

(Published in Part - III Section 4 of the Gazette of India, Extraordinary)
Tariff Authority for Major Ports

G.No. 527

New Delhi,

25 November 2020

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 Syama Prasad Mookerjee Port (SPMP) [erstwhile Kolkata Port Trust (KOPT)] for fixation of Reference Tariff for Rejuvenation of Khidderpore Docks (KPD) (Dock 1 – West) on PPP basis, as in the Order appended hereto.

(T.S. Balasubramanian)
Member (Finance)

Tariff Authority for Major Ports
Case No. TAMP/45/2020-SPMP(KOPT)

Syama Prasad Mookerjee Port [erstwhile Kolkata Port Trust]

...

Applicant

QUORUM

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

ORDER

(Passed on this 28th day of October 2020)

This case relates to a proposal received from Syama Prasad Mookerjee Port (SPMP) [erstwhile Kolkata Port Trust (KOPT)] for fixation of Reference Tariff for Rejuvenation of Khidderpore Docks (KPD) (Dock 1 – West) on PPP basis.

2. The Ministry of Shipping (MOS) issued Guidelines for Determination of Tariff for Projects at Major Ports, 2013 under Section 111 of the Major Port Trusts Act and made it effective from 9 September 2013. The said guidelines were notified in the Gazette of India on 30 September 2013 vide Gazette No.254 and valid for 5 years. The validity of the said guidelines has been subsequently extended by the MOS beyond its expiry from time to time and on the last occasion, the validity has been extended till 8 March 2021.

3. Based on a proposal filed by the Paradip Port Trust (PPT) this Authority vide Order no. TAMP/10/2014-PPT dated 19 February 2014 has fixed Reference Tariff in respect of Development of a Multipurpose Berth at Paradip Port Trust (PPT) to handle Containers and clean cargo. This was followed by an Addendum vide Order no. TAMP/10/2014-PPT dated 19 March 2014.

4.1. In this backdrop, the Syama Prasad Mookerjee Port (SPMP) [erstwhile Kolkata Port Trust (KOPT)] vide its e-mail dated 08 October 2020 has filed a proposal for fixation of Reference Tariff on Rejuvenation of Khidderpore Docks (KPD) (Dock 1 – West) on PPP basis, under the Guidelines for Determination of Tariff for Port Projects at Major Ports, 2013.

4.2. The main submissions made by SPMP are as follows:

- (i). The Port has two Docks viz. Khidderpore Dock (KPD) and Netaji Subhas Dock (NSD). Khidderpore Dock (KPD) is the older one with 17 Multi-purpose berths and 1 berth for passenger-cum-cargo vessels, 6 Buoys / Moorings and 3 Dry Docks while Netaji Subhas Dock (NSD) is a relatively new one with 1 heavy lift berth, 10 berths including 4 dedicated Container Berths, 1 Liquid Cargo Berth, 4 multi-purpose berths, 2 Buoys / Moorings and 2 Dry Docks. Due to tidal variations in water level of Hooghly, both the docks operate under lock gate system.
- (ii). Presently, most of the traffic is handled at NSD and minimum traffic is handled at KPD.
- (iii). All the container traffic is handled at NSD while KPD handles logs, pulses wheat and fertilizers. During 2017-18, NSD handled a total of 10.12 million tonnes of which 9.79 million tonnes were through containers. During the same year KPD handled only 1.69 million tonnes.
- (iv). In order to unlock the complete potential of KPD, the Port has initiated the project of "Rejuvenation of KPD" proposed to be executed through Public-Private Partnership (PPP) mode.
- (v). KPD is split into two parts – KPD I and KPD II separated by a bascule bridge. KPD I has 10 berths while KPD II has eight berths. SMP has now decided to develop the western side berths of KPD I for handling containers and other cargo under PPP mode.

- (vi). Kolkata Port Trust desires that the “Rejuvenation of KPD” is to be done through PPP mode on Build, Equip, Operate and Transfer for a period of 30 years. SMP has done some preliminary assessment of the project and wants to execute it in two phases.
 - (a). Phase-1 of the proposed Project shall have two dedicated container berths and one multipurpose berth with a total Quay Length of 400m.
 - (b). Phase-2, three more berths in the remaining 400m of the Quay shall be developed.

