

महापत्तन प्रशुल्क प्राधिकरण
TARIFF AUTHORITY FOR MAJOR PORTS
चौथा तल, भण्डार भवन, एम. पी. रोड, माझगाँव, मुम्बई- 400 010.
4th Floor, Bhandar Bhavan, M.P. Road, Mazgaon, Mumbai-400010

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No.A-27017/2/2002--TAMP

Dated :-15.03.2017.

NOTICE

Subject: Engagement of Legal Consultant to assist the Authority in dealing with Court Cases.

Tariff Authority for Major Ports (TAMP) is a third party neutral regulator empowered by the Major Port Trusts Act, 1963 to fix tariff at the Major Port Trusts and Private Terminal Operators thereat. It is mandated not only to fix the tariff but also to prescribe the conditions under which the services are to be provided by the operators.

2.1. In fixing/ revising tariffs of Major Port Trusts and Private Terminal Operators operating thereat whose bidding process was completed prior to 26 February 2008, TAMP follows Tariff Guidelines of 2005 issued by the Government of India which was notified by the Authority in the Gazette of India on 31 March 2005. From 13 January 2015 onwards, however, tariff fixation of Major Port Trusts is governed by the new Tariff Policy, 2015 issued by the Ministry of Shipping in the Government of India which was notified in the Gazette of India on 27 January 2015. Further, in compliance with Tariff Policy 2015, the Working Guidelines are notified by the TAMP in the Gazette of India on 4 June 2015 which are also followed for tariff fixation of Major Port Trusts. The private terminal operators governed under Tariff Guidelines 2005, continued to be governed under the same set guidelines.

2.2. For PPP projects which were bid during the period 26 February 2008 to 31 July 2013, upfront tariff is determined following the Upfront Tariff Guidelines issued by the Ministry of Shipping in the Government of India notified by the Authority in the Gazette of India in February 2008.

2.3. For the PPP projects which are bid from 31 July 2013, the tariff guidelines for fixation of Reference Tariff issued by the Ministry of Shipping and the revised tariff guidelines issued by the Ministry of Shipping effective from 9 September 2013 are followed. These guidelines are notified in the Gazette of India on 8 August 2013 and 30 September 2013 respectively.

2.4. All the above mentioned Tariff Guidelines/ Tariff Policy 2015/ Working Guidelines to operationalise the Tariff Policy 2015 are hosted in the website of TAMP at www.tariffauthority.gov.in.

2.5. For fixing lease rent for port lands, the TAMP is governed by the Land Policy Guidelines for Major Port Trusts issued by the Government from time to time. Presently, the Land Policy Guidelines, 2014 issued by the Government of India in January 2014 is followed for fixation of lease rent for Major Port Trusts.

2.6. The various Tariff Orders passed by the TAMP are hosted in the website of TAMP. All proposals are processed following a consultative approach and views of all the relevant stakeholders are taken into account in deciding the tariff proposals.

3. This Authority is desirous of availing professional services of experienced Legal Consultant **on contract basis** initially for a period of one year extendable upto 03 years to assist the Authority in dealing with Court related work.

4.1. The essential educational qualification and desirable experience for the Legal Consultant is tabulated below :

Category of Consultants	Essential Educational and other Qualifications	Desirable Experience
Legal Consultant	<p>Essential:</p> <p>(i). Degree of L.L.B. or equivalent from a recognized university and / or Institute in India or abroad, recognized by the Bar Council of India.</p> <p>(ii). Qualified to be registered as an advocate in the any State Bar Council of India in terms of Advocate's Act, 1961.</p> <p>Desirable:</p> <p>Higher qualification with specialization in regulatory laws.</p>	Experience in judicial or legal work, in Supreme Court, High Court or any other Court, Government or a Regulatory Authority or Major Port Trust or a Public Sector Undertaking.

4.2. The compensation payable is ₹.67,000 (Rupees Sixty-Seven thousand only) per month with 10% increase on completion of each year.

