

No. 237

New Delhi, the 31 August, 2001

NOTIFICATION

TARIFF AUTHORITY FOR MAJOR PORTS

No.TAMP/80/2000-CPT

New Delhi, 31 August 2001

In exercise of the powers conferred by Sections 48, 49 and 50 of the Major Port Trusts Act, 1963 (38 of 1963), the Tariff Authority for Major Ports hereby amends the Scale of Rates of the Calcutta Port Trust notified in the Gazette of India Extraordinary (Part III Section 4) on 4 April 2001 vide Gazette no.90 as in the Order appended hereto.

(**S. Sathyam**)

Chairman

Tariff Authority for Major Ports

Case No.TAMP/80/2000-CPT

The Calcutta Port Trust

Applicant

ORDER

(Passed on this 9th day of August 2001)

This Authority had passed an Order on 28 March 2001 in case No.TAMP/80/2000-CPT relating to the general revision of the Scale of Rates of the Calcutta Port Trust (CPT). This Order and the consolidated Scale of Rates of the CPT alongwith its conditionalities were notified in the Gazette of India Extraordinary (Part III Section 4) on 4 April 2001 vide Gazette No.90.

2. The CPT has requested to amend / modify certain conditionalities notified on 4 April 2001 alongwith the

Scale of Rates. The CPT has pleaded that the suggested amendments / modifications are necessary for proper implementation of the SOR. This Authority has considered the amendments/modifications suggested by the CPT with reference to their applicability and principles involved in the Order of this Authority for general revision of the Scale of Rates of the CPT and agrees that these amendments/ modifications are necessary for a proper implementation of the Scale of Rates of the CPT.

3. With reference to the totality of information available in this regard and, based on a collective application of mind, this Authority approves the following amendments / modifications to the Scale of Rates of the CPT notified in the Gazette of India on 4 April 2001 vide Gazette No.90:

S. No.	Section No.	Provisions given in the Notification dated 4.4.2001 vide Gazette No.90	Amendments / modifications approved by the Authority	Remarks
1.	3 (v)	At CDS if port equipment is used for loading / unloading of barge / boat, other than LASH barge specified under Note (vii) of section 23, equipment hire charge as specified at section 19.1 shall be levied.	At CDS, if port equipment is used for loading/unloading of barge / boat, other than LASH barge, equipment hire charges as specified at Section 19.1 shall be levied. For LASH barge, no equipment hire charge shall be levied in respect of Port equipment deployed upto 30 tonnes capacity. For deployment of equipment above 30 tonnes for loading / unloading of LASH	In its proposal for general revision of Scale of Rates, the CPT had proposed under Section 23.1, Note 7 for exemption in berth hire as well as hire charges of equipment upto 30 tonne capacity for loading / unloading of LASH barges. The proposal for exemption of berth hire on LASH barges was not accepted by this Authority and, therefore, the proposed note was deleted. The proposal of the CPT about equipment hire was not negated by this Authority and hence deletion of the entire note was made wrongly. Further, in the light of LASH barges paying berth hire, it can be said that it pays for normal ship-shore transfer of cargo using cranes, the cost of which is included in berth hire.

barge, equipment hire charge shall be levied as per Section 19.1 of the Scale of Rates.

2. 3(viii) At CDS box or their C&F Agents. If, however for certain reasons, from the consignors or their Agents from the date of destuffing, at the rates specified at Section 6.4 of Part-I of this Scale of Rates as the case may be.
3. 3 (ix) Storage charge on containers from time to time. The exchange rate prevalent on the date of entry of the vessel in case of import containers and on the date of arrival of containers in the Port area in case of export containers from time to time. In case of Import container, the exchange rate prevalent on the date of entry of the vessel in to the port limit shall apply and in case of export container, the date of arrival / receipt of the stuffed containers in the Port area or the
- This is to clearly specify that cargo destuffed from export / stock containers will incur demurrage from the date of destuffing.
- By mistake the words 'into the port limits' have not been specified in the case of import containers which has been incorporated now.
- The suggestion made by the CPT with reference to the export containers is valid in the sense that it will remove any ambiguity in case of import empty containers lying in the port area repositioned for stuffing export cargo. The proposed modification with respect

4.

4.1 and 5.1. column 3 heading

containers shall be reckoned for this purpose.

Rate in Rs. Per tonne or part thereof

date of stuffing inside the Port shall apply.

Rate in Rupees per tonne.

to export containers is, therefore, approved.