4.3. With regard to tariff proposal, the SPMP has made the following submissions:

- (i). TAMP proposal has been prepared on the basis of PPP rates duly indexed available with Paradip Port Project under PPP. In certain cases the escalated rates of Visakhapatnam Port Trust (VPT) Container PPP has been considered since the rate difference of VPT and SPMP is minimal and within Dock System 2 different rates in wide variance would affect the cargo and revenue of SPMP adversely.
- (ii). SPMP has considered the reference under PPP tariff rates due to similarity of the project between Paradip Port Project and KPD Rejuvenation Project. Both the projects involve Container cargo as well as cleans cargo handling.

4.4. The SPMP has furnished the proposed draft Scale of Rates and Performance Standards for the project in reference. The SPMP has also made available the copy of the approval of its Board of Trustees for the proposal in reference.

4.5. The proposal of SPMP, as indicated in the Scale of Rates, seeks tariff for the following:

- (i). Containers
- (ii). Finished Fertilizers
- (iii). Food grains
- (iv). Iron and Steel Products and Aluminum Ingots
- (v). Pig Iron
- (vi). Sugar
- (vii). Lime Stone

5. With reference to the proposal filed by the SPMP and clarifications given by SPMP, the following position emerges:

- (i). This Authority had passed an Order No. TAMP/10/2014-PPT dated 19 February 2014 fixing Reference Tariff in respect of Development of a Multipurpose Berth at Paradip Port Trust (PPT) to handle Containers and clean cargo, following the Reference Tariff Guidelines of 2013. This was followed by an Addendum vide Order no. TAMP/10/2014-PPT dated 19 March 2014.
- (ii). Clause 2.2. of the Reference Tariff Guidelines of 2013, interalia, stipulates that in case no tariff has been fixed for a commodity at a Major Port Trust or if the highest tariff fixed for a particular commodity in the concerned Major Port Trust does not represent the project proposed to be developed, then concerned Major Port Trust can propose to this Authority any other tariff fixed under 2008 tariff guidelines in any other Major Port Trust, which is representative enough for that commodity giving detailed and sufficient justification.
- (iii). Based on the above said enabling provision in the Reference Tariff Guidelines of 2013 and on account of the similarity in the cargo envisaged to be handled between the Project of PPT and SPMP i.e. handling of clean cargo as well as Containers, the SPMP has proposed to generally adopt the Reference tariff fixed vide Order No.

TAMP/10/2014-PPT dated 19 February 2014 relating to development of a Multipurpose Berth at PPT to handle Containers and clean cargo, in respect of its proposed project.

In addition to the above, the SPMP, in respect of few container tariff items has proposed to adopt the tariff in respect of Visakha Container Terminal Private Limited (VCTPL), a BOT operator governed by the 2019 Tariff Guidelines (erstwhile 2005 Tariff Guidelines), operating at Visakhapatnam Port Trust (VPT), fixed vide Order no. TAMP/7/2018-VCTPL dated 31 July 2018, on the ground that the rate difference between the tariff of VCTPL and that of the SPMP is minimal and that the adoption of the tariff at VCTPL would help SPMP in maintaining parity of rates within the same Dock System. The SPMP is of the view that two different rates in wide variation would affect the cargo and revenue of the Port adversely.

From the submissions made by SPMP, it is seen that SPMP is of the view that the tariff rates adopted by it from PPT and VCTPL for its Project in reference, is representative enough. It is presumed that the port has carried out its due diligence, in this regard, before approaching this Authority with the subject proposal.

- (iv). The Port has envisaged to execute rejuvenation of KPD in two phases. However, the port has proposed only one set of tariff to be applicable throughout the concession period. Thus, it is relevant to state that, the Reference Tariff set Upfront before inviting bids will not undergo any change throughout the concession period except to the extent of annual escalation of tariff at 60% of variation in wholesale price index. If the execution of rejuvenation of KPD in two phases is going to benefit the Concessionaire, it may be necessary for the Port to make adequate provision in the bid document for enhanced compensation it may like to claim from the concessionaire.
- (v). With regard to SPMP adopting the Reference tariff of the PPT project as well as of VCTPL, the following points are relevant to mention, with regard to the proposed Scale of Rates:
 - (a). The Reference Tariff Guidelines of 2013 stipulate that while adopting the Reference tariff, the tariff so being adopted shall be escalated to the extent of 60% of variation in WPI per annum for the period between 1st January of the year as prescribed in the relevant tariff order of this Authority and 1st January of the subsequent relevant year when the Reference Tariff for the particular project in question is being notified.

