BMCTPL not achieving the Performance Standards as incorporated in the Concession Agreement in previous 12 months, this Authority will not consider the proposal for notifying the Performance Linked Tariff for the ensuing financial year and the BMCTPL shall be entitled to only the indexed Reference Tariff applicable for the ensuing financial year.

10.5. After considering the views of the JNPT, if this Authority is satisfied that the Performance Standards as incorporated in the Concession Agreement have been achieved, it shall notify the performance linked tariff by 15<sup>th</sup> of March to be effective from 1<sup>st</sup> of April of the ensuing financial year.

10.6. While considering the proposal for Performance Linked Tariff, this Authority will look into the Performance Standards and its adherence by the Operator. This Authority will decide on the acceptance or rejection of the Performance Linked Tariff proposal based on the achievement or otherwise of the Performance Standards by the BMCTPL. Determination of indexed Reference Tariff and Performance Linked Tariff will follow the illustration shown in the Appendix attached to the Tariff Guidelines of 2013.

10.7. From the third year of operation, the Performance Linked Tariff proposal from the BMCTPL shall be automatically notified by this Authority subject to the achievement of Performance Standards in the previous 12 months period as certified by the Independent Engineer. The BMCTPL, for the Performance Linked Tariff from the third year onwards, will submit the Performance Linked Tariff proposal along with the achievement certificate from the independent engineer by 1<sup>st</sup> March and this Authority shall notify by 20<sup>th</sup> March, the Performance Linked Tariff to be effective from the ensuing financial year.

10.8. In the event any user has any grievance regarding non-achievement by the PPP operator of the Performance Standards as notified by this Authority, he may prefer a representation to this Authority which, thereafter, shall conduct an inquiry into the representation and give its finding to the JNPT. The JNPT will be bound to take necessary action on the findings as per the provisions of the respective Concession Agreement.

10.9. The BMCTPL shall furnish to this Authority, quarterly reports on cargo traffic, ship berth day output, average turnaround time of ships, average pre-berthing waiting time as well as the tariff realized at the berth. In addition, quarterly reports shall also be provided on average moves per crane hour and average dwell time for containers. The quarterly reports shall be submitted by the BMCTPL within a month following the end of each quarter. Any other information which may be required by this Authority shall also be furnished to them from time to time.

10.10. If any question arises requiring clarifications or interpretation of the Scale of Rates and the statement of conditionalities, the matter shall be referred to this Authority and its decision in this regard will be binding on the BMCTPL.

10.11. The actual performance of the BMCTPL shall be monitored by this Authority. If any complaint regarding quality of service is received, this Authority shall enquire into such allegation and forward its findings to the JNPT. If any action is to be taken against the BMCTPL, the JNPT shall initiate appropriate action in accordance with the provisions of the relevant Concession Agreement.

11. This Authority shall publish on its website all such information received from BMCTPL. However, this Authority shall consider a request from BMCTPL about not publishing certain data/ information furnished which may be commercially sensitive. Such requests should be accompanied by detailed justification regarding the commercial sensitiveness of the data/information in question and the likely adverse impact on their revenue/operation of upon publication. This Authority's decision in this regard would be final.

