

No. 345

NEW DELHI, the 27 December, 2001

**Tariff Authority for Major Ports**

**NOTIFICATION**

In exercise of the powers conferred by Sections 48, and 49 of the Major Port Trusts Act, 1963 (38 of 1963), the Tariff Authority for Major Ports hereby closes the case relating to the Cochin Port Trust for levy of additional berth hire charges for offering the proposed fixed window service for container vessels as in the Order appended hereto.

( **S. Sathyam** )

Chairman

**Tariff Authority for Major Ports**

**Case No.TAMP/33/2001-COPT**

The Cochin Port Trust (COPT) - - -  
Applicant

**ORDER**

**(Passed on this 13th day of December 2001)**

This case relates to a proposal received from the Cochin Port Trust (COPT) for introduction of fixed window service for container vessels and levy of additional berth hire charges for offering such service.

2. In its proposal, the COPT has detailed a scheme of providing fixed berthing window to container vessels which call at three or more ports other than Cochin during their single voyage. Under this proposed scheme only one berth out of the two container berths will be allotted for vessels opting for berthing window and allotment of the second berth will be exclusively on first-cum-first serve basis. The COPT has also proposed that the Lines opting for window service will require to pay an additional berth hire charges equivalent to one day's berth hire or 75% of the total berth hire charges for the vessel's stay at the port whichever is higher. If two or more Lines opt for the same berthing window then allotment will be to that Line which will quote higher premium over and above the additional berth hire.

3.1. The proposal of the COPT was registered as a case and processed following the consultation procedure prescribed. A joint hearing in this case was also held on 12 September 2001 at the COPT premises.

3.2. At the joint hearing, the users objected to the scheme primarily on the ground that it was only for assured berthing and did not provide any counter assurance from the COPT side on performance. The users also cited the example of the JNPT and NSICT where no additional charge was being levied for reserving berthing window. Pointing out that the COPT was predominantly a feeder vessel port, the users also requested not to distinguish between feeder and multi-port vessels and allow all vessels to participate in the proposed scheme.

3.3. The COPT announced that it would reformulate the proposal after further consultations with the Lines and after studying the set up at the CHPT and the JNPT. It also assured that it would try to avoid levying extra charges and introduce necessary provisions for assured levels of performance and penalty for non / under performance. Accordingly, it was decided that the revised proposal (to be) received from the COPT would be taken up for final consideration.

4.1. Subsequently, the COPT on 29 September 2001 intimated that its discussion with the Cochin Steamer Agents' Association did not yield any unanimous conclusion on the issue. It assured that it would hold another round of discussion with the users and the final outcome would be intimated to the Authority within a fortnight.

4.2. Four reminders have been issued to the COPT since then; yet no response has been received so far.

5. Since the proposal of the COPT has been registered as a tariff case, it is not desirable to keep it pending indefinitely. At the same time, it serves no purpose to order a tariff arrangement based on the original proposal of the COPT when the Port itself wants to re-cast its proposal.

6. In the light of the position explained above, and based on a collective application of mind, this Authority decides to close the case as withdrawn. If a revised proposal is received from the COPT, it will be considered afresh then.

**( S. Sathyam )**

Chairman

[ [List of Ports](#) | [List of Orders](#) ]