The Reference Tariff Schedule for the PPT Project, which forms the basis for the Reference tariff for the Project at SPMP, specifically states that the base year of Wholesale Price Index (WPI) for indexation in the reference tariff rates approved in the said Order will be 1 January 2013. In the instant case of SPMP, since the case is being finalized in the year 2020, the reference tariff for handling containers and multipurpose cargo fixed at PPT has been correctly indexed by SPMP by adopting an indexation factor of 13.732%, being the indexation factor occurring between the year 2013 and the year 2020. While adopting the tariff of VCTPL fixed in the year 2018, an indexation factor of 10.587% has been applied by SPMP.
 - (b). The SPMP has generally proposed the Definitions and the Notes forming part of the PPT Order. However, definition of the term 'Coastal vessel' has been modified in line with the definition prevailing in existing Scale of Rates of SPMP. Also, new definitions have been proposed in respect of 'Day', 'Demurrage' and 'Free Period' in line with the definition prevailing in existing Scale of Rates of SPMP.
 - (c). Further, since no berth hire charges have been proposed by the SPMP, it is not felt necessary to prescribe the Notes relating to levy of Berth hire charges

and the Notes relating to levy of Vessel related charges, as proposed by SPMP, in the SOR of the proposed project of SPMP.

- (d). The PPT Order did not prescribe any Reference tariff for Limestone. However, the SPMP has proposed rate for handling limestone as per the wharfage rate prevailing in existing Scale of Rates of SPMP. It is presumed that the port has carried out its due diligence, before proposing adoption of the rate of Limestone.
- (e). With regard to the performance standards for the containers, the SPMP has rightly adopted the performance standards as prescribed in the case of the PPT Project. However, incase of Multipurpose cargo, the SPMP is seen to have proposed performance norms in variance to the Project of PPT. Likewise, there is variance in the transit storage dwell time forming part of the Performance Standard Schedule. The SPMP has not given any reasons to propose variance in the performance norms.

Clause 2.5 of the 2013 Reference tariff guidelines stipulates that the Reference Tariff and Performance Standards notified by this Authority would be mentioned in the bid document and subsequently in the Concession Agreement in respect of PPP Projects. As per the said guidelines, on the achievement of the Performance Standards at the level incorporated in the Concession Agreement, the operator is eligible to seek upward revision upto 15% over the indexed reference tariff. Thus, achievement of Performance Standards to claim tariff hike is the fulcrum of the 2013 guidelines. The Performance Standard to be notified by this Authority based on the proposal of the SPMP appears to have a significant impact on the tariff to be levied by the Operator during the entire period of Concession Agreement, normally for the time horizon of 30 years. In this regard, it is presumed that the variance in performance standards have been proposed by the port so as to capture the possible variance in the local conditions at SPMP as compared to PPT. Nevertheless, it may not be incorrect to assume that the SPMP would have carried out its due diligence and has taken sufficient care while proposing the Performance Standards at the proposed levels.

- (vi). It is also to state that the tariff caps approved will be indexed to inflation but only to an extent of 60% of the variation in Wholesale Price Index (WPI) occurring between 1 January 2020 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 1st April of the relevant year to 31st March of the following year. This has been incorporated as a note by SPMP in the SOR of the proposed Project.
- (vii). Since the Reference tariff sought by SPMP for the Rejuvenation of Khidderpore Docks (KPD) (Dock 1 – West) at SPMP is an adoption of the Reference tariff already fixed after hearing the concerned stakeholders and since Reference Tariff Guidelines, 2013 issued by the Ministry of Shipping does not require consultation with the users when a Port Trust proposes to adopt an upfront/ reference tariff already approved after consulting the stakeholders, no consultation with stakeholders was done in this case.
- (viii). **If there is any error apparent on the face of records considered or for any other justifiable reasons, the SPMP may approach this Authority for review of the reference tariff fixed, prior to completion of bidding process of the project giving adequate justification / reasoning within 30 days from the date of notification of the Order in the Gazette of India.**

6.1. Based on the facts of the case as brought out above, this Authority is inclined to approve the proposal of SPMP, as proposed by it. The SOR and the Performance Standards as proposed by SPMP are attached as **Annex - I and II**.

6.2. In the result, and for the reasons given above and based on collective application of mind, this Authority approves the Reference Tariff Schedule along with the Performance Standards for the Rejuvenation of Khidderpore Docks (KPD) (Dock 1 – West) on PPP basis.

6.3. As per clause 2.5 of the Reference Tariff Guidelines 2013, the Reference Tariff and Performance Standards notified by this Authority shall be mentioned in the bid document and subsequently in the Concession Agreement in respect of PPP Projects. Accordingly, the SPMP is advised to incorporate the Reference Tariff and Performance Standards, in the bid document and subsequently in the Concession Agreement in respect of PPP Project.