**(T.S. Balasubramanian)**  
Member (Finance)



**BHARAT MUMBAI CONTAINER TERMINAL PRIVATE LIMITED**

**SCALE OF RATES**

**CHAPTER 1 – DEFINITIONS & GENERAL TERMS & CONDITIONS**

**1.1. DEFINITIONS – GENERAL**

- (i). **“Coastal vessel”** shall mean any vessel exclusively employed in trading between any port or place in India to any other port or place in India having a valid coastal license issued by the Director General of Shipping/ Competent Authority.
- (ii). **“Foreign-going vessel”** shall mean any vessel other than Coastal vessel.
- (iii). **“FCL”** means Containers said to contain Full Container Load.
- (iv). **“LCL”** means Containers said to contain Less than full Container Load (Container having cargo of more than one importer/exporter).
- (v). **“Hazardous container”** means a Container containing hazardous goods as classified under IMO.
- (vi). **“Import container”** means a container discharged from one vessel, stored in container yard and transported out through Road or Train.
- (vii). **“Export container”** means a container arrived by road or Train, stored in container yard and loaded on the assigned vessel.
- (viii). **“Port area”** means the custom bound area / Port operational Area of the Port.
- (ix). **“Normal Container”** shall mean general type containers, not falling under special categories mentioned subsequently.
- (x). **“Reefer Container”** shall mean a refrigerated container used for carriage of perishable goods with provision for electrical supply to maintain the desired temperature.
- (xi). **“Hazardous Container”** shall mean a container containing hazardous goods as classified under IMO.
- (xii). **“Transshipment Container”** shall mean a container, which is discharged from one vessel, stored in the yard and transported through other vessel.
- (xiii). **“Over dimensional Container”** shall mean a container carrying over dimensional cargo beyond the normal size of standard container and needing special devices like slings, shackles, lifting beam etc. They also include damaged containers and other types which require special devices.
- (xiv). **“Shut out Container”** shall mean a container which enters into the port as an export intake for a particular vessel (as indicated by the Vessel Identification Advice Number, i.e. VIA No.) and is not connected to the particular vessel for reasons whatsoever, then the container is termed to be a shutout container.
- (xv). **“Back To Town Container”** shall mean a container entering the port for export but unable to be exported for whatever reason and taken back to town.
- (xvi). **“VIAN”** means Vessel Identification Advise Number.

## 1.2. GENERAL TERMS & CONDITIONS

- (i). The status of the vessel, as borne out by its certification by the Customs or the Director General of Shipping, shall be the deciding factor for its classification as 'coastal' or 'foreign-going' for the purpose of levying vessel related charges; and, the nature of cargo or its origin will not be of any relevance for this purpose.
- (ii). System of classification of vessel for levy of Vessel Related Charges (VRC)
  - (a). A foreign going vessel of Indian flag having a General Trading Licence can convert to coastal run on the basis of a Customs Conversion Order. Such vessel that converts into coastal run based on the Customs Conversion Order at her first port of call in Indian Port, no further custom conversion is required, so long as it moves on the Indian Coast.
  - (b). A Foreign going vessel of foreign flag can convert to coastal run on the basis of a Licence for Specified Period or Voyage issued by the Director General of Shipping and a custom conversion order.
- (iii). Criteria for levy of Vessel Related Charges (VRC) at Concessional Coastal rate and foreign rate:
  - (a). In cases of such conversion, coastal rates shall be chargeable by the load port from the time the vessel starts loading coastal goods.
  - (b). In cases of such conversion coastal rates shall be chargeable till the vessel completes discharging operations at the last call of Indian Port; immediately thereafter, foreign going rates shall be chargeable by the discharge ports.
  - (c). For dedicated Indian coastal vessels having a Coastal licence from the Director General of Shipping, no other document will be required to be entitled to coastal rates.
- (iv). Criteria for levy of Cargo Related Charges (CRC) at Concessional Coastal rate
  - (a). Foreign going Indian Vessel having General Trading License issued for 'worldwide and coastal' operation should be accorded applicable coastal rates with respect to Handling Charges (HC) i.e. ship to shore transfer and transfer from/ to quay to/ from storage yard including wharfage in the following scenario:
    - (i). Converted to coastal run and carrying coastal cargo from any Indian Port and destined for any other Indian Port.
    - (ii). Not converted\* to coastal run but carrying coastal cargo from any Indian Port and destined for any other Indian Port.
      - \* The Central Board of Excise and Customs Circular no.15/2002-Cus. dated 25 February 2002 allows carriage of coastal cargo from one Indian port to another port in India, in Indian flag foreign going vessels without any custom conversion.
  - (b). In case of a Foreign flag vessel converted to coastal run on the basis of a Licence for Specified Period or Voyage issued by the Director General of Shipping, and a Custom Conversion Order, the coastal cargo/ container loaded from any Indian Port and destined for any other Indian Port should be levied at the rate applicable for coastal cargo/ container.
- (v). Vessel related charges shall be levied on Ship owners / Steamer Agents.

