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Tariff Authority for Major Ports

G No. 235 **New Delhi, 10 September 2013**

NOTIFICATION

In exercise of the powers conferred by Section 48, 49 and 50 of the Major Port Trusts Act, 1963 (38 of 1963), the Tariff Authority for Major Ports hereby disposes of the proposal received from the Jawaharlal Nehru Port Trust for fixation of Reference tariff for the 4^{th} Container Terminal, in pursuance of the Guidelines for determination of Tariff for Projects at Major Ports, 2013, which were notified vide Notification No.TAMP/18/2013-Misc. dated 8 August 2013, as in the Order appended hereto.

(T.S. Balasubramanian)
Member(Finance)

Tariff Authority for Major Ports

Case No. TAMP/29/2013-JNPT

Jawaharlal Nehru Port Trust **- - -** **Applicant**

Quorum

1. **T. S. Balasubramanian, Member (Finance)**
2. **C. B. Singh, Member (Economic)**

O R D E R

(Passed on this 13th day of August 2013)

This case relates to a proposal dated 5 August 2013 received from the Jawaharlal Nehru Port Trust (JNPT) for fixation of reference tariff for the 4th Container Terminal, under the Guidelines for Determination of Tariff for Port Projects at Major Port, 2013.

2. The Ministry of Shipping (MOS) vide its letter No.PR-14019/16/2012-PG dated 31 July 2013 has issued 'Guidelines for Determination of Tariff for Projects at Major Ports, 2013' under Section 111 of the Major Port Trusts Act, 1963 on 31 July 2013. In compliance of the policy directives issued by the (MOS) under Section 111 of the MPT Act, 1963, the said Guidelines were notified vide Notification No.TAMP/18/2013-Misc., in the Gazette of India on 8 August 2013, vide Gazette no. 214. The said Guidelines are effective from 31 July 2013.

3. Clause 2.2 of the said Tariff Guidelines of 2013, which is relevant, is reproduced below:

"*The Reference Tariff ("the Reference Tariff") for each commodity/ category of commodities and each service/ category of service or combination of service or services, as the case may be, shall be determined by TAMP for each Port based on a proposal from the concerned major Port. Such proposal shall contain the proposed Reference Tariff and "Performance Standards". The Reference Tariff will be the highest tariff fixed for that commodity in the concerned major Port Trust under the 2008 Tariff Guidelines. While adopting the highest tariff, the base rate set under the Tariff Guidelines, 2008 shall be escalated to the extent of 60% of WPI per annum, as provided in the said guidelines for the period between 1st January of the year in which the said tariff was originally notified and 1stJanuary of the subsequent relevant year when the Reference Tariff for the particular project in question is being notified. On receipt of the proposal, TAMP shall notify the Reference Tariff and Performance Standards within 15 days of receipt.***"**

4.1. The Jawaharlal Nehru Port Trust (JNPT) under cover of its letter dated 5 August 2013 has filed a proposal for fixation of reference tariff for the 4th Container Terminal coming up at the JNPT, under the tariff Guidelines of 2013.

4.2 The JNPT has furnished the Reference Tariff Schedule including the conditionalities governing the levy of rates and the Performance Standards. The points made by the JNPT, in its proposal are summarized below:

(i). Pursuant to the 2013 guidelines, the JNPT submits the proposal for fixation of upfront tariff for the 4th Container Terminal coming up at the port.

(ii). At para 2.2 of Guidelines for fixation of Tariff for Port Projects at Major Ports, 2013, it is stated that The Reference Tariff ("the Reference Tariff") for each commodity/category of commodities and each service/category of service or combination of service or services, as the case may be, shall be determined by TAMP for each Port based on a proposal from the concerned major Port. Such proposal shall contain the proposed Reference Tariff and "Performance Standards". The Reference Tariff will be the highest tariff fixed for that commodity in the concerned major Port Trust under the 2008 Tariff Guidelines.

While adopting the highest tariff, the base rate set under the Tariff Guidelines, 2008 shall be escalated to the extent of 60% of WPI per annum, as provided in the said guidelines for the period between 1st January of the year in which the said tariff was originally notified and 1st January of the subsequent relevant year when the Reference Tariff for the particular project in question is being notified.

(iii). The upfront tariff for Container Terminal at JNPT under Guidelines for fixation of Tariff, 2008 has been notified on 12/3/2009 vide Notification No.34. Accordingly, based on the indexation of tariff Cap with reference to Wholesale Price Index works out to 26.15% for Tariff with base WPI as on 1.1.2008, has been considered and rate notified by TAMP in 2009 has been escalated. Similarly, Performance Standards indicated in the RFP Document is also forwarded for notification.