7.1. 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 Reference tariff guidelines of 2013 which will be applicable for the entire concession period.

However, the PPP operator 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.

7.2. The proposal shall be submitted 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.

7.3. On receipt of the proposal, this Authority shall seek the views of the Major Port Trust on the achievement of Performance Standards as outlined in para 5 of the tariff guidelines of 2013, within 7 days of receipt.

7.4. In the event of Operator 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 Operator shall be entitled to only the indexed Reference Tariff applicable for the ensuing financial year.

7.5. After considering the views of the Major Port Trust, 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 15th of March to be effective from 1st of April of the ensuing financial year.

7.6. 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 operator. Determination of indexed Reference Tariff and Performance Linked Tariff will follow the illustration shown in the Appendix attached to the tariff guidelines of 2013.

7.7. From the third year of operation, the Performance Linked Tariff proposal from the PPP operator 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 PPP operator, 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 this Authority shall notify by 20th March, the Performance Linked Tariff to be effective from the ensuing financial year.

7.8. 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 concerned Major Port Trust. The Major Port Trust will be bound to take necessary action on the findings as per the provisions of the respective Concession Agreement.

7.9. Within 15 (fifteen) days of the signing of the Concession Agreement, the concerned operator will forward the Concession Agreement to this Authority which will host it on its website.

7.10. The PPP operator 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 for each berth. The quarterly reports shall be submitted by the PPP operator 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.

7.11. This Authority shall publish on its website all such information received from PPP operator. However, this Authority shall consider a request from any PPP operator 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)

SYAMA PRASAD MOOKERJEE PORT, KOLKATA

REFERENCE TARIFF SCHEDULE FOR REJUVENATION OF KIDDERPORE DOCKS [DOCK I – WEST] ON PUBLIC PRIVATE PARTNERSHIP BASIS

CHAPTER – 1 – DEFINITIONS & GENERAL PRINCIPLES OF ASSESSMENT

1. Definitions:

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

- (i). 'Coastal Vessel' means 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 and/or any other vessel directed to be treated as Coastal by Govt. of India.
- (ii). 'Foreign Vessel' means any vessel other than Coastal vessel.
- (iii). 'Day' shall mean the period starting from 6.30 am of a day and ending at 6.30 am on the next day.
- (iv). 'Demurrage' shall mean charges payable for storage of cargo within Port premises beyond free period as specified in the Scale of Rates and shall not include the cargo stored at the area allotted to a port user on license/lease basis for storage of cargo.

Note: For storage of cargo at the areas allotted to any port user by SPMP on license /lease basis, provisions of Schedule of Rent shall apply during the entire period of occupation (i.e. till vacation) of the storage area by the port user.

- (v). 'Free period' shall mean the period during which cargo is allowed storage free of demurrage and this period shall exclude Customs notified holidays and Terminal's non-operating days.
- (vi). 'Per Day' shall mean a calendar day or part thereof.
- (vii). "FCL" means Containers said to contain Full Container Load.
- (viii). "LCL" means Containers said to contain Less than full Container Load (Container having cargo of more than one importer/exporter).
- (ix). "Hazardous container" means a Container containing hazardous goods as classified under IMO.
- (x). "Import container" means a container discharged from one vessel, stored in container yard and transported out through Road or Train.
- (xi). "Export container" means a container arrived by road or Train, stored in container yard and loaded on the assigned vessel.
- (xii). "Normal Container" shall mean general type containers, not falling under special categories mentioned subsequently.
- (xiii). "Reefer Container" shall mean a refrigerated container used for carriage of perishable goods with provision for electrical supply to maintain the desired temperature.
- (xiv). "Transshipment Container" shall mean a container, which is discharged from one vessel, stored in the yard and transported through other vessel.

- (xv). "Over dimensional Container" shall mean a container carrying over dimensional cargo beyond the normal size of standard containers and/ or needing special devices like slings, shackles, lifting beam, etc. Damaged Containers (including boxes having corner casting problem) and Container requiring special devices for lifting will also be classified as Over Dimensional Container.
- (xvi). "Shut out Container" shall mean export cargo left in the Port having not been shipped on board the vessel for which it was received in Port premises.

2. General Principles of Assessment:

(i). 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 license 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. The charges for coastal cargo/containers/vessels shall be denominated and collected in Indian Rupee.

