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**Tariff Authority for Major Ports**

G.No.158

New Delhi,

17 April 2018

**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 disposes of the proposal received from the Visakhapatnam Port Road Company Ltd. (VPRCL) for notification of revised toll to be collected at Main Toll Plaza due to 4-laning of Balance Connectivity Road from Visakhapatnam Port to NH-16 (formerly as NH-5) under Phase-II as in the Order appended hereto.

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

**Tariff Authority for Major Ports**  
**Case No. TAMP/74/2017-VPRCL**

Visakhapatnam Port Road Company Ltd. - - - -

Applicant

**QUORUM**

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

**O R D E R**

(Passed on this 19<sup>th</sup> day of March 2018)

This case relates to the proposal received from Visakhapatnam Port Road Company Ltd. (VPRCL) for notification of revised toll to be collected at Main Toll Plaza due to 4-laning of Balance Connectivity Road from Visakhapatnam Port to NH-16 (formerly as NH-5) under Phase-II.

2.1. The VPRCL vide its letter dated 19 December 2017 has submitted the proposal. The points made by VPRCL are given below:

- (i). Under Phase-I works of the Visakhapatnam Port Connectivity Project Corridor, 2 lane length of 4 Kms road was widened to 4 lane road and flyover and ramps were constructed along the stretch, for which, the User Fee Notification for the above SPV Project for an equivalent 4-lane length of 8.54 km, was published by Tariff Authority for Major Ports (TAMP) under Notification No.177 dated 28 November 2006 (this is Order date not notification date stated by VPRCL) and TAMP vide Gazette Notification No.89 dated 27 May 2008 approved the Annual escalation formula and the same is being implemented.
- (ii). Presently, User Fee is being collected at Main Toll Plaza @ km 9.158 for the section from 0.000 to Km 10.336 and at Secondary Toll Plaza @ km 2.262 for the section from km 0.00 to km 2.262, as per the revision of User Fee rates w.e.f. 1 April 2017, communicated by NHAI HQs, vide letter No.NHAI/13013/422/CO/15-16/GC Visakhapatnam /PC/97216 dated 24 March 2017.
- (iii). The work of 4 laning of balance road connectivity from km 2.750 to km 6.900 (4.15 km) was taken up under Phase-II) work and the work was completed on scheduled date of completion i.e. 29 September 2017. Since, the above said stretch falls in the toll able section of main toll plaza, hence, the revision of rates is proposed for main toll plaza only.
- (iv). VPRCL has requested TAMP to notify the Draft Toll Fee in the Gazette of India for revised rates for a length of 10.5 km of connectivity road from Visakhapatnam Port to NH-16 at main toll plaza i.e. km 9.158.

2.2. (i). Accordingly, toll proposed to be levied by VPRCL at Main Toll Plaza, is as follows:

| S. No. | Description  | Car / Jeep / Van | LCV   | Truck/ Bus | MAV/ HCM/ EME (3 to 6 Axles) | Oversized (7 or more axles) |
|--------|--|------------------|-------|------------|------------------------------|-----------------------------|
| 1      | Fee for Single Trip  | 35               | 61    | 122        | 198                          | 244                         |
| 2      | Fee for Return Trip in a day   | 52               | 91    | 183        | 297                          | 366                         |
| 3      | Fee for Daily Pass (Valid for 24 hrs unlimited journey) (6 times of single journey)                            | 208              | 366   | 731        | 1188                         | 1462                        |
| 4      | Fee for Monthly Pass (Limited Journey) (2/3 of 50 Single Journey valid for 50 journeys in month) (50 Journeys) | 1158             | 2031  | 4061       | 6600                         | 8123                        |
| 5      | Fee for Monthly Pass (Unlimited Journeys) (180 times of Single Journey)  | 6251             | 10966 | 21931      | 35640                        | 43864                       |
| 6      | Fee for Local Pass for month (for residents within 20 km of the toll plaza on                                  | 262              | N/A   | N/A        | N/A                          | N/A                         |

|   |  |  |  |  |  |
|---|--|--|--|--|--|
| production of residence proof and ownership proof of vehicle) |  |  |  |  |  |
|---|--|--|--|--|--|

- (ii). The toll proposed for the year 2016-17 is based on Wholesale Price Index (WPI) of December 2016 and the same are to be revised annually based on the WPI.

2.3. The following categories of vehicles are proposed to be exempted from the levy of the proposed toll:

- (i). Vehicles with Very Important Person Symbols
- (ii). Defence vehicles
- (iii). Police vehicles
- (iv). Fire fighting vehicles
- (v). Ambulances
- (vi). Funeral vans
- (vii). Posts and Telegraph Department vehicles
- (viii). Central and State Government vehicles on duty

**Note: The following vehicles shall be deemed to be vehicle having VIP symbols namely:**

- (i). President of India
- (ii). Vice President of India
- (iii). Governors of States
- (iv). Central and State Ministers
- (v). Leaders of opposition in Lok Sabha or Rajya Sabha or State Legislature
- (vi). Lt. Governors of Union Territories.
- (vii). Speakers or Chairman of Central and State Legislators
- (viii). Executive Councillors of Local Elected Bodies;
- (ix). Members of Parliament and Members of State Legislative Assemblies/ Councils within their respective Constituencies,
- (x). Foreign dignitaries on State Visit to India and
- (xi). Foreign Diplomats stationed in India using Cars with CD symbols.

2.4. The VPRCL has also furnished the basis of arriving at the proposed toll. Based on the recent traffic studies it expects to generate revenue of ₹31.94 lakhs monthly from levy of the proposed toll.

