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NEW DELHI, the 31 May 2001

**Tariff Authority for Major Ports**

**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 of the Kandla Port Trust to continue with the stay granted for implementation of this Authority's Order dated 29 October 1999, as in the Order appended hereto.

( **S. Sathyam** )

Chairman

**Tariff Authority for Major Ports**

**Case No. TAMP/12/99-KPT**

**The Kandla Port Trust (KPT)**

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**Applicant**

**ORDER**

(Passed on this 16th day of May 2001)

This Authority had passed an Order on 29 October 1999 relating to revision of the rate structure of Gandhidham Township land of the Kandla Port Trust (KPT). The Order was notified on 25 November 1999 as Gazette No.98.

2. In response to the said Order, this Authority received a number of representations from various organisations for a review. In particular, the Kandla Port Karamchari Sangh (KPKS) had sent a representation requesting to exempt from the purview of the order the plots allotted to the employees under a special scheme sanctioned by the Government of India. Considering the request of the KPKS, it was decided by this Authority to review the Order and to register the representation as a 'review case'. The KPT was advised to keep in abeyance implementation of the revised rates pertaining to the plots allotted to employees under the special scheme of the Government of India till a final decision was taken.

3.1. In the meanwhile, more representations were received against the Order from other users. A joint hearing was held in the review case on 8 March 2000 at the KPT.

3.2. During the course of the joint hearing, a point came up about staying the Authority's Order in respect of the KPKS representation and not in respect of others. The KPT also felt, that it would be appropriate to stay the entire order until

the disposal of the review case. Accordingly, implementation of the Order was stayed until disposal of the review case. This was followed up by a formal communication in this regard to the KPT.

3.3. At the joint hearing, the KPT assured that the matter relating to the revision of the rate structure of the Gandhidham township land would be discussed again in the next meeting of its Board of Trustees whereafter the KPT would make a further written submission. This Authority took note of this position and decided to maintain status *qua ante* until the disposal of the review case.

4.1. Several reminders were issued to the KPT to furnish its written submission after discussing the matter in its Board of Trustees meeting. The Port continued to affirm that the matter would soon be discussed by its Board of Trustees. Reconstitution of the Board, earthquake in the Kutch area, etc., were shown as reasons for the delay.

4.2. The KPT vide its letter dated 2 April 2001 has informed that the proposal for revision of the rate structure of the Gandhidham township lands was included in the agenda for the Board meeting held on 2 March 2001; and, the Board resolved to request this Authority to continue with the stay granted earlier, in view of the heavy damages to the economy and civil structures in Adipur – Gandhidham – Kandla Complex caused by the unprecedented earthquake on 26 January 2001.

5. The response from the KPT has already been delayed considerably. In the meanwhile, a severe earthquake had hit the Kutch area. The request now made by the Board of KPT citing the extraordinary situation prevailing in this region, as an aftermath of the earthquake, is reasonable; and, is accordingly, accepted.

6. In the result, and for the reasons given above, and based on a collective application of mind, this Authority decides to extend the stay granted for implementation of the Order dated 29 October 1999 relating to revision of the rate structure of the Gandhidham Township lands of the KPT for a further period of six months from the date of publication of this Order in the Gazette of India. This Authority also directs the KPT to adhere to the extended time period for furnishing its written submission, failing which this Authority will be compelled to move *suo motu* in the matter.

( **S. Sathyam** )

Chairman