(ii). Interest on delayed payments / refunds:

- (a). The user shall pay penal interest on delayed payments under this Scale of Rates. Likewise, the Terminal Operator shall pay penal interest on delayed refunds.
- (b). The rate of penal interest will be 2 % above the Base Rate declared by the State Bank of India. The penal interest rate will apply to both the Terminal Operator and the user 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 Terminal Operator. The provision shall, however, not apply to the cases where payment is to be made before availing the services as stipulated in the Major Port Trusts Act, 1963 and/or where payment of charges in advance is prescribed in this Scale of Rates.

(iii). All charges worked out shall be rounded off to the next higher rupee on the grand total of each bill.

- (iv). No claims for refund shall be entertained unless the amount refundable is ₹100/-or more. Likewise, terminal operator shall not raise any supplementary or undercharge bills, if the amount due to the terminal is ₹100/- or less.
- (v). Users will not be required to pay charges for delays beyond a reasonable level attributable to the Terminal Operator.
- (vi).
 - (a). The reference rates prescribed in this Scale of Rates are ceiling levels; likewise, rebates and discounts are floor levels. The Terminal Operator may, if it so desires, charge lower rates and/ or allow higher rebates and discounts.
 - (b). The Terminal Operator may also, if he so desires, rationalize the prescribed conditionality 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.
 - (c). Provided that the Terminal Operator should notify the public such lower rates and / or rationalization of the conditionality governing the application of such rates and continue to notify the public any further changes in such lower rates and / or in the conditionality governing the application of such rates, provided the new rates fixed shall not exceed the rates notified by the TAMP.
- (vii). In calculating the gross weight/ measurement by volume or capacity of any individual item, fractions upto and inclusive 0.5 shall be taken as 0.5, unit fractions of above 0.5 shall be treated as one unit, except where otherwise specified.
- (viii). The minimum weight/ measurement chargeable shall be 1 tonne although the gross weight/ measurement may be less than 1 tonne. In case where the charge is on weight basis and the gross weight is not an exact multiple of 100 Kgs, the same will be rounded off to the next higher multiple of 100 Kgs.

CHAPTER 2 – CONTAINER RELATED CHARGES

3.1. 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 up to 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 damaged containers and any other type requiring special devices.

3.2. Container Related Charges.

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 containerized cargo passing through the port.

The following consolidated charges 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.

3.2.1 Handling Charges

(a). Normal Containers

Sl. No.	Description	Rate per TEU (in ₹)			
		Foreign Container		Coastal Container	
		Loaded	Empty	Loaded	Empty
1	From Ship to container yard or vice versa	4936.53	3449.40	2961.92	2069.64
2	From Container yard to Truck or vice versa (direct delivery and export intake)	657.03	657.03	657.03	657.03

(b). Reefer Containers

Sl. No.	Description	Rate per TEU (in ₹)			
		Foreign Container		Coastal Container	
		Loaded	Empty	Loaded	Empty
1	From Ship to container yard or vice versa	4936.53	3449.40	2961.92	2069.64
2	From container yard to Railway flat or vice versa (ICD Container Rail only)	2135.33	2135.33	2135.33	2135.33
3	From Container yard to Truck or vice versa (direct delivery and export intake)	657.03	657.03	657.03	657.03

(c). Hazardous Containers

Sl. No.	Description	Rate per TEU (in ₹)	
		Foreign Container	Coastal Container
		Loaded	Loaded
1	From Ship to container yard or vice versa	6170.66	3702.40
2	From container yard to Railway flat or vice versa (ICD Container Rail only)	2669.12	2669.12
3	From Container yard to Truck or vice versa (direct delivery and export intake)	821.28	821.28

(d). Transshipment Containers

Sl. No.	Description	Rate per TEU (in ₹)			
		Foreign Container		Coastal Container	
		Loaded	Empty	Loaded	Empty
1	1 – 3000 TEUs	5557.15	4936.53	3334.29	2961.92
2	3001 – 6000 TEUs	5246.84	4626.22	3148.10	2775.73
3	6001 – 9000 TEUs	4936.53	4315.91	2961.92	2589.55
4	Thereafter.	4926.22	4005.60	2775.73	2403.36

Notes

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

(e). Over Dimensional Cargo Containers

Sl. No.	Description	Rate per TEU (in ₹)			
		Foreign Container		Coastal Container	
		Loaded	Empty	Loaded	Empty
1	From Ship to container yard or vice versa	9873.06	6898.78	5923.84	4139.27
2	From container yard to Railway flat or vice versa (ICD Container Rail only)	4270.67	4270.67	4270.67	4270.67
3	From Container yard to Truck or vice versa (direct delivery and export intake)	1314.05	1314.05	1314.05	1314.05