3. The Concession Agreement has been executed on 8 November 2006 between Board of Trustee of Visakhapatnam Port Trust (VPT) and VPRCL, wherein it is noted that port toll connectivity project comprise of

- (i). Construction of Flyovers including ramps in 4.9 Km, two-lane road on ground with ground improvement in 4.0 Km and
- (ii). Construction of four lane road on ground in 3.6 Km. (total project length 12.5 Km) and this entire project corridor falls in the land owned by VPT.

4. It is relevant to state that this Authority had approved the fixation of toll for newly developed link road/ flyover connecting the Visakhapatnam port to National Highway No.5 based on the proposal filed by VPRCL in the year 2006 vide Order No.TAMP/47/2006-VPRCL dated 7 August 2007. The said Order was notified in the Gazette of India vide Gazette No.164 dated 16 August 2007. In the said Order this Authority has confirmed the adhoc toll, approved vide Order No.TAMP/47/2006-VPRCL dated 28 November 2006 and 12 February 2007. The toll approved by this Authority was for the following:

- (i). Toll at Main Plaza near Ayyappan Temple.
- (ii). Toll with concessions to local traffic/ frequent travellers between Convent Junction and Ayyappan Temple on NH-5 (at main Toll Plaza near Ayyappan Temple).
- (iii). Toll for Secondary Toll Plaza near 'Y' Junction.
- (iv). Toll with concessions to local traffic/ frequent travellers between Convent Junction and 'Y' Junction (at Secondary Toll Plaza near 'Y' Junction).

The Order also approved categories of vehicles exempted from levy of toll.

5. This Authority vide its Order No.TAMP/47/2006-VPRCL dated 22 April 2008 had approved the annual escalation in toll as proposed by VPRCL as given below:

"(IV). ANNUAL ESCALATION IN TOLL:

Notes:

(1). The annual revision of toll shall be computed as follows:

$$\text{Base fee} \times \frac{\text{WPI1}}{\text{WPI0}}$$

Where

- WPI0 = Wholesale Price Index on 31 December 2005 (197.2)
- WPI1 = Wholesale Price Index as on 31 December preceding the fee revision date

- (2). The revised toll will be levied w.e.f. 1 April every year commencing from the year 2008.
- (3). WPI means the Wholesale Price Index for all commodities published by the Ministry of Commerce and Industry, Government of India.
- (4). The revised toll to be levied shall be rounded off to the nearest one rupee. While rounding off, fraction upto and inclusive of 0.50 paise shall be ignored and fraction above 0.50 paise shall be rounded off to the next rupee."

6. The VPRCL has now stated that toll rates approved in Order dated 7 August 2007 by this Authority was for the Phase-I works of the Visakhapatnam Port connectivity project corridor. The 2 lane length of 4 Kms road was widened to 4 lane road and constructed flyover and ramps along with stretch. The user fee is being collected at main toll plaza @ km 9.158 for section from 0.000 to Km 10.336 and at secondary toll plaza @ km.2.262 for section from km 0.000 to Km 2.262. Now, the proposal is for fixation of toll rates for Phase-II, the work of 4 laning of balance road connectivity which was taken up and has been completed on 29 September 2017. The VPRCL has, therefore requested to notify toll rates at main toll plaza in respect of 4 laning of balance connectivity Road from VPT to NH-16 under Phase – II.

7. In accordance with the consultation process prescribed, the proposal of VPRCL dated 19 December 2017 alongwith the calculation of proposed toll structure was forwarded to the VPT and concerned users / user organisations, public utility operators, major users including statutory authorities seeking their comments vide our letter dated 28 December 2017. The VPT stated that it has no comments to offer on the proposal. The comments received from the VPT and Indian Maritime University (IMU) were forwarded to the VPRCL from time to time as feedback information. The VPRCL has furnished its comments on comments of IMU. No comments are received from other users/ user associations.

8. A joint hearing in this case was held on 5 February 2018 at the VPT premises. At the joint hearing, the VPT, VPRCL and users / user associations have made their submissions.

9. As agreed at the joint hearing, the VPRCL was requested vide our letter dated 14 February 2018 to take action on the points arising out of joint hearing proceeding. In response, the VPRCL has furnished its clarification / comments vide its letter dated 23 February 2018. A summary of the points that arose out of joint hearing proceeding and reply furnished by VPRCL thereon is tabulated below:

| Sl. No. | Points that arose out of joint hearing proceeding   | Reply furnished by VPRCL                           |
|---------|---|--|
| (i).    | At the joint hearing, the Visakhapatnam Port Road Company Limited (VPRCL) has agreed to furnish a comparative statement of toll approved by the Authority for Main toll plaza vide Order No.TAMP/47/2006-VPRCL dated 7 August 2007 (confirming the adhoc rate approved vide Order dated 28 November 2006 and amendment Order dated 12 February 2007), the toll after applying applicable annual escalation as on 1 January 2018 and the proposed toll. The VPRCL was requested to furnish the same to TAMP with a copy endorsed to VPT. | The VPRCL has furnished the requisite information. |

