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TARIFF AUTHORITY FOR MAJOR PORTS

G.No. 558

New Delhi,

12 November 2021

NOTIFICATION

In exercise of the powers conferred by Section 49 of the Major Port Trusts Act, 1963 (38 of 1963), the Tariff Authority for Major Ports hereby disposes of the proposal received from Mumbai Port Trust (MBPT) for fixation of Schedule of Rates for way leave / special way leave fees of MBPT Trestle i.e. Old Pir Pau (OPP), First Chemical Berth (FCB) and Second Chemical Berth (SCB) for the period from 01.10.2012 to 30.09.2017 and 01.10.2017 to 30.09.2022, as in the Order appended hereto.

(T.S. Balasubramanian)
Member (Finance)

Tariff Authority for Major Ports
Case No. TAMP/59/2021-MBPT

Mumbai Port Trust

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Applicant

QUORUM

- (i). Shri. T.S. Balasubramanian, Member (Finance)
- (ii). Shri. Sunil Kumar Singh, Member (Economic)

ORDER

(Passed on this 1st day of November 2021)

This case relates to a proposal received from Mumbai Port Trust (MBPT) vide its letter dated 14 October 2021 seeking approval for fixation of Schedule of Rates for way leave / special way leave fees of MBPT Trestle i.e. Old Pir Pau (OPP), First Chemical Berth (FCB) and Second Chemical Berth (SCB) for the period from 01.10.2012 to 30.09.2017 and 01.10.2017 to 30.09.2022.

2. The proposal of MBPT is based on the amended Land Policy Guidelines, 2015. The proposal was taken on consultation with the relevant users/ tenants/ lessees. Users/ User organization have made their submissions during the proceeding of the case. The MBPT has responded to the comments of users/ users organizations.

3. With reference to the totality of information collected during the processing of the case and based on a collective application of mind, this Authority has passed a speaking Order disposing of the proposal filed by the MBPT for fixation of Schedule of Rates for way leave / special way leave fees of MBPT Trestle i.e. Old Pir Pau (OPP), First Chemical Berth (FCB) and Second Chemical Berth (SCB) for the period from 01.10.2012 to 30.09.2017 and 01.10.2017 to 30.09.2022

4. This Authority desires that the following Way leave Schedule for MBPT prescribing Schedule of way leave charges of MBPT Trestle i.e. Old Pir Pau (OPP), First Chemical Berth (FCB) and Second Chemical Berth (SCB) for the period from 01.10.2012 to 30.09.2017 and 01.10.2017 to 30.09.2022 may be notified without waiting for notification of the Speaking Order:

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SCHEDULE OF WAY LEAVE CHARGES FOR THE PIPELINES LAID ON TRESTLE AT PIR PAU

- (i). **Special Way Leave rates for the pipelines laid on Trestle at Pir Pau for the period 01.10.2012 to 30.09.2017**

Period	Rate per sq m./month for 300 mm dia pipeline laid at Old Pir Pau Jetty & First Chemical Berth	Rate per sq m./month for 300 mm dia pipeline laid at Second Chemical Berth
	₹.	₹.
01.10.2012 to 30.09.2013	182.87	N.A
01.10.2013 to 30.09.2014	190.19	N.A
01.10.2014 to 30.09.2015	197.79	230.64
01.10.2015 to 30.09.2016	205.71	239.87
01.10.2016 to 30.09.2017	213.93	249.60

- (ii). **Special Way Leave rates for the pipelines laid on Trestle at Pir Pau for the period 01.10.2017 to 30.09.2022**

	Rate per sq m./month for 300 mm dia pipeline laid at Old Pir Pau Jetty & First Chemical Berth	Rate per sq m./month for 300 mm dia pipeline laid at Second Chemical Berth

	₹.	₹.
01.10.2017 to 30.09.2018	222.49	259.44
01.10.2018 to 30.09.2019	231.39	269.81
01.10.2019 to 30.09.2020	240.65	280.60
01.10.2020 to 30.09.2021	250.27	291.83
01.10.2021 to 30.09.2022	260.28	303.50

Notes:

1. Above rates are exclusive of all Taxes (GST, Taxes, etc.), Service Charges, Penalties, and Interest etc. Same are separately payable by lessees, as may be applicable.
 2. The Special Way Leave fee for Optical Fiber Cable will be applicable as per the above rates but taking the width subject to a minimum of half a meter for computation.
 3. The rate indicated in the table is for 300 mm external dia of pipeline and the rate will increase proportionately for pipelines of higher dia.
 4. The way leave fee for the loop length of the pipeline on trestle will be charged at 60% of the rate applicable for the way leave fee on trestle.
 5. The above rates would be the SoR for the pipelines/marine loading arms presently laid on trestle and form the reserve rate for grant of way leave permissions in future.
 6. In the event of failure of achieve Minimum Guarantee Throughput (MGT), the user should compensate the port by paying additional wharf age charges for the shortfall quantity.
 7. Other aspects related to Right of Way permission will be dealt with as per the extant Land Policy Guidelines.
 8. Way Leave/ Special Way Leave fee, whether demanded or not, shall be paid by the lessees/ tenants/ licensees on or before the 15th day of each month succeeding that for which Way Leave / Special Way Leave fee is due.
 9. The formula for calculation of way leave fee on trestle is as follows:

$$\text{Way Leave fee per sqm per month} = \frac{\text{Length of pipeline} \times (\text{External dia including insulation}) \times \text{rate applicable}}{300 \text{ mm}}$$
 10. Way leave fees will increase by 4% every October. First such 4% increase will be effected from 1.10.2013.
 11. The rate applicable for loop length of pipeline laid on trestle will be taken at 60% of way leave fee of respective trestle.
 12. Interest will not be applicable on the differential areas due to revision till raising of demand notice. If the party fails to pay as per the demand / invoice within 3 months from the receipt of demand notice / invoice, interest will be applicable at 18% per annum as per existing policy or as may be decided by Board from time to time.
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5. The Speaking Order passed by this Authority will be intimated separately and communicated to the MBPT and the relevant tenants/ lessees in due course of time.

(T.S. Balasubramanian)
Member (Finance)