(iv). As per Clause 2.6 of the aforesaid Guidelines, Reference Tariff and Performance Standards notified by the TAMP will be mentioned in the Bid Documents and subsequently in the Concession Agreement in respect of PPP Project.

(v). JNPT is in the process of obtaining PPPAC approval for the above project for which tariff fixed by the TAMP is to be indicated.

4.3. Bringing out the above position, the JNPT has requested this Authority that the proposal may be taken up on priority and tariff Order be issued notifying the upfront tariff for the 4th Container Terminal at JNPT.

5.1 It may be recalled that this Authority has passed an Order No.TAMP/40/2008-JNPT dated 25 February 2009 for fixing upfront tariff for the Container Terminal to be developed at JNPT, based on guidelines for upfront tariff setting for PPP Projects at Major Port Trust, 2008. This Order has been notified in the Gazette of India vide notification No.34 dated 12 March 2009.

5.2. With regard to the stipulation contained in clause 2.2 of the tariff guidelines of 2013, the following points are relevant:

(i). As stipulated in the Guidelines, the proposal has been filed by the JNPT and it has furnished the proposed Reference Tariff and the Performance Standards.

(ii). The Guidelines also stipulate that the Reference Tariff will be the highest tariff fixed for that commodity in the concerned major Port Trust under the 2008 Tariff Guidelines. In this regard, it is relevant here to mention that upfront tariff has been fixed under the 2008 upfront tariff guidelines, for the container terminal to be developed at JNPT in February 2009. Therefore, the upfront tariff fixed in the year 2009 for the JNPT container terminal, would be the highest tariff and would form the basis for determining the Reference tariff for the container terminal at JNPT, as stipulated in the 2013 Guidelines.

(iii). Further, the 2013 Guidelines stipulate that while adopting the highest tariff, the base rate set under the Tariff Guidelines, 2008 shall be escalated to the extent of 60% of WPI per annum, as provided in the said guidelines for the period between 1st January of the year in which the said tariff was originally notified and 1st January of the subsequent relevant year when the Reference Tariff for the particular project in question is being notified.

Though the upfront tariff for the JNPT container terminal was notified in March 2009, it has to be recognised that as per para 9.1. of the JNPT Order of February 2009, the tariff caps will be indexed to inflation but only to an extent of 60% of the variation in Wholesale Price Index (WPI) occurring between 1 January 2008 and 1 January of the relevant year. As recorded in the relevant paragraph of the tariff Order of February 2009 the cost estimates are at the 2008 price level and the annual escalation of tariff will be with reference to the base of 2008. Therefore, in the case of JNPT, the upfront tariff would have to be indexed with reference to the Indexation factor occurring between the year 2008 and the year 2013.

5.3. As stated earlier, the JNPT has applied an indexation factor of 26.15% on the tariff caps approved for the container terminal at JNPT vide Order dated 25 February 2009. This indexation factor is seen to be in line with the indexation factor communicated by us to all the Major Port Trusts vide our letter No.TAMP/12/2009-Misc dated 2 April 2013, to be applicable for tariff with base WPI as on 1 January 2008.

5.4. On a scrutiny of the proposed Reference Tariff submitted by the JNPT now, it is seen that the JNPT has applied the indexation factor of 26.15% and the indexed Reference tariff determined by it, is found to be in order.

6.1. In the result, and for the reasons given above and based on a collective application of mind, this Authority approves the Reference Tariff Schedule alongwith conditionalities governing the Reference tariff and the Performance Standards for the JNPT container terminal, as proposed by the port.

6.2. The Reference Tariff Schedule alongwith conditionalities governing the Reference Tariff is attached as **Annex – I.** The Performance Standards for the JNPT container terminal is attached as **Annex – II**.

6.3. As per clause 2.6 of the Tariff Guidelines 2013, the Reference Tariff and Performance Standards notified by TAMP shall be mentioned in the bid document and subsequently in the Concession Agreement in respect of PPP Projects. Accordingly, the JNPT is directed to incorporate the Reference Tariff and Performance Standards notified by this Authority, in the bid document and subsequently in the Concession Agreement in respect of PPP Projects, as already agreed by the port.

(T.S. Balasubramanian)
Member (Finance)

Annex - I

JAWAHARLAL NEHRU PORT TRUST
REFERENCE TARIFF SCHEDULE FOR CONTAINER TERMINAL

CHAPTER 1 – DEFINITIONS & GENERAL TERMS & CONDITIONS

1.1. DEFINITIONS – GENERAL

(i). **"Coastal vessel"** shall mean 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 licence issued by the competent authority.