| (ii).           | Apart from the above, the VPRCL was requested to furnish information / clarification on the following few points:   |   |  |  |           |         |     |       |                                |  |
|-----------------|---|---|--|--|-----------|---------|-----|-------|--------------------------------|--|
|                 | <p>(a). The VPRCL alongwith the subject proposal has enclosed a copy of letter of National Highway Authority of India (NHAI) dated 12 October 2017. In the said letter a calculation of fee rates for Main Toll Plaza for the year 2017-18 is attached. In the said calculation the methodology of calculation of various fees rate has been given. At Sl. No.4, the base rate is arrived for e.g. car / jeep / van the base rate is considered as ₹19.9459. The VPRCL was requested to clarify how the base rate is arrived for our understanding. The VPRCL was also requested to furnish sample working for the toll proposed for Car / Jeep and Van at ₹35 alongwith its remarks for our understanding.</p> | <p>Clarification on Base rate arrived as ₹19.9459 – for Car / Jeep / Van:</p> <p>The procedure adopted for calculating the user fee rates</p> <p>(i). Total project cost for Phase –works – ₹115.47 Cr.</p> <p>(ii). The cost of flyover of length 2.883 km (in phase-I work) is about ₹64 Crore. This includes ramps and approaches.</p> <p>(iii). Total Project cost for Phase – II works – ₹79.29 [₹76.94 + 2.35 (COS)]</p> <p>(iv). Previous equivalent 4-lane length of maximum possible travel = 8.54 Kms including the present completed 4 Kms of 2-lane, which is 4-lane equivalent 2 Kms.</p> <p>(v). The cost of previous four laning (excluding bridges / flyover/ ramps) is taken as ₹4.883 Crore per Km [₹115.47 – ₹64]/10.54].</p> <p>(vi). The loading for additional cost of flyover has been done on entire 10.54 Km length. Therefore the additional cost of flyover in comparison to the road work is [(₹64-(4.883 x 2.883)) / 10.54 = ₹4.736 Crore.</p> <p>(vii). The cost of flyover of length 2.883 Km is about ₹64 Crore. This includes ramps and approaches.</p> <p>(viii). Cost of newly formed equivalent 4-lane length 2 Kms = 2 x 4.883 = 9.766 Crores.</p> <p>(ix). Loading due to newly constructed 4-lane = ₹79.29 – ₹9.766 = ₹69.524 Crores.</p> <p>(x). Cost of newly constructed 4-lane = ₹69.524/ 10.54 = ₹6.596 Crores.</p> <p>(xi). Equivalent factor for newly constructed Phase – II road = ₹6.596 / 4.883 = 1.351.</p> <p>(xii). Loading for additional cost of flyover has been done on entire 10.54 Km length.</p> <p>(xiii). Total equivalent factor of 4-laning: (4.744/4.883)=0.971 and (6.596/4.883)=1.350. 1.0+0.971+1.351=3.32</p> <p>The base rates arrived for calculating the revised user fee rates for different types of vehicles is as follows:</p> <table border="1" data-bbox="1054 1644 1520 2040"> <thead> <tr> <th>Type of Vehicle</th> <th>Per km rate as per draft National Policy</th> <th>Base Rate</th> <th>Remarks</th> </tr> </thead> <tbody> <tr> <td>Car</td> <td>₹0.57</td> <td>0.57 x 10.54 x 3.32 = ₹19.9459</td> <td>0.57 – Per km rate as per draft National Policy 10.54 – Length 3.32 – equivalent factor for 4-laning</td> </tr> </tbody> </table> | Type of Vehicle  | Per km rate as per draft National Policy | Base Rate | Remarks | Car | ₹0.57 | 0.57 x 10.54 x 3.32 = ₹19.9459 | 0.57 – Per km rate as per draft National Policy 10.54 – Length 3.32 – equivalent factor for 4-laning |
| Type of Vehicle | Per km rate as per draft National Policy  | Base Rate   | Remarks  |  |           |         |     |       |                                |  |
| Car             | ₹0.57   | 0.57 x 10.54 x 3.32 = ₹19.9459  | 0.57 – Per km rate as per draft National Policy 10.54 – Length 3.32 – equivalent factor for 4-laning |  |           |         |     |       |                                |  |