3.2.2 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' upto 40' in length	Above 40' in length
1	Non-ICD/ CFS Import – loaded			
	First 2 days	Free	Free	Free
	3-6 days	522.25	1044.47	1566.72
	7-9 days	621.23	1242.47	1863.70
	10-12 days	738.89	1477.76	2216.65
	13-15 days	878.05	1756.11	2634.16
	16-18 days	1043.03	2086.09	3129.12
	19-22 days	1241.05	2482.07	3723.11
	23-26 days	1476.34	2952.67	4429
	27-30 days	1754.67	3509.34	5264.01
	Thereafter	2087.53	4175.06	6262.58
2	Non - ICD/ CFS Import - Empty			
	First 2 days	Free	Free	Free
	3-6 days	522.25	1044.47	1566.72
	7-9 days	621.23	1242.47	1863.70
	10-12 days	738.89	1477.76	2216.65
	13-15 days	878.05	1756.11	2634.16
	16-18 days	1043.03	2086.09	3129.12
	19-22 days	1241.05	2482.07	3723.11
	23-26 days	1476.34	2952.67	4429
	27-30 days	1754.67	3509.34	5264.01
	Thereafter	2087.53	4175.06	6262.58
3	Non - ICD/ CFS Export - Loaded			
	First 3 days	Free	Free	Free
	4-6 days	522.25	1044.47	1566.72
	7-9 days	621.23	1242.47	1863.70
	10-12 days	738.89	1477.76	2216.65
	13-15 days	878.05	1756.11	2634.16
	16-18 days	1043.03	2086.09	3129.12
	19-22 days	1241.05	2482.07	3723.11
	23-26 days	1476.34	2952.67	4429
	27-30 days	1754.67	3509.34	5264.01
	Thereafter	2087.53	4175.06	6262.58
4	Non - ICD/ CFS Export - Empty			
	First 3 days	Free	Free	Free
	4-6 days	522.25	1044.47	1566.72
	7-9 days	621.23	1242.47	1863.70
	10-12 days	738.89	1477.76	2216.65
	13-15 days	878.05	1756.11	2634.16

Sl. No	Particulars	Rate per container per day or part thereof (In ₹)		
		Upto 20' in length	Over 20' upto 40' in length	Above 40' in length
	16-18 days	1043.03	2086.09	3129.12
	19-22 days	1241.05	2482.07	3723.11
	23-26 days	1476.34	2952.67	4429
	27-30 days	1754.67	3509.34	5264.01
	Thereafter	2087.53	4175.06	6262.58
5	CFS Import loaded - moved by road			
	First 2 days	Free	Free	Free
	3-6 days	522.25	1044.47	1566.72
	7-9 days	621.23	1242.47	1863.70
	10-12 days	738.89	1477.76	2216.65
	13-15 days	878.05	1756.11	2634.16
	16-18 days	1043.03	2086.09	3129.12
	19-22 days	1241.05	2482.07	3723.11
	23-26 days	1476.34	2952.67	4429
	27-30 days	1754.67	3509.34	5264.01
	Thereafter	2087.53	4175.06	6262.58
6	CFS Import empty - moved by road			
	First 2 days	Free	Free	Free
	3-6 days	522.25	1044.47	1566.72
	7-9 days	621.23	1242.47	1863.70
	10-12 days	738.89	1477.76	2216.65
	13-15 days	878.05	1756.11	2634.16
	16-18 days	1043.03	2086.09	3129.12
	19-22 days	1241.05	2482.07	3723.11
	23-26 days	1476.34	2952.67	4429
	27-30 days	1754.67	3509.34	5264.01
7	CFS Export loaded - moved by road			
	First 3 days	Free	Free	Free
	4-6 days	522.25	1044.47	1566.72
	7-9 days	621.23	1242.47	1863.70
	10-12 days	738.89	1477.76	2216.65
	13-15 days	878.05	1756.11	2634.16
	16-18 days	1043.03	2086.09	3129.12
	19-22 days	1241.05	2482.07	3723.11
	23-26 days	1476.34	2952.67	4429
	27-30 days	1754.67	3509.34	5264.01
8	CFS Export empty- moved by road			
	First 3 days	Free	Free	Free
	4-6 days	522.25	1044.47	1566.72
	7-9 days	621.23	1242.47	1863.70
	10-12 days	738.89	1477.76	2216.65
	13-15 days	878.05	1756.11	2634.16
	16-18 days	1043.03	2086.09	3129.12
	19-22 days	1241.05	2482.07	3723.11
	23-26 days	1476.34	2952.67	4429
	27-30 days	1754.67	3509.34	5264.01
9	ICD Import and Export loaded or empty - moved by rail			
	First 5 days	Free	Free	Free
	6-15 days	1043.03	2086.09	3129.12
	16-30 days	2087.53	4175.06	6262.58
	Thereafter	4175.06	8350.11	12525.17
10	Transshipment - Loaded			