- (vi).
  - (a). The Vessel related charges for all Coastal vessels should not exceed 60% of the corresponding charges for other vessels.
  - (b). The container related charges for all Coastal should not exceed 60% of the normal container related charges.
  - (c). In case of container related charges, the concession is applicable on composite box rate. Where itemized charges are levied, the concession will be on all the relevant charges for ship-shore transfer, and transfer from / to quay to / from storage yard as well as wharfage on cargo and containers.
  - (d). For the purpose of this concession, container from a foreign port which reaches an Indian Port 'A' for subsequent transshipment to Indian Port 'B' will also qualify insofar as the charges relevant for its coastal voyage. In other words, cargo/containers from/to Indian Ports carried by vessels permitted to undertake coastal voyage will qualify for the concession.
  - (e). The charges for coastal containers / vessels shall be denominated and collected in Indian Rupee.
- (vii). Interest on delayed payments / refunds:
  - (a). The user shall pay penal interest on delayed payments under this Scale of Rates. Likewise, the operator shall pay penal interest on delayed refunds.
  - (b). The rate of penal interest will be 2% above the Prime Lending Rate of State Bank of India (SBI). The penal interest rate will apply to both the operator 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 operator. This provision shall, however, not apply to the cases where payment is to be made before availing the services / use of Port Trusts properties 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). All charges worked out shall be rounded off to the next higher rupee on the grand total of each bill.
- (ix).
  - (a). The rates prescribed in this Scale of Rates are ceiling levels; likewise, rebates and discounts are floor levels. The operator may, if he so desires, charge lower rates and/ or allow higher rebates and discounts.
  - (b). The Operator may also, if he so desires, rationalize the prescribed conditionalities governing the application of rates prescribed in the Scale of Rates if such rationalization gives relief to the user in rate per unit and the unit rates prescribed in the Scale of Rates do not exceed the ceiling levels. Provided that the operator should notify the public such lower rates and / or rationalization of the conditionalities governing the application of such rates and continue to notify the public any further changes in such lower rates and / or in the conditionalities governing the application of such rates provided the new rates fixed shall not exceed the rates notified by the TAMP.
- (x). The users will not be required to pay charges for delays beyond a reasonable level attributable to the operator.

## **CHAPTER 2 – VESSEL RELATED CHARGES**

### **2. Schedule of Berth Hire Charges**

<b>S. No.</b>	<b>Description</b>	<b>Rate per GRT per hour or part thereof (₹)</b>	
		<b>Foreign - Vessel</b>	<b>Coastal Vessel</b>
1	For Occupying the Berth	1.670	1.001

#### **Notes**

- (i). Vessels shall be permitted to occupy the berth for 2 hours after completion of cargo operation without attracting Penal berth hire charges.
- (ii). All the vessels shall commence cargo operations within 1 hour from the time the ship is brought along side the berth failing which penal berth hire charges shall be levied as prescribed in (4) below.
- (iii). Vessels idling the Terminal facilities due to not being ready to work even though the terminal is ready for its operation shall attract penal berth hire charges as prescribed in Note (4) below. For the purpose of levy of penal berth hire charges, idling shall mean suspension/stoppage for any reason of cargo handling operation continuously for more than two hours.
- (iv). Penal berth hire charges shall be levied as follows in addition to berth hire charges beyond 2 hours:

<b>S. No.</b>	<b>Description</b>	<b>Rate Per GRT</b>
1	Upto 6 hrs	₹ 13.56
2	above 6 hours but upto 12 hours	₹ 20.33
3	Above 12 hrs	₹ 40.66

- (v). Penal berth hire charges mentioned above shall not be leviable if the idling of vessel is attributable to the terminal or port or due to adverse tidal conditions or bad weather and rain resulting in stoppage of operation.
- (vi). (a). There shall be a time limit beyond which berth hire shall not apply; berth hire shall stop 4 hours after the time of vessel signalling its readiness to sail. The time limit of 4 hours prescribed for cessation of berth hire shall exclude the ship's waiting period for want of favourable tidal conditions or on account of inclement weather or due to absence of night navigation facilities.
- (b). There shall be a "penal berth hire" equal to one day's berth hire charges for a false signal.
- (c). The Master / Agent of the vessel shall signal readiness to fail only in accordance with favourable tidal and weather conditions.
- (d). The time limit of 4 hours prescribed for cessation of berth hire shall exclude the ship's waiting period for want of favourable tidal conditions.
- (vii). Berth hire charges shall not be levied for the period, when a vessel idles at berth due to breakdown of port equipment or power failure or any other reasons attributable to the operator.