|   |   |                       |  |  |  |               |                       |                       |  |                         |                  |                    |                                       |   |  |     |   |     |                |                |                |                |    |  |                                    |                                |    |     |     |     |                                      |    |                                      |      |      |      |      |       |  |  |  |
|---|---|-----------------------|--|--|--|---------------|-----------------------|-----------------------|--|-------------------------|------------------|--------------------|---------------------------------------|---|--|-----|---|-----|----------------|----------------|----------------|----------------|----|--|------------------------------------|--------------------------------|----|-----|-----|-----|--------------------------------------|----|--------------------------------------|------|------|------|------|-------|--|--|--|
|   | The VPRCL has furnished detailed calculation sheet for arrival of revised rate for main toll plaza.   |                       |  |  |  |               |                       |                       |  |                         |                  |                    |                                       |   |  |     |   |     |                |                |                |                |    |  |                                    |                                |    |     |     |     |                                      |    |                                      |      |      |      |      |       |  |  |  |
| <p>(b). At the joint hearing, VPRCL has submitted that the existing toll for Car / Jeep / Van at ₹17/- per single entry is proposed to be increased to ₹35/- single entry. In this context, the VPRCL was requested to explicitly bring out the proposed toll which is to replace the toll for Main Toll Plaza approved by the Authority vide Order No.TAMP/47/2006-VPRCL dated 7 August 2007, in the format given below for ease of understanding:</p>   | <p>Sample working for the toll proposed for Car / Jeep / Van category at ₹35' alongwith its remarks:<br/>(a). Previously RBI, used to publish monthly Wholesale Price in July, 2010 and changed the base year to 2004-05. To convert the price index of 2004-05 into 1993-94, a multiplication factor of 1.873 is given for all commodities (wholesale price index and linking factor are downloaded from net).<br/>(b). The TAMP had approved formula for annual escalation as follows:<br/>Where:<br/>Base rate = Fees fixed at the time of Starting of Commercial Operations<br/>WPI<sub>0</sub> = Wholesale Price Index at the starting (on 31<sup>st</sup> December, 2005) (197.2)<br/>WPI<sub>1</sub> = Wholesale Price Index as on 31<sup>st</sup> December preceding the fee revision date [As per bullet in issued by Economic Advisor, Ministry of Commerce and Industry, WPI for the month of December, 2016 is 183.3 with the base year 2004-05, which shall be multiplied by conversion factor of 1.873 to convert the base year to 1993-94.</p> |                       |  |  |  |               |                       |                       |  |                         |                  |                    |                                       |   |  |     |   |     |                |                |                |                |    |  |                                    |                                |    |     |     |     |                                      |    |                                      |      |      |      |      |       |  |  |  |
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| <table border="1"> <tr> <td colspan="3" style="text-align: center;"><b>I.(A). Toll at Main Toll Plaza near Ayyappan Temple:</b></td> <td colspan="2" style="text-align: center;"><b>(In ₹)</b></td> </tr> <tr> <td></td> <td style="text-align: center;"><b>Single Journey</b></td> <td style="text-align: center;"><b>Return Journey</b></td> <td></td> <td></td> </tr> <tr> <td>Car / Jeep / Van</td> <td style="text-align: center;">10</td> <td style="text-align: center;">15</td> <td></td> <td></td> </tr> <tr> <td>LCV</td> <td style="text-align: center;">15</td> <td style="text-align: center;">25</td> <td></td> <td></td> </tr> <tr> <td>Truck / Bus</td> <td style="text-align: center;">35</td> <td style="text-align: center;">55</td> <td></td> <td></td> </tr> <tr> <td>MAV (3 to 6 Axles) / HCM / EME</td> <td style="text-align: center;">55</td> <td style="text-align: center;">85</td> <td></td> <td></td> </tr> <tr> <td>Oversized Vehicles (7 or more Axles)</td> <td style="text-align: center;">65</td> <td style="text-align: center;">100</td> <td></td> <td></td> </tr> </table>   | <b>I.(A). Toll at Main Toll Plaza near Ayyappan Temple:</b>   |                       |  | <b>(In ₹)</b>  |  |               | <b>Single Journey</b> | <b>Return Journey</b> |  |                         | Car / Jeep / Van | 10                 | 15                                    |   |  | LCV | 15  | 25  |                |                | Truck / Bus    | 35             | 55 |  |                                    | MAV (3 to 6 Axles) / HCM / EME | 55 | 85  |     |     | Oversized Vehicles (7 or more Axles) | 65 | 100                                  |      |      |      |      |       |  |  |  |
| <b>I.(A). Toll at Main Toll Plaza near Ayyappan Temple:</b>   |   |                       | <b>(In ₹)</b>  |  |  |               |                       |                       |  |                         |                  |                    |                                       |   |  |     |   |     |                |                |                |                |    |  |                                    |                                |    |     |     |     |                                      |    |                                      |      |      |      |      |       |  |  |  |
|   | <b>Single Journey</b>   | <b>Return Journey</b> |  |  |  |               |                       |                       |  |                         |                  |                    |                                       |   |  |     |   |     |                |                |                |                |    |  |                                    |                                |    |     |     |     |                                      |    |                                      |      |      |      |      |       |  |  |  |
| Car / Jeep / Van  | 10  | 15                    |  |  |  |               |                       |                       |  |                         |                  |                    |                                       |   |  |     |   |     |                |                |                |                |    |  |                                    |                                |    |     |     |     |                                      |    |                                      |      |      |      |      |       |  |  |  |
| LCV   | 15  | 25                    |  |  |  |               |                       |                       |  |                         |                  |                    |                                       |   |  |     |   |     |                |                |                |                |    |  |                                    |                                |    |     |     |     |                                      |    |                                      |      |      |      |      |       |  |  |  |
| Truck / Bus   | 35  | 55                    |  |  |  |               |                       |                       |  |                         |                  |                    |                                       |   |  |     |   |     |                |                |                |                |    |  |                                    |                                |    |     |     |     |                                      |    |                                      |      |      |      |      |       |  |  |  |
| MAV (3 to 6 Axles) / HCM / EME  | 55  | 85                    |  |  |  |               |                       |                       |  |                         |                  |                    |                                       |   |  |     |   |     |                |                |                |                |    |  |                                    |                                |    |     |     |     |                                      |    |                                      |      |      |      |      |       |  |  |  |