4.3. The General terms and conditions of engagement are as below:

- (i). The Legal Consultant will be engaged on contractual basis for not less than one year and not more than three years.
- (ii). Functions of Legal Consultants:

- (a) Personally deal with the case assigned to the Legal Consultant.
 - (b) Prepare para-wise comments on the Writ Petitions filed against TAMP and forward to the Advocate-on-Record (AoR) after approval of the Competent Authority, for drafting counter affidavit.
 - (c). Scrutinize the counter-Affidavit received from the AoR with reference to the para-wise comments and obtain approval of the Competent Authority and arrange for affirmation/filing before the concerned Court.
 - (d). Prepare reply to rejoinder, if any, obtain approval of the Competent Authority for the reply and arrange to affirm/file before the concerned Court.
 - (e). Not delegate cases and himself / herself deal with the same.
 - (f). Coordinate and work with the AoR / Senior Advocate engaged in the case as well as with the officers of the TAMP, whenever required.
 - (g). Keep TAMP informed about the developments in the matters entrusted to the Legal Consultant.
 - (h). Take follow-up action on the orders of Courts.
 - (i). Update the Statement of Monthly position of court cases from time to time and submit as an agenda item for information of TAMP.
 - (j). Maintain absolute secrecy and confidentiality about the cases of TAMP, relevant rules and regulations and not divulge any details to an outsider or opponent as the case may be without written consent of TAMP.
 - (k). Furnish legal opinion on the issues coming before TAMP.
 - (l). Perform such other work of a legal nature as may be entrusted to the Legal Consultant, from time to time.
- (iii). The Legal Consultant will be allowed to function from the Office of the Authority during his engagement within the normal workings hours of the Office.
- (iv). The Legal Consultant will be allowed to avail 8 days Casual Leave in a calendar year apart from that they will also be allowed to avail closed holidays, Saturdays and Sundays. No other benefits will be admissible.
- (v). The Legal Consultant should not have a conflict of interest and any breach thereof shall be viewed seriously.
- (vi) The Legal Consultant during the currency of the assignment or after conclusion of the work shall not disclose or make use in any manner

any information / data, drawings, or any other material, whether written or oral collected in connection with the assignment without the prior written consent of the Authority. Furthermore, such material shall be property of TAMP.

(vii) The Legal Consultant on having accepted the offer of engagement will be asked to enter into a contract with TAMP which shall also have a confidentiality clause detailing the terms and conditions of engagement, before being assigned any work.

(viii) Without prejudice and in addition to the legal remedies available to the Authority, the breach of contract executed by the Legal Consultant may be considered a sufficient ground for termination of the engagement made under contract and may further debar such Consultant from future engagement by the Authority.

5. The interested candidates may submit an application alongwith self attested copies of educational qualifications and experience certificates in a closed envelope in the format attached and addressed it to the Administrative Officer, Tariff Authority for Major Ports, 4th floor, Bhandar Bhavan, M.P. Road, Mazagaon, Mumbai - 400 010.

(D. S. Bhole)
Administrative Officer

FORMAT

APPLICATION FOR THE ENGAGEMENT AS LEGAL CONSULTANT FOR ASSISTING THE TARIFF AUTHORITY FOR MAJOR PORTS IN DEALING WITH COURT CASES

Paste a self-attested pass post size photograph

1.	Name	:				
2.	Postal Address for correspondence	:				
3.	Telephone/Mobile/Fax (if any) No.	:				
4.	Email id	:				
5.	Whether qualifications, experience and job requirements for the post are satisfied (kindly furnish qualification and experience certificates)	:				
	Qualification/experienced required		Qualification/ experience possessed			
	Essential					
		:				
		:				
		:				
	Desirable					
		:				
		:				
6.	Please state clearly whether in the light of entries made by you above, you meet requirements for engagement	:				
7.	Brief service particulars in chronological order/ Experience.	:				
	Name of the Organization	Position held (whether on Deputation/ contract/ regular basis)	Pay Band/ scale	Period of post held with dates	Brief description of duties	Details of experience in the relevant field.
8.	Nature of present employment		:			
9.	PAN (along with self-attested photocopy of the PAN card)		:			
10.	Additional information, if any, which you would like to mention. Enclose a separate sheet, if the space is insufficient.		:			

Date:

Signature of the Applicant