Sections 4.1 and 5.1 prescribe rates for wharfage and lifting charges respectively. Section 3(ii) of the Scale of Rates prescribes that where the gross weight is not an exact multiple of 100 Kg, it will be rounded off to the next higher multiple of 100 Kg. If wharfage and lifting charges are also specified as 'per tonne or part thereof' under Sections 4.1 and 5.1 respectively, the benefit of rounding of prescribed in Section 3(ii) may not be available to the users. In order to remove this inconsistency, the proposed amendment made by the CPT is accepted.

S. No.	Section No.	Provisions given in the Notification dated 4.4.2001 vide Gazette No.90	Amendments / modifications approved by the Authority	Remarks
5.	4.7.	On unspecified cargo which is sold by auction/tender or otherwise where the CIF/FOB value is not available, wharfage shall	On unspecified cargo, which is sold by auction/tender, or otherwise where the CIF/FOB value is not available, wharfage shall be levied @ Rs.200/- per tonne. The said rates shall	The amendment proposed now by the CPT is a new addition. This provision was neither available in the pre-revised Scale of Rates nor proposed for inclusion in the revised Scale of Rates at the time of general revision of the CPT's tariff.

be levied @ also be levied in
Rs.200/- per respect of cargo
tonne or part discharged /
thereof. shipped for
operational reasons
and for which
CIF/FOB value is not
available in absence
of any Shipping
documents.

This amendment can, however, be seen as an extension of the conditionality available to levy a wharfage rate of Rs.200/- on unspecified cargo (for which wharfage is prescribed on ad-valorem basis) sold by auction, when the FOB / CIF value is not available. Strictly speaking, the operation of landing and re-shipping of top cargo falls under the category 'transhipment'; and, on transhipment cargo 1.5 times of the charges given in the wharfage schedule is leviable. In the case of the Dock Scale of Rates of the Mumbai Port Trust, it has been prescribed that wharfage on such cargo will be levied at the rates applicable for transhipment. Even this prescription may cause some problems in categorising the cargo for the purpose of levying wharfage as per the given wharfage schedule, in the absence of details of such cargo available to the Port.

That being so, it is a better arrangement to treat the cargo landed and reshipped only for operational reasons as a separate category without linking to transshipment operation which is for commercial reasons. Considering the existing weight based wharfage rates for general cargo (except salt), (which range from Rs.100/- to Rs.200/- per tonne), the wharfage rate of Rs.200/- proposed now is reasonable. It is noteworthy that the CIF / FOB value of this type cargo is not available to the Port to levy wharfage on ad valorem basis by classifying the cargo of this type as 'unspecified' since no document is filed for this cargo as it is not meant for discharge at the Port.

S. No.	Section No.	Provisions given in the Notification dated 4.4.2001 vide Gazette	Amendments / modifications approved by the Authority	Remarks
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6. 5.1. Lifting charges shall be levied on packages / articles weighing 5 Tons and above in addition to wharfage as per Section-4 at the following rates if port equipment is used at the time of delivery/receiving/restacking or for any other operation except for stacking on landing or lifting for shipment.
- Lifting charges shall be levied on packages / articles weighing 5 tonnes and above in addition to wharfage at the following rates, if Port equipment is used at the time of delivery/receiving/restacking or for any other operation except for stacking on landing or lifting for shipment. However, such charge shall not be levied in case of direct delivery/shipment from/into vessel / barge / boat / LASH barge etc.
- The request of the CPT for deletion of the words “as per Section 4” is reasonable and, therefore, accepted.
- Lifting charges are realisable only when port equipment is used at the time of delivery or receiving except for stacking on landing or lifting for shipment. Since only one operation is involved in case of direct delivery / shipment, the CPT has now proposed to specifically include a sentence to indicate that the lifting charges shall not be levied in case of direct delivery / shipment. The amendment proposed by the CPT is accepted.
7. 6.2. Cargo in LCL container
Sl.No.(g) column No.2
- Cargo in LCL container except those specified at Sl. Nos. (a), (b), (c), (e) and (f) above.
- Section 6.2 (a) to (c) and (e) to (f) prescribe demurrage free period for different categories of cargo (like hazardous, cargo for Nepal and Bhutan, cargo for Missionaries of Charity,

8. Section No. 10.
SI.No.1, column 4, Remarks (iv)

'Import' includes landing of coastal cargo

'Import' includes landing of coastal cargo containers, and 'export' includes shipment of coastal cargo containers.

etc.). The sub-clause (g) is to be seen as only for residual cargo carried in LCL containers. That being so, the request of the CPT for the amendment is valid and, therefore, accepted.