**CHAPTER 3 – CHARGES FOR SERVICES RENDERED TO CONTAINERS AND CONTAINERIZED CARGO**

**GENERAL TERMS AND CONDITIONS:**

- (i). A container originally declared as transshipment container, subsequently moved by rail or road will lose its identity as a transshipment container and shall be treated as a normal import container and prescribed charges as applicable shall be payable.
- (ii). Containers less than and up to 20' will be reckoned as one TEU (Twenty Equivalent Unit) and more than 20' and up to 40' will be reckoned as one FEU (Forty Equivalent Unit) for the purpose of tariff.
- (iii). All charges for containers more than 20' in length and upto 40' in length will be 150 per cent of the applicable charges prescribed.
- (iv). Containers other than that of standard size requiring special devices/slings/handling will be charged twice the applicable rates. Such containers will also include damage containers and any other type requiring special devices.

**3.1. CHARGES FOR HANDLING AND MOVEMENT OF CONTAINERS:**

The following consolidated charges for handling and movement of container shall be payable by the Shipping Lines or Agents of vessels or cargo agents for services rendered in respect of containers and containerised cargo passing through the port

**A. Normal Containers**

S. No	Description	Rate per TEU (in ₹)			
		Foreign Container		Coastal Container	
		Loaded	Empty	Loaded	Empty
1.	From Ship to container yard or vice versa	4034.05	3258.28	2420.43	1954.97
2.	From Container yard to Railway flat or vice versa (ICD Container Rail only)	2017.03	2017.03	2017.03	2017.03
3.	From Container yard to Truck or vice versa (direct delivery and export intake).	620.63	620.63	620.63	620.63

**B. Reefer Containers**

S. No	Description	Rate per TEU (in ₹)			
		Foreign Container		Coastal Container	
		Loaded	Empty	Loaded	Empty
1.	From Ship to container yard or vice versa	4034.05	3258.28	2420.43	1954.97
2.	From Container yard to Railway flat or vice versa (ICD Container Rail only)	2017.03	2017.03	2017.03	2017.03
3.	From Container yard to Truck or vice versa (direct delivery and export intake).	620.63	620.63	620.63	620.63

**C. Hazardous Containers**

S. No.	Description	Rate per TEU (in ₹)	
		Foreign Container	Coastal container
		Loaded	Loaded
1.	From Ship to container yard or vice versa	5043.48	3026.46
2.	From Container yard to Railway flat or vice versa (ICD Container Rail only)	2520.84	2520.84
3.	From Container yard to Truck or vice versa (direct delivery and export in take).	775.78	775.78

#### D. Transshipment Containers

S. No.	Description	Rate per TEU (in ₹)			
		Foreign Container		Coastal Container	
		Loaded	Empty	Loaded	Empty
1.	1 - 3000 TEUs	4654.68	4034.05	2792.81	2420.42
2.	3001 - 6000 TEUs	4344.37	3723.76	2606.62	2234.25
3.	6001 - 9000 TEUs	4034.05	3413.43	2420.42	2048.06
4.	Thereafter	3723.76	3103.12	2234.25	1861.88

#### Notes

- (1). Rate is based on total TEUs brought by the Shipping Lines or agents in the same financial year.
- (2). A container originally declared as transshipment container, subsequently moved by rail or road will lose its identity as a transshipment container and shall be treated as a normal import container and prescribed charges as applicable shall be payable.

#### E. Over Dimensional Cargo Containers

S. No	Description	Rate per TEU (in ₹)			
		Foreign Container		Coastal Container	
		Loaded	Empty	Loaded	Empty
1.	From Ship to container yard or vice versa	8068.12	6516.55	4840.87	3909.92
2.	From Container yard to Railway flat or vice versa (ICD Container Rail only)	4034.05	4034.05	4034.05	4034.05
3.	From Container yard to Truck or vice versa (direct delivery and export intake).	1241.25	1241.25	1241.25	1241.25

Note: The consolidated charges as above include the following elements, viz. stevedoring, use of Gantry crane, use of transfer crane, wharfage on tare weight of containers, wharfage on containerized cargo, transportation and contribution towards railway infrastructure.