(ii). **"Foreign-going vessel"** shall mean any vessel other than Coastal vessel.

(iii). **"FCL"** means Containers said to contain Full Container Load.

(iv). **"LCL"** means Containers said to contain Less than full Container Load (Container having cargo of more than one importer/exporter).

(v). **"Hazardous container"** means a Container containing hazardous goods as classified under IMO.

(vi). **"Import container"** means a container discharged from one vessel, stored in container yard and transported out through Road or Train.

(vii). **"Export container"** means a container arrived by road or Train, stored in container yard and loaded on the assigned vessel.

(viii). **"Port area"** means the custom bound area / Port operational Area of the Port.

(ix). **"Normal Container"** shall mean general type containers, not falling under special categories mentioned subsequently.

(x). **"Reefer Container"** shall mean a refrigerated container used for carriage of perishable goods with provision for electrical supply to maintain the desired temperature.

(xi). **"Hazardous Container"** shall mean a container containing hazardous goods as classified under IMO.

(xii). **"Transhipment Container"** shall mean a container, which is discharged from one vessel, stored in the yard and transported through other vessel.

(xiii). **"Over dimensional Container"** shall mean a container carrying over dimensional cargo beyond the normal size of standard container and needing special devices like slings, shackles, lifting beam etc. They also include damaged containers and other types which require special devices.

(xiv). **"Shut out Container"** shall mean a container which enters into the port as an export intake for a particular vessel (as indicated by the Vessel Identification Advice Number, i.e. VIA No.) and is not connected to the particular vessel for reasons whatsoever, then the container is termed to be a shutout container.

(xv). **"Back To Town Container"** shall mean a container entering the port for export but unable to be exported for whatever reason and taken back to town.

(xvi). "**VIAN**" means Vessel Identification Advise Number**.**

1.2. GENERAL TERMS & CONDITIONS

(i) (a). A foreign going vessel of Indian Flag having a General Trading Licence can convert to Coastal run on the basis of a Customs Conversion Order.

(b). A foreign going vessel of Foreign Flag can convert to coastal run on the basis of a Coastal Voyage Licence issued by the Director General of Shipping.

(c). In cases of such conversion, coastal rates shall be chargeable by the load port from the time the vessel starts loading coastal goods.

(d). In cases of such conversion coastal rates shall be chargeable only till the vessel completes coastal cargo discharging operations; immediately thereafter, foreigngoing rates shall be chargeable by the discharge ports.

(e). For dedicated Indian coastal vessels having a Coastal Licence from the Director General of Shipping, no other document will be required to be entitled to Coastal rates.

(ii). The status of the vessel, as borne out by its certification by the Customs or the Director General of Shipping, shall be the deciding factor for classifying into 'coastal' or 'foreigngoing' category for the purpose of levying vessel related charges; and, the nature of cargo or its origin will not be of any relevance for this purpose.

(iii). Vessel related charges shall be levied on Shipowners/Steamer Agents.

(iv). (a). The Vessel related charges for all Coastal vessels should not exceed 60% of the corresponding charges for other vessels.

(b). The container related charges for all Coastal should not exceed 60% of the normal container related charges.

(c). In case of container related charges, the concession is applicable on composite box rate. Where itemized charges are levied, the concession will be on all the relevant charges for ship-shore transfer, and transfer from / to quay to / from storage yard as well as wharfage on cargo and containers.

(d). For the purpose of this concession, container from a foreign port which reaches an Indian Port 'A' for subsequent transhipment to Indian Port 'B' will also qualify insofar as the charges relevant for its coastal voyage. In other words, cargo/containers from/to Indian Ports carried by vessels permitted to undertake coastal voyage will qualify for the concession.

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

(v). Interest on delayed payments / refunds:

(a). The user shall pay penal interest on delayed payments under this Scale of Rates. Likewise, the operator shall pay penal interest on delayed refunds.

(b). The rate of penal interest will be 2% above the Prime Lending Rate of State Bank of India (SBI). The penal interest rate will apply to both the operator and the port users 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 operator. This provision shall, however, not apply to the cases where payment is to be made before availing the services / use of Port Trust's properties as stipulated in the Major Port Trust Act and / or where payment of charges in advance is prescribed as a condition in this Scale of Rates.

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

(vii). (a). The rates prescribed in this Scale of Rates are ceiling levels; likewise, rebates and discounts are floor levels. The operator may, if he so desires, charge lower rates and / or allow higher rebates and discounts.