| Oversized Vehicles (7 or more Axles)  | 65  | 100                   |  |  |  |               |                       |                       |  |                         |                  |                    |                                       |   |  |     |   |     |                |                |                |                |    |  |                                    |                                |    |     |     |     |                                      |    |                                      |      |      |      |      |       |  |  |  |
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| <b>II. (B). Toll with concessions to local traffic / frequent travellers between Convent Junction and Ayyappan Temple on NH-5 (at main Toll Plaza near Ayyappan Temple):</b>  |   |                       |  |  |  | <b>(In ₹)</b> |                       |                       |  |                         |                  |                    |                                       |   |  |     |   |     |                |                |                |                |    |  |                                    |                                |    |     |     |     |                                      |    |                                      |      |      |      |      |       |  |  |  |
| <b>Pass</b>   | <b>Car / Jeep / Van</b>   | <b>LCV</b>            | <b>Truck / Bus</b>   | <b>MAV (3 to 6 Axles) / HCM / EME</b>  | <b>Oversized Vehicles (7 or more Axles)</b>                                    |               |                       |                       |  |                         |                  |                    |                                       |   |  |     |   |     |                |                |                |                |    |  |                                    |                                |    |     |     |     |                                      |    |                                      |      |      |      |      |       |  |  |  |
| <table border="1"> <tr> <td>1. Monthly pass: (50 single journeys in a month with a discount of 1/3<sup>rd</sup> of amount otherwise payable for 50 single journeys)</td> <td style="text-align: center;">335</td> <td style="text-align: center;">500</td> <td style="text-align: center;">1165</td> <td style="text-align: center;">1835</td> <td style="text-align: center;">2165</td> <td></td> <td></td> </tr> <tr> <td>2. Daily pass: (Return journey in a day @ 1.50 times the rate of single journey)</td> <td style="text-align: center;">15</td> <td style="text-align: center;">25</td> <td style="text-align: center;">55</td> <td style="text-align: center;">85</td> <td style="text-align: center;">100</td> <td></td> <td></td> </tr> <tr> <td>3. Local pass for month: (For residents within 20 KM of the toll plaza on production of residence proof and ownership proof of vehicles)</td> <td style="text-align: center;">150</td> <td style="text-align: center;">Not applicable</td> <td style="text-align: center;">Not applicable</td> <td style="text-align: center;">Not applicable</td> <td style="text-align: center;">Not applicable</td> <td></td> <td></td> </tr> <tr> <td>4. Daily Pass (Unlimited Journeys)</td> <td style="text-align: center;">60</td> <td style="text-align: center;">90</td> <td style="text-align: center;">210</td> <td style="text-align: center;">330</td> <td style="text-align: center;">390</td> <td></td> <td></td> </tr> <tr> <td>5. Monthly Pass (Unlimited Journeys)</td> <td style="text-align: center;">1800</td> <td style="text-align: center;">2700</td> <td style="text-align: center;">6300</td> <td style="text-align: center;">9900</td> <td style="text-align: center;">11700</td> <td></td> <td></td> </tr> </table> | 1. Monthly pass: (50 single journeys in a month with a discount of 1/3 <sup>rd</sup> of amount otherwise payable for 50 single journeys)  | 335                   | 500  | 1165   | 1835   | 2165          |                       |                       | 2. Daily pass: (Return journey in a day @ 1.50 times the rate of single journey) | 15                      | 25               | 55                 | 85                                    | 100   |  |     | 3. Local pass for month: (For residents within 20 KM of the toll plaza on production of residence proof and ownership proof of vehicles)  | 150 | Not applicable | Not applicable | Not applicable | Not applicable |    |  | 4. Daily Pass (Unlimited Journeys) | 60                             | 90 | 210 | 330 | 390 |                                      |    | 5. Monthly Pass (Unlimited Journeys) | 1800 | 2700 | 6300 | 9900 | 11700 |  |  |  |
| 1. Monthly pass: (50 single journeys in a month with a discount of 1/3 <sup>rd</sup> of amount otherwise payable for 50 single journeys)  | 335   | 500                   | 1165   | 1835   | 2165   |               |                       |                       |  |                         |                  |                    |                                       |   |  |     |   |     |                |                |                |                |    |  |                                    |                                |    |     |     |     |                                      |    |                                      |      |      |      |      |       |  |  |  |
| 2. Daily pass: (Return journey in a day @ 1.50 times the rate of single journey)  | 15  | 25                    | 55   | 85   | 100  |               |                       |                       |  |                         |                  |                    |                                       |   |  |     |   |     |                |                |                |                |    |  |                                    |                                |    |     |     |     |                                      |    |                                      |      |      |      |      |       |  |  |  |
| 3. Local pass for month: (For residents within 20 KM of the toll plaza on production of residence proof and ownership proof of vehicles)  | 150   | Not applicable        | Not applicable   | Not applicable   | Not applicable   |               |                       |                       |  |                         |                  |                    |                                       |   |  |     |   |     |                |                |                |                |    |  |                                    |                                |    |     |     |     |                                      |    |                                      |      |      |      |      |       |  |  |  |
| 4. Daily Pass (Unlimited Journeys)  | 60  | 90                    | 210  | 330  | 390  |               |                       |                       |  |                         |                  |                    |                                       |   |  |     |   |     |                |                |                |                |    |  |                                    |                                |    |     |     |     |                                      |    |                                      |      |      |      |      |       |  |  |  |
| 5. Monthly Pass (Unlimited Journeys)  | 1800  | 2700                  | 6300   | 9900   | 11700  |               |                       |                       |  |                         |                  |                    |                                       |   |  |     |   |     |                |                |                |                |    |  |                                    |                                |    |     |     |     |                                      |    |                                      |      |      |      |      |       |  |  |  |
| <p>(c). In the Schedule of Main toll approved in August 2007 Order, there are two entries for Daily head pass viz.<br/>(i). Daily Pass Return Journey (1.5 times the rate of single journey)<br/>(ii). Daily Pass unlimited Journey<br/>The toll structure approved in the said Order at Sl. No.2 under Schedule I(B) prescribes fee for Daily Pass (Return Journey) given in the above table:<br/><br/>However, the toll proposed by VPRCL does not propose toll for Daily Pass to replace the said item. The VPRCL was requested to furnish the reasons for the same.</p>   | <p>The revision in rates is proposed only due to the change in equivalent 4-lane length. The other concession as approved earlier will be effective. However, in the revised toll fee structure the fee for daily pass (unlimited journeys) and Monthly pass for limited journeys and monthly pass for unlimited journey have been mentioned / proposed.</p>  |                       |  |  |  |               |                       |                       |  |                         |                  |                    |                                       |   |  |     |   |     |                |                |                |                |    |  |                                    |                                |    |     |     |     |                                      |    |                                      |      |      |      |      |       |  |  |  |