### 3.2. DWELL TIME CHARGES FOR CONTAINER, STORED IN THE PORT PREMISES:

Sl. No.	Particulars	Rate per container per day or part thereof (in ₹)		
		Upto 20' in length	Over 20' to upto 40' in length	Above 40' in length
1	Non-ICD/ CFS Import - loaded			
	First 2 days	Free	Free	Free
	3-6 days	493.31	986.61	1479.92
	7-9 days	586.82	1173.63	1760.44
	10-12 days	697.95	1395.90	2093.84
	13-15 days	829.40	1658.82	2488.20
	16-18 days	985.26	1970.51	2955.77
	19-22 days	1172.28	2344.56	3516.83
	23-26 days	1394.54	2789.08	4183.61
	27-30 days	1657.45	3314.91	4972.36
	Thereafter	1971.86	3943.73	5915.60
2	Non-ICD/ CFS Import - Empty			
	First 2 days	Free	Free	Free
	3-6 days	493.31	986.61	1479.92
	7-9 days	586.82	1173.63	1760.44
	10-12 days	697.95	1395.90	2093.84
	13-15 days	829.40	1658.82	2488.20
	16-18 days	985.26	1970.51	2955.77
	19-22 days	1172.28	2344.56	3516.83
	23-26 days	1394.54	2789.08	4183.61
	27-30 days	1657.45	3314.91	4972.36
	Thereafter	1971.86	3943.73	5915.60
3	Non-ICD/ CFS Export - Loaded			
	First 3 days	Free	Free	Free
	4-6 days	493.31	986.61	1479.92
	7-9 days	586.82	1173.63	1760.44
	10-12 days	697.95	1395.90	2093.84
	13-15 days	829.40	1658.82	2488.20
	16-18 days	985.26	1970.51	2955.77
	19-22 days	1172.28	2344.56	3516.83
	23-26 days	1394.54	2789.08	4183.61
	27-30 days	1657.45	3314.91	4972.36
	Thereafter	1971.86	3943.73	5915.60
4	Non-ICD/ CFS Export - Empty			
	First 3 days	Free	Free	Free
	4-6 days	493.31	986.61	1479.92
	7-9 days	586.82	1173.63	1760.44
	10-12 days	697.95	1395.90	2093.84
	13-15 days	829.40	1658.82	2488.20
	16-18 days	985.26	1970.51	2955.77
	19-22 days	1172.28	2344.56	3516.83
	23-26 days	1394.54	2789.08	4183.61
	27-30 days	1657.45	3314.91	4972.36
	Thereafter	1971.86	3943.73	5915.60
5	CFS Import loaded - moved by road			

	First 2 days	Free	Free	Free
	3-6 days	493.31	986.61	1479.92
	7-9 days	586.82	1173.63	1760.44
	10-12 days	697.95	1395.90	2093.84
	13-15 days	829.40	1658.82	2488.20
	16-18 days	985.26	1970.51	2955.77
	19-22 days	1172.28	2344.56	3516.83
	23-26 days	1394.54	2789.08	4183.61
	27-30 days	1657.45	3314.91	4972.36
	Thereafter	1971.86	3943.73	5915.60
6	CFS Import empty - moved by road			
	First 2 days	Free	Free	Free
	3-6 days	493.31	986.61	1479.92
	7-9 days	586.82	1173.63	1760.44
	10-12 days	697.95	1395.90	2093.84
	13-15 days	829.40	1658.82	2488.20
	16-18 days	985.26	1970.51	2955.77
	19-22 days	1172.28	2344.56	3516.83
	23-26 days	1394.54	2789.08	4183.61
	27-30 days	1657.45	3314.91	4972.36
	Thereafter	1971.86	3943.73	5915.60
7	CFS Export loaded - moved by road			
	First 3 days	Free	Free	Free
	4-6 days	493.31	986.61	1479.92
	7-9 days	586.82	1173.63	1760.44
	10-12 days	697.95	1395.90	2093.84
	13-15 days	829.40	1658.82	2488.20
	16-18 days	985.26	1970.51	2955.77
	19-22 days	1172.28	2344.56	3516.83
	23-26 days	1394.54	2789.08	4183.61
	27-30 days	1657.45	3314.91	4972.36
	Thereafter	1971.86	3943.73	5915.60
8	CFS Export empty - moved by road			
	First 3 days	Free	Free	Free
	4-6 days	493.31	986.61	1479.92
	7-9 days	586.82	1173.63	1760.44
	10-12 days	697.95	1395.90	2093.84
	13-15 days	829.40	1658.82	2488.20
	16-18 days	985.26	1970.51	2955.77
	19-22 days	1172.28	2344.56	3516.83
	23-26 days	1394.54	2789.08	4183.61
	27-30 days	1657.45	3314.91	4972.36
	Thereafter	1971.86	3943.73	5915.60
9	ICD Import and Export loaded or empty - moved by rail			
	First 5 days	Free	Free	Free
	6-15 days	985.26	1970.51	2955.77
	16-30 days	1971.86	3943.73	5915.60
	Thereafter	3943.73	7887.47	11831.21