(b). The Operator may also, if it so desires, rationalize the prescribed conditionalities 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. Provided that the operator should notify the public such lower rates and / or rationalization of the conditionalities governing the application of such rates and continue to notify the public any further changes in such lower rates and / or in the conditionalities governing the application of such rates provided the new rates fixed shall not exceed the rates notified by the TAMP.

(viii). The users will not be required to pay charges for delays beyond a reasonable level attributable to the operator.

CHAPTER 2 – VESSEL RELATED CHARGES

2. Schedule of Berth Hire Charges

S. No.	**Description**	**Rate per GRT per hour or part thereof (₹)**	
		Foreign Vessel	Coastal Vessel
1	For Occupying the Berth	1.554	0.932

Notes

(1). Vessels shall be permitted to occupy the berth for 2 hours after completion of cargo operation without attracting Penal berth hire charges.

(2). All the vessels shall commence cargo operations within 1 hour from the time the ship is brought along side the berth failing which penal berth hire charges shall be levied as prescribed in (4) below.

(3). Vessels idling the Terminal facilities due to not being ready to work even though the terminal is ready for its operation shall attract penal berth hire charges as prescribed in Note (4) below. For the purpose of levy of penal berth hire charges, idling shall mean suspension/stoppage for any reason of cargo handling operation continuously for more than two hours.

(4). Penal berth hire charges shall be levied as follows in addition to berth hire charges beyond 2 hours:

S. No.	Description	Rate Per GRT
1	Upto 6 hrs	₹ 12.62
2	above 6 hours but upto 12 hours	₹ 18.92
3	Above 12 hrs	₹ 37.85

(5). Penal berth hire charges mentioned above shall not be leviable if the idling of vessel is attributable to the terminal or port or due to adverse tidal conditions or bad weather and rain resulting in stoppage of operation.

(6). (a). There shall be a time limit beyond which berth hire shall not apply; berth hire shall stop 4 hours after the time of vessel signalling its readiness to sail. The time limit of 4 hours prescribed for cessation of berth hire shall exclude the ship's waiting period for want of favourable tidal conditions or on account of inclement weather or due to absence of night navigation facilities.

(b). There shall be a "penal berth hire" equal to one day's berth hire charges for a false signal.

(c). The Master / Agent of the vessel shall signal readiness to fail only in accordance with favourable tidal and weather conditions.

(d). The time limit of 4 hours prescribed for cessation of berth hire shall exclude the ship's waiting period for want of favourable tidal conditions.

(7). Berth hire charges shall not be levied for the period, when a vessel idles at berth due to breakdown of port equipment or power failure or any other reasons attributable to the operator.

CHAPTER 3 – CHARGES FOR SERVICES RENDERED TO CONTAINERS AND CONTAINERIZED CARGO

GENERAL TERMS AND CONDITIONS:

(i). A container originally declared as transhipment container, subsequently moved by rail or road will lose its identity as a transhipment 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 then 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 upto 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.

3.1. CHARGES FOR HANDLING AND MOVEMENT OF CONTAINERS:

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 containerised cargo passing through the port.

A. Normal Containers

S.No.	Description	Rate per TEU (in ₹)			
		Foreign Container		Coastal Container	
		Loaded	Empty	Loaded	Empty
1	From Ship to container yard or vice versa	3755.04	3032.92	2253.03	1819.75
2	From container yard to Railway flat or vice versa (ICD Container Rail only)	1877.52	1877.52	1877.52	1877.52
3	From Container yard to Truck or vice versa (direct delivery and export intake)	577.70	577.70	577.70	577.70

B. Reefer Containers

S.No.	Description	Rate per TEU (in ₹)			
		Foreign Container		Coastal Container	
		Loaded	Empty	Loaded	Empty
1	From Ship to container yard or vice versa	3755.04	3032.92	2253.03	1819.75
2	From container yard to Railway flat or vice versa (ICD Container Rail only)	1877.52	1877.52	1877.52	1877.52
3	From Container yard to Truck or vice versa (direct delivery and export intake)	577.70	577.70	577.70	577.70

C. Hazardous Containers

S. No.	Description	Rate per TEU (in ₹)	
		Foreign Container	Coastal container
		Loaded	Loaded
1	From Ship to container yard or vice versa	4694.65	2817.13
2	From Container yard to Railway flat or vice versa (ICD Container Rail only)	2346.48	2346.48
3	From Container yard to Truck or vice versa (direct delivery and export intake).	722.12	722.12

D. Transhipment Containers

S.No.	Description	Rate per TEU (in ₹)			
		Foreign Container		Coastal Container	
		Loaded	Empty	Loaded	Empty
1	1 – 3000 TEUs	4332.74	3755.04	2599.64	2253.02
2	3001 – 6000 TEUs	4043.89	3466.20	2426.33	2079.72
3	6001 – 9000 TEUs	3755.04	3177.34	2253.02	1906.40
4	Thereafter.	3466.20	2888.49	2079.72	1733.10

Notes

(1). Rate is based on total TEUs brought by the Shipping Lines or agents in the same financial year.