Sl. No	Particulars	Rate per container per day or part thereof (In ₹)		
		Upto 20' in length	Over 20' upto 40' in length	Above 40' in length
	First 15 days	Free	Free	Free
	16-30 days	2087.53	4175.06	6262.58
	Thereafter	4175.06	8350.11	12525.17
11	Transshipment - Empty			
	First 7 days	Free	Free	Free
	8-15 days	1241.05	2482.07	3723.11
	Thereafter	4175.06	8350.11	12525.17

Notes:

- (i). 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.
- (ii). 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.
- (iii). 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.
- (iv). 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.
- (v). 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.
- (vi). 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.
- (vii). Over high and over dimensional containers shall attract thrice the normal applicable charges.
- (viii). Hazardous containers shall attract 1.25 times the normal applicable charges.
- (ix). In case of stuffing the containers inside the port, the dwell time charges will be applicable as follows:
 - (a). Prior to stuffing, dwell time charges as applicable to empty containers will be charged.
 - (b). 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.
- (x). 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 de-stuffing is completed.
- (xi). 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.

- (xii). The storage charges on abandoned FCL containers/shipper owned containers shall believe up to 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:
- The consignee can issue a letter of abandonment at any time.
 - 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, (i). the Line shall resume custody of container along with cargo and either take back it or remove it from the port premises; and (ii). the line shall pay all port charges accrued on the cargo and container before resuming custody of the container.
 - 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.
 - 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.

3.2.3 Charges for miscellaneous services rendered to the container vessels:

(a). Reefer Monitoring and Connection

Sl. No	Particulars	Rate 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.	320.34	320.34	320.34	320.34

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

(b). Other Services Rendered

Sl. No.	Particulars	Rate in ₹			
		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.	2766.47	2766.47	2766.47	2766.47
2	Additional service charges for stacking containers in designated yard for custom examination or for any other purpose by prior arrangement.	325.39	325.39	325.39	325.39

(c). **Opening of Hatch Cover and replacing it**

Sl. No.	Particulars	Rate in ₹	
		Foreign going Vessel	
		Loaded	Empty
1	When placing it on the Quay	4805.72	2883.43
2	Without placing it on the Quay	1922.00	1153.21

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**

Sl. No.	Description	Rate per TEU (₹)			
		Foreign going	Coastal	Foreign going	Coastal
		Loaded	Empty	Loaded	Empty
1	Hatch to hatch shifting (involving 1 move only)	1601.69	1601.69	961.01	961.01
2	Other than (a) mentioned above	6407.38	6407.38	3844.43	3844.43

CHAPTER 4 – CARGO RELATED CHARGES

4.1. The cargo handling charges shall be payable on the manifested cargo directly by the importer of cargo at the rates specified below:

(a). **Handling Charges**

Sl. No.	Commodity	Unit	Rate in ₹ (Foreign)	Rate in ₹ (Coastal)
1	Finished fertilizers	Ton	271.42	162.85
2	Food grains	Ton	271.42	162.85
3	Iron & Steel products and Aluminium Ingots	Ton	508.67	305.20
4	Pig iron	Ton	451.88	271.12
5	Sugar	Ton	203.45	122.09
6	Limestone	Ton	59.28	35.57

Note: The handling charges prescribed above is a composite charge for (i) unloading of the cargo from the vessel including stevedoring and transfer of the same up to the point of storage, storage at the stack yard up to a free period of 5 days and loading on to trucks/ rakes in respect of import cargo and (ii) unloading of the cargo from the trucks/ rakes at the stack yard, storage at the stack yard up to a period of 15 days, transfer the cargo to the loading point and loading onto the ship including stevedoring. This composite charge includes wharfage and supply of labour, wherever necessary.