10.1. Further, the VPRCL vide its email dated 12 March 2018 has forwarded a copy each of the notification of NHAI dated 5 December 2008 and 3 December 2010 relating to National Highway Fee (Determination of Rules and Collection) Rules, 2008 and Amended Rules, 2010. The VPRCL has stated that the exemption list of NHAI as given in the above NHAI Rules is to be adopted.

10.2. The list of categories of Vehicles exempted from payment of fee as per Para 4 of the NHAI Amended Rules, 2010 is given below:

- (i). No fee shall be levied and collected from a mechanical vehicle –

- (a). Transporting and accompanying.
- (i). The President of India;
  - (ii). The Vice-President of India;
  - (iii). The Prime-Minister of India;
  - (iv). The Governor of a State;
  - (v). The Chief Justice of India;
  - (vi). The Speaker of the House of People;
  - (vii). The Cabinet Minister of the Union;
  - (viii). The Chief Minister of a State;
  - (ix). The Judge of the Supreme Court;
  - (x). The Minister of State of the Union;
  - (xi). The Lieutenant Governor of a Union territory;
  - (xii). The Chief of Staff holding the rank of full General or equivalent rank;
  - (xiii). The Chairman of the Legislative Council of a State;
  - (xiv). The Speaker of the Legislative Assembly of a State;
  - (xv). The Chief Justice of a High Court;
  - (xvi). The Judge of a High Court;
  - (xvii). The Member of Parliament;
  - (xviii). The Army Commander or Vice-Chief of Army Staff and equivalent in other services;
  - (xix). The Chief Secretary to a State Government within concerned State;
  - (xx). The Secretary to the Government of India;
  - (xxi). The Secretary, Council of States;
  - (xxii). The Secretary, House of People;
  - (xxiii). The Foreign dignitary on State visit;
  - (xxiv). The Member of Legislative Assembly of a State and the Member of Legislative Council of a State within their respective State, if he or she produces his or her identity card issued by the concerned Legislature of the State;
  - (xxv). The awardee of Param Vir Chakra, Ashok Chakra, Maha Vir Chakra, Kirti Chakra, Vir Chakra and Shaurya Chakra, if such awardee produces his or her photo identity card duly authenticated by the appropriate or competent authority for such award;
- (b). Used for official purposes by-
- (i). The Ministry of Defence including those which are eligible for exemption in accordance with the provisions of the Indian Toll (Army and Air Force) Act, 1901 and rules made thereunder, as extended to Navy also;
  - (ii). The Central and State armed forces in uniform including para military forces and police;
  - (iii). An executive Magistrate;
  - (iv). The fire-fighting Department or organisation;
  - (v). The National Highways Authority of India or any other Government organisation using such vehicle for inspection, survey, construction or operation of national highways and maintenance thereof;
- (c). Used as ambulance; and
- (d). Used as funeral van.

11. The proceedings relating to consultation in this case are available on records at the office of this Authority. An excerpt of the arguments made by the parties will be sent separately to the relevant parties. These details will also be made available at our website <http://tariffauthority.gov.in>.

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

- (i). The proposal of Visakhapatnam Port Road Company Ltd. (VPRCL) is for notification of revised toll to be collected at Main Toll Plaza in view of 4-laning of the balance Connectivity Road of 4.5 Kms from Visakhapatnam Port to NH-16 (formerly as NH-5) under Phase-II of the project.
- (ii). The Phase-I of the Visakhapatnam Port Connectivity Project Corridor was undertaken by VPRCL for conversion of 2 lane to 4 lane road of 8.54 kms and construction of flyover and ramps along with stretch from Visakhapatnam Port to NH-16 (formerly as NH-5). This Authority had, based on the proposal filed by VPRCL, approved toll on adhoc basis for main toll plaza near Ayappa Temple and secondary toll plaza near 'Y' Junction vide Order No.TAMP/47/2006-VPRCL dated 28 December 2006. Further, this Authority vide its Order No.TAMP/47/2006-VPRCL dated 12 February 2007 had approved amendment to the said Order prescribing ad hoc rates for issue of daily / monthly pass for unlimited journeys.

The final toll was approved by this Authority vide its Order dated 7 August 2007 wherein this Authority confirmed the adhoc toll, approved vide Orders dated 28 November 2006 and 12 February 2007.

- (iii). Now, the VPRCL has approached this Authority seeking revision in the existing toll rate at Main plaza near Ayappa Temple in view of, 4 laning of balance road connectivity from VPT to NH-16 of 4.15Km (i.e. from km 2.750 to km 6.900 =4.15 km) completed on 29 September 2017 incurring an expenditure of ₹79.00 crores as part of Phase II. As clarified by VPRCL, the above stretch falls under toll plaza section of main toll plaza, and hence the revision in toll rates has been proposed for main toll plaza by the VPRCL to recover the capex incurred by VPRCL.
- (iv). The proposed toll has been arrived based on the formula of National Highway Authority of India (NHAI). The VPRCL has furnished detailed computation of proposed toll undertaken by the NHAI. It has explained the working for arriving at the proposed tariff for car at ₹35 per entry which is brought out in the earlier part of this Order relating to factual position and not repeated here for sake of brevity. The VPT has stated that it has no comments to offer. The VPRCL is a joint venture company between NHAI and VPT, both of which are statutory authorities under the Government. Prima facie, this Authority does not have any reasons to believe that these bodies would have acted in any manner contradictory to the applicable Governmental policy and instructions. In view of the above and since the proposed revised toll for Main Toll Plaza is arrived based on the NHAI formula and keeping in view that the VPT, the partner of the Joint Venture has not raised any objection to the proposal of VPRCL, the proposal of the VPRCL is approved.
- (v). This Authority, while according approval to the adhoc toll and final toll has also approved list of vehicles exempted from toll at Main toll plaza and Secondary toll plaza as then proposed by the VPRCL.