This Authority has included the same definition in case of containers handled at CPY for which rates have been prescribed under Section 9. A similar definition included under Section 10, which is for containers handled at non-CPY area, has, however, become incomplete. It is noteworthy that categorisation of containers for the purpose of levying box rate is the same in both CPY and non-CPY areas. The amendment suggested by the CPT is accepted.

S. No.	Section No.	Provisions given in the Notification dated 4.4.2001 vide Gazette	Amendments /modifications approved by the Authority	Remarks
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9. NOTE FOR SECTION 9 & 10
- New Note (vi) proposed to be added after Note (v)
- (vi). If the shut-out export load-containers are taken back from Port premises, 50% of box rate specified at Sl. No. 1 of Section 9 & 10 shall be levied. No separate charge shall, however, be levied for receiving, and loading the containers on party's vehicle on containers paying shut-out charges in terms of box rates specified under Section 9(i). No additional box rate shall be levied on such shut-out export load-containers, if the same is subsequently shipped without being removed
- (a). As pointed out by the CPT, provision exists in the Scale of Rates to levy 50% of wharfage on shut-out break bulk cargo taken back from port premises. No such provision is, however, available in the case of shut out containers.
- (b). The pre-revised Scale of Rates did not contain any provision to levy wharfage on shut out containers. Further, the CPT did not include this provision in its proposal submitted for general revision of tariff.
- (c). In case of shut-out break-bulk cargo, it is specifically mentioned that only 50% of wharfage will be levied and no separate charge will be collected for loading on party's vehicle or as gate delivery charge. This stipulation

from Port premises. If the containerised export cargo is destuffed and taken delivery as break-bulk, 50% of wharfage in terms of provision of Section 4.6 shall be levied and on container specific handling charge shall be levied.

was not proposed for containers.

(d). The box rate on loaded containers includes not only wharfage but also certain other handling operation (at the CPY berths). If the provision allowed for shut-out cargo is extended to shut-out containers, then the charge can be only 50% of the wharfage element. The handling operation in case of shut out containers are limited to a set of lift-off / lift-on at the yard.

It is to be recognised that the box rate available for certain categories of loaded containers in the CPT's Scale of Rates is a concessional one in the sense that the aggregate of wharfage and charges for individual components of handling is much more than the composite box

rate. Considering this fact, levy of 50% of box rate on shut-out container is found to be reasonable. It is necessary to mention specifically that no separate charge will be levied for receiving and loading the containers on party's vehicle on containers paying shut-out charges in terms of box rates specified under Section 9 (i).

S. No.	Section No.	Provisions given in the Notification dated 4.4.2001 vide Gazette No.90	Amendments / modifications approved by the Authority	Remarks
10.	NOTE FOR SECTION 12.1 AND 12.2	Two new Notes 4 & 5 proposed to be incorporated after Note 3 and the existing Note 4 & 5 to be renumbered as Note 6 & 7 respectively.	(4). Export load container containing cargo of Hazardous-I category shall be received only for direct shipment. In case, such container is not shipped on the	The notes No. (4) and (5) proposed now are entirely new proposals. No such provision was available in the pre-revised Scale of Rates or was proposed by the Port at the time of the general revision of Scale of Rates. Note 4: Similar provision is available in

date of receipt, demurrage shall be levied @ 4.85 US \$ per TEU per day or part thereof from the day following the date of receipt upto the date of shipment of the container or removal from the Port premises.

the revised Scale of Rates in case of Hazardous-I category. Generally hazardous-I category containers are received for direct shipment. The demurrage rate prescribed for such containers is the same as that admissible for other export containers, the only difference being other export containers pay demurrage at this rate after a free period of 9 days whereas Hazardous-I category containers are proposed to be levied demurrage at this rate without any free days, since they are admitted only for direct shipment.

For export load container or load container received as stock if not shipped and taken out of the Docks either as shut-out or otherwise, no storage free period shall be allowed.

Note 5: The proposed amendment is an extension to container of the existing provision for break-bulk cargo.

The additions proposed by the CPT are, therefore, approved.

(5).

4.1. The amended provisions mentioned at Sl. Nos. 1, 2, 3, 4, 6, 7 and 8 in the table given in paragraph 3 above are approved with retrospective effect from the respective dates from which the corresponding sections in the Scale of Rates of the CPT had come into effect in terms of this Authority's earlier Order dated 28 March 2001.

4.2. The amended provisions mentioned at Sl. Nos. 5, 9 and 10 in the table given in paragraph 3 above being new additions are approved for inclusion in the Scale of Rates of the CPT prospectively. These provisions shall come into force from the date of notification of this Order in the Gazette of India.

(**S. Sathyam**)

Chairman

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