(b). **Storage charges after free period:**

The storage charges for the cargo stored in the stack yard beyond the free period allowed shall be as below:

Import/ Export Cargo

(Rate in ₹ per MT per day or part thereof)

Sl. No.	Commodity	Rate for 1 st – 10 th day after free period	Rate for 11 th – 20 th day after free period	Rate for 21 st day onwards after free period
1	All types of Multipurpose cargo	2.76	5.54	8.29

Notes:

- (i) Five free days for import cargo and fifteen free days for export cargo shall be allowed. For the purpose of calculation of free period, Customs notified holidays and Terminal's non- working days shall be excluded.
- (ii). Storage charges shall be payable for all days including Terminal's non- working days and Customs notified holidays for stay of cargo beyond the prescribed free days.
- (iii). Storage charge on cargo shall not accrue for the period when the terminal operator is not in a position to deliver / ship the cargo when requested by the user due to reasons attributable to the terminal operator.

(c). Miscellaneous charges:

Sl. No.	Commodity	Unit	Rate in (₹)
1	All types of Multipurpose cargo	Per Ton	22.33

The miscellaneous charges prescribed above is a composite charge for provision of all miscellaneous services such as sweeping of cargo on the wharf, weightment of cargo, dust suppression etc.

CHAPTER 5 – GENERAL NOTES

- (i). The Reference Tariffs will be indexed to inflation but only to an extent of 60% of the variation in Wholesale Price Index (WPI) occurring between 1st January 2020 and 1st January of the relevant year. Such automatic adjustment of Reference Tariffs 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 tariff guidelines of 2013 which will be applicable for the entire licence period. However, the Licensee 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 90days 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 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 Licence 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 Major Port Trust 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 Licensee not achieving the Performance Standards as incorporated in the Licence Agreement in previous 12 months, TAMP will not consider the proposal for notifying the Performance Linked Tariff for the ensuing financial year and the Licensee shall be entitled to only the indexed Reference Tariff applicable or the ensuing financial year.
- (vi). After considering the views of the Major Port Trust, 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 Licensee. 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 Licensee. 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 Licensee 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 Licensee, 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.

PERFORMANCE STANDARDS

a. Containers

Sl. No	Performance Standard	
1	Gross Berth Output	25 Moves / Crane / hour
2	Transit Storage Dwell Time for Containers	
	Import	2 days
	Export	4 days
3	Turnaround Time for receipt / delivery operation	
	Trailer for Containers (Single operation)	2 hours
	Trailer for Containers (Double operation)	4 hours
	Rake for ICD Containers (Single operation)	6 hours
	Rake for ICD Containers (Double operation)	12 hours

b. Multipurpose Cargo

Cargo Category	Indicative Norms
Iron & Steel products and Aluminium Ingots	4000 tonnes per day
Pig Iron	6000 tonnes per day
Finished Fertilisers	4500 tonnes per day
Food Grains	4500 tonnes per day
Sugar	4500 tonnes per day
Other bulk Cargo	5000 tonnes per day

Weightage in case of a shortfall in meeting the prescribed performance standard for Gross Berth Output will be 80%.

Transit Storage Dwell Time

The Transit Storage Dwell Time of Break Bulk cargo shall be calculated in the same manner as calculated for container in the terminal. The Transit Storage Dwell Time for Break Bulk Cargo is the sum of time of each unit of cargo that remains in the Port in a month divided by the number of cargo units handled during that month in the terminal. To further clarify, the time the break bulk cargo remains in the port will commence from the date and time of landing till the date and time of exit from the Port in case of import and for export from the date and time the cargo entered the Port area till the date and time of the shipment.

Import

No	Description	Transit Storage Dwell Time
1	Other Clean Cargo (at stack yard)	15 days after date of completion of vessel's discharging operation

Export

No	Description	Transit Storage Dwell Time
1	Other Clean Cargo (at stack yard)	15 days after date of completion of vessel's discharging operation

Weightage in case of a shortfall in meeting the prescribed performance standard will be 10%

Turnaround Time for receipt/ delivery operation:

The Turnaround 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.

No	Description	Time
1	(i) Truck for conventional cargo (Single operation)	4 hours
2	(ii) Truck for conventional cargo (Double operation)	8 hours

Weightage in case of a shortfall in meeting the prescribed performance standard will be 10%

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 Concessioneing Authority. The Concessionaire shall be liable to pay liquidated damages determined at the rate of 1% (one per cent) of the Gross Revenue of the respective quarter for every shortfall of 10% (ten per cent) 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 shortfalls is 0.8, 0.1 and 0.1 respectively, then the overall shortfall in average performance will be $(0.8x + 0.1 y + 0.1 z)\%$.