The VPRCL, while seeking revision of the toll for Main toll Plaza for reasons stated earlier, has also proposed a list of vehicles to be exempted from levy of the toll broadly based on the guidelines / policies of the NHAI. The VPRCL has clarified that the list of vehicles proposed for exemption is based on the Rules for National Highway Authority of India (NHAI) as per para 11 of the National Highway Fee (Determination of Rates and Collections) Rules, 2008 and para 4 of National Highway Fee (Determination of Rates and Collections) Amendment Rules, 2010. The VPRCL has forwarded a copy each of the said rules. It is, however, seen that the proposed list of vehicles exempted from toll does not match exactly with the exemption list of the NHAI amended Rules 2010. The VPRCL has, however, subsequently requested this Authority to adopt the exemption list as per the NHAI amended Rules 2010. Accordingly, as proposed by VPRCL, the list of vehicles exempted from levy of the toll in the current proposal as prescribed in the National



Highway Fee (Determination of Rules and Collection) Rules Amended Rules, 2010 are prescribed.

In view of the above position and also based on the position clarified by VPRCL, the list of exempted vehicles notified by this Authority vide Order dated 28 November 2006 and 7 August 2007 is replaced with the exemption list now proposed by the VPRCL as per para 4 of the NHAI Amended Rules, 2010. The VPRCL is advised to follow the policy adopted by the NHAI for exempting the specific categories of vehicles from levy of toll from time to time.

- (vi). (a). The Indian Maritime University (IMU) has requested VPRCL that vehicles of the IMU Campus and that of employees of the Campus may be exempted from paying the toll fee. In this context, the VPRCL has stated that the exemption of vehicle from paying toll fee is a policy matter and is to be decided by the Competent Authority. Thus, VPRCL has not agreed to the request of the IMU for exemption in toll sought by IMU. As stated earlier, the proposed toll as well as the exemption list of vehicles proposed by the VPRCL is based on the NHAI rules/ guidelines.

IMU has also stated that the proposed toll at Main toll plaza are on a higher side; therefore, is to be reduced considerably. As far as reducing the rates is concerned, the VPRCL has clarified that toll has been proposed based on the National Policy of NHAI for different types of vehicles, by taking the equivalent factor for 4-laning.

- (b). The Police Department, during the joint hearing, has suggested that the toll road should be maintained and there should be appropriate signage on toll road clearly indicating the position. The VPRCL may take into consideration the suggestion made by the Police Department.

- (vii). Ordinarily the Order approved by this Authority comes into effect after expiry of period of 30 days from date of notification of Order in the Gazette of India. The VPRCL has requested to approve the toll rate at the earliest. The VPRCL has stated that it will need two to three days to intimate the all concerned about the revised toll once it is notified. In view of the above position, the revised toll is made effective after expiry of 15 days from the date of notification of the Order in the Gazette of India.

13.1. In the result, and for the reasons given above, and based on a collective application of mind, this Authority approves the following proposal of the VPRCL for notification of revised toll at Main Toll Plaza and exemption list:

- (i). Replace the existing toll of VPRCL in the Schedule under I(A) - Toll at Main Toll Plaza near Ayyappan Temple and I(B) – Toll with concessions to local traffic / frequent travellers between Convent Junction and Ayyappan Temple on NH-5 (at main Toll Plaza near Ayyappan Temple) approved by this Authority vide Order No.TAMP/47/2006-VPRCL dated 28 November 2006 and amendment Order dated 12 February 2007 and final Order dated 7 August 2007 with the following:

**I. Toll at Main Toll Plaza near Ayyappan Temple:**

| S. No. | Description   | Car / Jeep / Van | LCV  | Truck/ Bus | MAV/ HCM/ EME (3 to 6 Axles) | Oversized (7 or more axles) |
|--------|---|------------------|------|------------|------------------------------|-----------------------------|
| 1      | Fee for Single Trip   | 35               | 61   | 122        | 198                          | 244                         |
| 2      | Fee for Return Trip in a day  | 52               | 91   | 183        | 297                          | 366                         |
| 3      | Fee for Daily Pass (Valid for 24 hrs unlimited journey) (6 times of single journey) | 208              | 366  | 731        | 1188                         | 1462                        |
| 4      | Fee for Monthly Pass (Limited Journey) (2/3 of                                      | 1158             | 2031 | 4061       | 6600                         | 8123                        |

|   |   |      |       |       |       |       |
|---|---|------|-------|-------|-------|-------|
|   | 50 Single Journey valid for 50 journeys in month (50 Journeys)  |      |       |       |       |       |
| 5 | Fee for Monthly Pass (Unlimited Journeys) (180 times of Single Journey)   | 6251 | 10966 | 21931 | 35640 | 43864 |
| 6 | Fee for Local Pass for month (for residents within 20 km of the toll plaza on production of residence proof and ownership proof of vehicle) | 262  | N/A   | N/A   | N/A   | N/A   |

- (ii). Replace the existing Schedule III covering categories of vehicle exempted from levy of toll in the existing toll rates of VPRCL approved by this Authority vide Order TAMP/47/2006-VPRCL dated 28 November 2006 and amendment Order dated 12 February 2007 and final Order dated 7 August 2007 with the following:

**II. The following categories of vehicle will be exempted from levy of toll:**

- (i). No fee shall be levied and collected from a mechanical vehicle –
- (a). Transporting and accompanying.
- (i). The President of India;
- (ii). The Vice-President of India;
- (iii). The Prime-Minister of India;
- (iv). The Governor of a State;
- (v). The Chief Justice of India;
- (vi). The Speaker of the House of People;
- (vii). The Cabinet Minister of the Union;
- (viii). The Chief Minister of a State;
- (ix). The Judge of the Supreme Court;
- (x). The Minister of State of the Union;
- (xi). The Lieutenant Governor of a Union territory;
- (xii). The Chief of Staff holding the rank of full General or equivalent rank;
- (xiii). The Chairman of the Legislative Council of a State;
- (xiv). The Speaker of the Legislative Assembly of a State;
- (xv). The Chief Justice of a High Court;
- (xvi). The Judge of a High Court;
- (xvii). The Member of Parliament;
- (xviii). The Army Commander or Vice-Chief of Army Staff and equivalent in other services;
- (xix). The Chief Secretary to a State Government within concerned State;
- (xx). The Secretary to the Government of India;
- (xxi). The Secretary, Council of States;
- (xxii). The Secretary, House of People;
- (xxiii). The Foreign dignitary on State visit;
- (xxiv). The Member of Legislative Assembly of a State and the Member of Legislative Council of a State within their respective State, if he or she produces his or her identity card issued by the concerned Legislature of the State;
- (xxv). The awardee of Param Vir Chakra, Ashok Chakra, Maha Vir Chakra, Kirti Chakra, Vir Chakra and Shaurya Chakra, if such awardee produces his or her photo identity card duly authenticated by the appropriate or competent authority for such award;

- (b). Used for official purposes by-
  - (i). The Ministry of Defence including those which are eligible for exemption in accordance with the provisions of the Indian Toll (Army and Air Force) Act, 1901 and rules made thereunder, as extended to Navy also;
  - (ii). The Central and State armed forces in uniform including para military forces and police;
  - (iii). An executive Magistrate;
  - (iv). The fire-fighting Department or organisation;
  - (v). The National Highways Authority of India or any other Government organisation using such vehicle for inspection, survey, construction or operation of national highways and maintenance thereof;
- (c). Used as ambulance; and
- (d). Used as funeral van.

13.2.  
list.

The VPRCL is directed to accordingly amend the Schedule of toll and exemption

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

**SUMMARY OF THE COMMENTS RECEIVED FROM THE PORT USERS/ USER ORGANIZATIONS AND ARGUMENTS MADE IN THIS CASE DURING THE JOINT HEARING BEFORE THE AUTHORITY**

**F.No. TAMP/74/2017-VPRCL - Proposal from Visakhapatnam Port Road Company Ltd. (VPRCL) for notification of toll to be collected at Main Toll Plaza in respect of 4-laning of Balance Connectivity Road from Visakhapatnam Port to NH-16 under Phase-II.**

A summary of comments received from users / user organisations and comments of VPRCL thereon are tabulated below:

| SI. No.    | Comments received from users / user organisations   | Reply received from VPRCL   |
|------------|---|---|
| <b>I.</b>  | <b>M/s. Indian Maritime University (IMU)</b>  |   |
| (i).       | M/s. Indian Maritime University (IMU) is an education institute imparting degree and post graduate courses with hostel facility and is functioning under the Ministry of Shipping (MOS).  | No comments furnished.  |
| (ii).      | IMU has requested that vehicles of the Campus may be exempted from paying the toll fee and also requested that the employees of the Campus may also be exempted from paying the toll fee.   | The exemption of vehicle from paying toll fee is a policy matter and is to be decided by the competent authority. As far as reducing the rates is concerned, the user fee rates are calculated based on the per Km rates considered in draft national policy for different types of vehicles, by taking the equivalent factor for 4-laning. |
| (iii).     | It is also requested that due identity card may please be provided such that the personnel of IMU campus can show their identity of the concerned toll gate for availing exemption. This request is made since there is a Central University under the MOS. |   |
| (iv).      | The proposed fee rates at Main toll plaza, the rates of the same may please be reduced considerably since it is felt that the rates are on a higher side.   |   |
| <b>II.</b> | <b>Visakhapatnam Port Trust (VPT)</b>   |   |
| (i).       | It is to state that there are no comments to be offered.  | -   |

2. A joint hearing in this case was held on 5 February 2018 at the VPT premises. At the joint hearing, the VPT, VPRCL and users / user associations have made the following submissions:

**Visakhapatnam Port Road Company Ltd.**

- (i). Briefly explains the proposal.
- (ii). Recently, we have developed the toll road incurring ₹79 crores as part of Phase II. So the current proposal is filed to recover the capex incurred by VPRCL for Phase-II.
- (iii). The tariff is arrived based on NHAI formula.
- (iv). The existing toll rate at Main plaza is proposed to be replaced with the proposed rate. For example, the existing toll for car is ₹17 per entry which is proposed to be increased to ₹35.

**Visakhapatnam Port Trust**

(Chairman)

- (i). Indicate the date when the revised toll need to be implemented.

**Visakhapatnam Port Road Company Ltd.**

- (i). We need the toll rate to be approved at the earliest. Once approved, we need two to three days to issue notification to all concerned.

**Commissioner of Police**

- (i). Road should be maintained. There should be appropriate signage on toll road clearly indicating the position.

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