10	Transshipment - Loaded			
	First 15 days	Free	Free	Free
	16-30 days	1971.86	3943.73	5915.60
	Thereafter	3943.73	7887.47	11831.21
11	Transshipment - Empty			
	First 7 days	Free	Free	Free
	8-15 days	1172.28	2344.56	3516.83
	Thereafter	3943.73	7887.47	11831.21

Notes:

- (1). The total storage period for a container shall be reckoned from the day following the day of landing upto the day of shipment/delivery/date of removal of the container and includes Sundays and Holidays but excludes Custom notified holidays and port non-working days.
- (2). Transshipment containers subsequently changing the mode of dispatch locally or to the container freight station for destuffing/stuffing shall lose the concessional dwell time as prescribed in Item (4) above. Dwell time charges for such containers shall be recovered at par with import containers as prescribed in item no. 1 or 2 as applicable.
- (3). Transshipment containers subsequently changing the mode of dispatch by rail to ICD shall be treated as other ICD containers for the purpose of levy of Dwell time charges fees and shall be charged at the rates in item (4) above. In such cases additional shifting charge will be applicable for movement of container to container yard to ICD yard.
- (4). A container from foreign port landing at the container terminal for subsequent transshipment to an Indian Port on a coastal voyage or vice versa would be charged at 50% of the transshipment charges prescribed for foreign going vessels and 50% of that prescribed for coastal category.
- (5). Normal import containers subsequently changing the mode of dispatch by rail to ICD will enjoy the free period applicable to normal import container only. In such cases additional shifting charges will be applicable for movement of container from container yard to ICD yard.
- (6). The total storage period for a shutout container shall be calculated from the day following the day when the container has become shutout till the day of Shipment/delivery.
- (7). Over high and over dimensional containers shall attract thrice the normal applicable charges.
- (8). Hazardous containers shall attract 1.25 times the normal applicable charges.
- (9). In case of stuffing the containers inside the port, the dwell time charges will be applicable as follows:
  - (i). Prior to stuffing, dwell time charges as applicable to empty containers will be charged.
  - (ii). Free period and dwell time charges as applicable to loaded export containers will be charged from the day following the day of completion of stuffing and intimation to Port.

- (10). In the case of auction containers, after the auction is over, the empty containers will attract the dwell time charges as empty containers from the following day the destuffing is completed.
- (11). The storage charges shall not accrue for the period during which the Terminal is not in a position to deliver containers for reasons attributable to it when requested by the user.
- (12). The storage charges on abandoned FCL containers/shipper owned containers shall be levied upto the date of receipt of intimation of abandonment in writing or 75 days from the day of landing of the container, whichever is earlier subject to the following:
- (i). The consignee can issue a letter of abandonment at any time.
  - (ii). If the consignee chooses not to issue such letter of abandonment, the container Agent/MLO can also issue abandonment letter subject to the condition that,
    - (a). The Line shall resume custody of container along with cargo and either take back it or remove it from the port premises; and
    - (b). The line shall pay all port charges accrued on the cargo and container before resuming custody of the container.
  - (iii). The container Agent /MLO shall observe the necessary formalities and bear the cost of transportation and destuffing. In case of their failure to take such action within the stipulated period, the storage charge on container shall be continued to be levied till such time all the necessary actions are taken by the shipping lines for destuffing of cargo.
  - (iv). Where the container is seized/confiscated by the Custom Authorities and the same cannot be destuffed within the prescribed time limit of 75 days, the storage charges will cease to apply from the day the Custom order release of the cargo subject to lines observing the necessary formalities and bearing the cost of transportation and de-stuffing. Otherwise, seized/confiscated containers should be removed by the line/consignee from the port premises to the Customs bonded area and in that case the storage charge shall cease to apply from the day of such removal.

