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TARIFF AUTHORITY FOR MAJOR PORTS

G. No. 118

New Delhi, 23 July, 2003

NOTIFICATION

In exercise of the powers conferred under Section 49 of the Major Port Trust Act, 1963 (38 of 1963), the Tariff Authority for Major Ports hereby approves the proposal of the Mormugao Port Trust for fixation of rate for use of Mooring Dolphins as in the Order appended hereto.

(A.L. Bongirwar)
Chairman

Tariff Authority for Major Ports
Case No. TAMP/27/2003-MOPT

The Mormugao Port Trust

Applicant

ORDER

(Passed on this 8th day of July 2003)

This case relates to a proposal received from the Mormugao Port Trust (MOPT) for fixation of rates for use of Mooring Dolphins.

2. The MOPT has made the following points in its proposal:
 - (i). It has constructed 3 numbers of Mooring Dolphins at a cost of Rs.6.97 crores which have been commissioned and made available to the port users for handling of cargo.
 - (ii). As per the existing Scale of Rates, the rates provided under Section C(II)(2) of the Vessel-related charges relating to "Anchorage charges" for vessel engaged in loading/unloading of cargo or embarking and disembarking passengers under the heading East of Breakwater are applicable to the vessels handled at the Mooring Buoys. Since the new facilities created through Mooring Dolphins are synonymous to that of Mooring Buoys and will be used by the ships for handling cargo, it is proposed to collect the charges at the same rates as are applicable to the vessels handled at the Mooring Buoys to the East of Breakwaters irrespective of whether the vessel is engaged in loading/unloading or idling.
 - (iii). The proposed tariff arrangement has already been introduced provisionally with the approval of the Board of Trustees.
3. In accordance with the consultative procedure prescribed, the MOPT proposal was forwarded to concerned user organisations for their comments.
4. A joint hearing in this case was held on 17 June 2003 at the MOPT premises. At the joint hearing, the MOPT and the concerned users have made their submissions.
5. The MOPT has subsequently forwarded the mooring dolphin rate schedule and also requested to incorporate the following note in the SOR under the notes common to I&II, Section C-Berth Hire & Anchorage charges:

"14. Vessels handling cargo or idling at the Mooring Dolphins shall pay Anchorage charges as prescribed under item no. 2 of Section C(ii). In addition to Anchorage charges, the vessels using Mooring Dolphins shall pay additional charges as specified under note no. 9 of Section C-Berth Hire & Anchorage charges".
6. The proceedings relating to consultation in this case are available on records at the office of this Authority. An excerpt of the comments received and arguments made by the concerned parties will be sent separately to the relevant parties. These details will also be available at our website www.tariffauthority.org.

7. With reference to the totality of information collected during the processing of this case, the following position emerges:

- (i). The MOPT has explained that the Mooring Dolphins provided by it offer better stability to vessels and facilitate cargo operation even during rough weather conditions. The users have also unanimously agreed that Mooring Dolphins enable quicker turnaround of vessels when compared to operations at Mooring Buoys. Even though a better facility is provided, the MOPT has proposed to retain the existing rates for Mooring Buoys in the case of Mooring Dolphins also. It is noteworthy that all the users are unanimous in endorsing the proposal of the MOPT.
- (ii). The existing Scale of Rates prescribes differential rates for idling and cargo operation at the Mooring Buoys. In the case of Mooring Dolphins, the MOPT has proposed to do away with this differentiation and adopt the rate applicable for cargo operation at Mooring Dolphins. Apart from the fact that the users have not objected to this proposal, the proposal of the MOPT appears reasonable since the facility of Mooring Dolphins has been created at considerable investment to facilitate mid-stream cargo operations and not as an idling anchorage point.
- (iii). In its proposal, the MOPT has indicated applicable rates on an 8-hourly unit. This Authority has already ordered conversion of the existing 8-hourly unit of berth hire, anchorage charges, etc., into hourly basis w.e.f. 1 June 2003. That being so, the applicable hourly rates for Mooring Buoys will equally apply to the Mooring Dolphins w.e.f. 1 June 2003.
- (iv). The facility of Mooring Dolphins has been commissioned by the MOPT on 31.1.2003; and the proposed tariff arrangement has been introduced by them for the Mooring Dolphins provisionally with the approval of their Board of Trustees. Since the facility has been in use w.e.f. 31 January 2003 and only the existing rates have been adopted for the newly created facilities, this Authority is inclined to approve the proposal of the MOPT with retrospective effect from 31 January 2003.

8. In the result, and for the reasons given above, and based on a collective application of mind, this Authority approves the following clause for insertion in Part-I; Section-C – Berth Hire and Anchorage Charges under Notes common to I & II of the Scale of Rates of the MOPT with retrospective effect from 31 January 2003:

“14. Vessels handling cargo or idling at the Mooring Dolphins shall pay Anchorage charges as prescribed under item no. 2 of Section C(II). In addition to Anchorage charges, the vessels using Mooring Dolphins shall pay additional charges as specified under note no. 9 of Section C-Berth Hire & Anchorage charges”.

(A.L. Bongirwar)
Chairman

**SUMMARY OF THE COMMENTS RECEIVED FROM THE PORT USERS /
DIFFERENT USER ORGANISATIONS AND ARGUMENTS MADE IN THIS CASE
DURING THE JOINT HEARING BEFORE THE AUTHORITY**

F. No. TAMP/27/2003-MOPT - Proposal from the Mormugao Port Trust for fixation of rate for the Mooring Dolphins.

1. The comments received from the port users / representative bodies of port users are summarised below:

Indian National Shipowners Association (INSA)

(i). The proposal of the MOPT is found to be reasonable and may be accepted.

Mormugao Ships' Agents Association (MSAA)

(i). In principle the rates proposed by the MOPT for usage of Mooring Dolphins are reasonable, and therefore, acceptable.

(ii). The rates introduced by the MOPT can continue and any changes to such rates shall only be with prospective effect.

2. A joint hearing in this case was held on 17 June 2003 at the MOPT premises in Goa. At the joint hearing the following submissions were made:

Mormugao Port Trust (MOPT)

(i). Mooring buoys are not very stable for operation and are also low drafted. Dolphins provide better facilities; and, even during rough weather, operations can take place.

(ii). We want to adopt mooring buoy rates for dolphin also, even though a higher rate can be prescribed in view of the higher investment and better facility offered by dolphins.

(iii). Apart from the rates given in the Schedules, charges leviable as per the associated conditionalities applicable to mooring buoys will also be levied for use of mooring dolphins.

Goa Mineral Ore Exporters' Association (GMOEA)

(i). We have no comments.

Mormugao Stevedores Association (MSA)

- (i). (a). We agree that dolphin enables quicker turnaround of vessels
- (b). It is also easier to transport labour to dolphins when compared with mooring buoys.
- (ii). We agree with the proposal.

Mormugao Ship Agents' Association (MSAA)

- (i). We have no objection. The proposal is reasonable.
- (ii). These are prevailing rates for mooring buoys, which have been adopted for dolphins.
- (iii). The port may improve draft at mooring buoys also.

Indian National Shipowners Association (INSA)

- (i). We generally agree with the proposal.
- (ii). Since port may not sufficiently recover investment at the proposed rate, it should not ask increase elsewhere.