### 3.3. CHARGES FOR MISCELLANEOUS SERVICES RENDERED TO CONTAINER VESSELS:

#### A. Reefer Monitoring and Connection

SI No	Description	Rate Per TEU (in ₹)			
		Foreign Going Vessel		Coastal Vessel	
		Loaded	Empty	Loaded	Empty
1	Additional charges per 4 hours or part thereof for electricity consumption and monitoring of reefer containers.	302.59	302.59	302.59	302.59

Note:

Additional electricity charge at the prescribed rates will be applicable in case of Reefer Containers also

#### B. Other Services Rendered

SI No	Description	Rate Per TEU (In ₹)
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		Foreign Going Vessel		Coastal Vessel	
		Loaded	Empty	Loaded	Empty
1.	Shifting of containers from one yard to another yard within the terminal for customs inspection or any other purpose and subsequent loading of containers for delivery.	2613.21	2613.21	2613.21	2613.21
2.	Additional service charges for stacking containers in designated yard for custom examination or for any other purpose by prior arrangement.	307.35	307.35	307.35	307.35

**C. Opening of Hatch Cover and replacing it**

SI No	Description	Rate per Hatch Cover (in ₹)	
		Foreign Going Vessels	Coastal Vessels
1	When placing it on the Quay	4539.45	2723.67
2	Without placing it on the Quay	1815.51	1089.32

Note: If only one operation is carried out, half of the hatch cover handling charges as above shall be levied.

**D. One Hatch to another Hatch or within the Same Hatch**

SI No	Description	Rate per TEU (in ₹)			
		Foreign Going Vessels		Coastal Vessels	
		Loaded	Empty	Loaded	Empty
(a).	Hatch to hatch shifting (involving 1 move only)	1512.94	1512.94	907.76	907.76
(b).	Other than (a) mentioned above	6052.39	6052.39	3631.42	3631.42

**GENERAL NOTES TO CHAPTER (1) TO (3) ABOVE**

- (i). The tariff caps will be indexed to inflation but only to the extent of 60% of the variation in Wholesale Price Index (WPI) occurring between 1 January 2017 and 1 January of the relevant year. Such automatic adjustment of tariff caps will be made every year and the adjusted tariff caps will come into force from 1 April of the relevant year to 31 March of the following year.
- (ii). From the date of Commercial Operation (CoD) till 31st March of the same financial year, the tariff would be limited to the indexed Reference Tariff relevant to that year, which would be the ceiling. The aforesaid Reference Tariff shall be automatically revised every year based on an indexation as provided in para 2.2 of the guidelines of 2013 which will be applicable for the entire concession period.

However, the BMCTPL would be free to propose a tariff along with Performance Standards (the "Performance Linked Tariff") from the second year of operation onwards, over and above the indexed Reference Tariff for the relevant financial year, at least 90 days before the 1st April of the ensuing financial year. Such Performance Linked Tariff shall not be higher than 15% over and above the indexed Reference Tariff for that relevant financial year (and this will be the Tariff Cap). The Performance Linked Tariff would come into force from the first day of the following financial year and would be applicable for the entire financial year.

- (iii). The proposal shall be submitted by BMCTPL to TAMP along with a certificate from the independent engineer appointed under the Concession Agreement of the Project indicating the achievement of Performance Standards in the previous 12 months as incorporated in the Concession Agreement or for the actual number of months of operation in the first year of operation as the case may be.
- (iv). On receipt of the proposal, TAMP will seek the views of the JNPT on the achievement of Performance Standards as outlined in para 5 of the Tariff Guidelines of 2013, within 7 days of receipt.
- (v). In the event of BMCTPL not achieving the Performance Standards as incorporated in the Concession Agreement in previous 12 months, TAMP will not consider the proposal for notifying the Performance Linked Tariff for the ensuing financial year and the BMCTPL shall be entitled to only levy the indexed Reference Tariff applicable for the ensuing financial year.
- (vi). After considering the views of the JNPT, if TAMP is satisfied that the Performance Standards as incorporated in the Concession Agreement have been achieved, it shall notify the performance linked tariff by 15th of March to be effective from 1st of April of the ensuing financial year.
- (vii). While considering the proposal for Performance Linked Tariff, TAMP will look into the Performance Standards and its adherence by the Operator. TAMP will decide on the acceptance or rejection of the Performance Linked Tariff proposal based on the achievement or otherwise of the Performance Standards by the BMCTPL. Determination of indexed Reference Tariff and Performance Linked Tariff will follow the illustration shown in the Appendix attached to the Tariff Guidelines of 2013.
- (viii). From the third year of operation, the Performance Linked Tariff proposal from the BMCTPL shall be automatically notified by TAMP subject to the achievement of Performance Standards in the previous 12 months period as certified by the Independent Engineer. The BMCTPL, for the Performance Linked Tariff from the third year onwards, will submit the Performance Linked Tariff proposal along with the achievement certificate from the independent engineer by 1st March and TAMP shall notify by 20th March, the Performance Linked Tariff to be effective from the ensuing financial year.

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## **Performance Standards**

### **1. Gross Berth Output**

The parameter deals with the productivity of the terminal (Gross Berth Output) for Container cargo. The capability of the terminal and parcel size will determine the Gross Berth Output. Higher terminal capability and greater parcel size will lead to high productivity. The berth day output measured in terms of TEUs per day depends on the number of cranes used which is dependent on the size of the vessel. Productivity norm of the crane is 25 moves per hour.

The Gross Berth Output shall be calculated as the total cargo in terms of TEUs handled (either loaded / unloaded) from the ship during a month divided by the time spent by the ship at the terminal i.e. number of working days at the berth. While determining the number of working days from the ship hours, the berth allowance of 4 hours shall be subtracted from the total hours.

The indicative norms for Gross Berth Output for different categories of cargo are as follows:

Cargo Category	Indicative Norms
<b>Container</b>	
(Mainline Vessel)	25 moves per hour per crane
(Feeder Vessel)	17 moves per hour

Weightage in case of a shortfall in meeting the prescribed performance standard -0.6

### **2. Transit Storage Dwell Time:**

The Transit Storage Dwell Time for a container shall mean the total time for which the container remains in the terminal. The Transit Storage Dwell Time for containers shall be calculated as an average and shall be the sum of the transit storage of each container handled during the month at that terminal divided by the number of containers. To further clarify, the date and time a container is discharged from the vessel till the said container leaves the out – gate of the Terminal, is the total transit storage time for import box. In case of export the time and date from which the container enters the terminal till the time and date it is loaded on to a vessel will be the storage time. The details of time of discharge, gate-in, gate-out and loading need to be maintained in respect of each container including ICD container.

Unclaimed cargo or any cargo that has been detained by the customs or any Government Authority may be excluded.

<b>Transit Storage Dwell Time</b>	
- <b>Import</b>	
Container (at terminal)	3 Days by road and 7 Days by rail
- <b>Export</b>	
Container (at terminal)	5 Days by road and 7 Days by rail

Weightage in case of a shortfall in the meeting the prescribed performance standard – 0.3.

### **3. Turn around Time for receipt / delivery operation:**

The Turn around Time for receipt / delivery operation shall be the sum of time taken for loading / unloading of cargo divided by the number of trucks / trailers / rakes deployed, as the case may be, in a month. Further, in case the truck / trailer / rake does both unloading and loading operations on a single entry into the terminal, the time allocated shall be doubled for those trucks / trailers / rakes.

a.	(i) Trailer for Containers (Single operation)	2 hours
	(ii) Trailer for Containers (double operation)	4 hours
b.	(i) Rake for ICD Containers (Single operation)	6 hours
	(ii) Rake for ICD Containers (double operation)	12 hours

Weightage in case of a shortfall in meeting the prescribed performance standard – 0.1.

**Performance Evaluation and calculation of liquidated damages:-**

Performance evaluation shall be made on a quarterly review of the reports furnished by the Concessionaire and/or the records of the Concessionaire and/or by an enquiry by the Concessions Authority. The Concessionaire shall be liable to pay liquidated damages determined at the rate of 1% (one percent) of the Gross Revenue of the respective quarter for every shortfall of 10% (ten percent) in the average performance which shall be assessed in the following manner.

Each Performance Standard is calculated as an average in the manner indicated above. The actual average performance vis-à-vis a standard will be evaluated against the prescribed standard. The shortfall will be computed as a percentage of the prescribed standard. The shortfall in respect of each performance standard will have a weightage assigned to it. The overall shortfall in average performance shall be assessed as the aggregate of the weighted shortfalls in respect of each of the performance standards. For example, if there is a shortfall in Gross Berth Output by x%, Transit Storage Dwell Time by y% and Turn round time for receipt / delivery operations by z% and the weightage assigned to such shortfall is 0.6, 0.3 and 0.1 respectively, then the overall shortfall in average performance will be  $(0.6x + 0.3y + 0.1z)\%$ .

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