(2). A container originally declared as transhipment container, subsequently moved by rail or road will lose its identity as a transhipment container and shall be treated as a normal import container and prescribed charges as applicable shall be payable.

E. Over Dimensional Cargo Containers

S.No.	Description	Rate per TEU (in ₹)			
		Foreign Container		Coastal Container	
		Loaded	Empty	Loaded	Empty
1	From Ship to container yard or vice versa	7510.09	6065.83	4506.05	3639.50
2	From container yard to Railway flat or vice versa (ICD Container Rail only)	3755.04	3755.04	3755.04	3755.04
3	From Container yard to Truck or vice versa (direct delivery and export intake)	1155.40	1155.40	1155.40	1155.40

Note: The consolidated charges as above 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. 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' to upto 40' in length	Above 40' in length
1	Non-ICD/ CFS Import - loaded			
	First 2 days	Free	Free	Free
	3-6 days	459.19	918.37	1377.56
	7-9 days	546.23	1092.46	1638.69
	10-12 days	649.67	1299.35	1949.02
	13-15 days	772.04	1544.08	2316.11
	16-18 days	917.11	1834.22	2751.33
	19-22 days	1091.20	2182.40	3273.59
	23-26 days	1298.08	2596.17	3894.25
	27-30 days	1542.81	3085.63	4628.44
	Thereafter	1835.48	3670.97	5506.45
2	Non-ICD/ CFS Import - Empty			
	First 2 days	Free	Free	Free
	3-6 days	459.19	918.37	1377.56
	7-9 days	546.23	1092.46	1638.69
	10-12 days	649.67	1299.35	1949.02
	13-15 days	772.04	1544.08	2316.11
	16-18 days	917.11	1834.22	2751.33
	19-22 days	1091.20	2182.40	3273.59
	23-26 days	1298.08	2596.17	3894.25
	27-30 days	1542.81	3085.63	4628.44
	Thereafter	1835.48	3670.97	5506.45
3	Non-ICD/ CFS Export - Loaded			
	First 3 days	Free	Free	Free
	4-6 days	459.19	918.37	1377.56
	7-9 days	546.23	1092.46	1638.69
	10-12 days	649.67	1299.35	1949.02
	13-15 days	772.04	1544.08	2316.11
	16-18 days	917.11	1834.22	2751.33
	19-22 days	1091.20	2182.40	3273.59
	23-26 days	1298.08	2596.17	3894.25
	27-30 days	1542.81	3085.63	4628.44
	Thereafter	1835.48	3670.97	5506.45
4	Non-ICD/ CFS Export - Empty			
	First 3 days	Free	Free	Free
	4-6 days	459.19	918.37	1377.56
	7-9 days	546.23	1092.46	1638.69
	10-12 days	649.67	1299.35	1949.02
	13-15 days	772.04	1544.08	2316.11
	16-18 days	917.11	1834.22	2751.33
	19-22 days	1091.20	2182.40	3273.59
	23-26 days	1298.08	2596.17	3894.25
	27-30 days	1542.81	3085.63	4628.44
	Thereafter	1835.48	3670.97	5506.45

5	CFS Import loaded - moved by road			
	First 2 days	Free	Free	Free
	3-6 days	459.19	918.37	1377.56
	7-9 days	546.23	1092.46	1638.69
	10-12 days	649.67	1299.35	1949.02
	13-15 days	772.04	1544.08	2316.11
	16-18 days	917.11	1834.22	2751.33
	19-22 days	1091.20	2182.40	3273.59
	23-26 days	1298.08	2596.17	3894.25
	27-30 days	1542.81	3085.63	4628.44
	Thereafter	1835.48	3670.97	5506.45
6	CFS Import empty - moved by road			
	First 2 days	Free	Free	Free
	3-6 days	459.19	918.37	1377.56
	7-9 days	546.23	1092.46	1638.69
	10-12 days	649.67	1299.35	1949.02
	13-15 days	772.04	1544.08	2316.11
	16-18 days	917.11	1834.22	2751.33
	19-22 days	1091.20	2182.40	3273.59
	23-26 days	1298.08	2596.17	3894.25
	27-30 days	1542.81	3085.63	4628.44
	Thereafter	1835.48	3670.97	5506.45
7	CFS Export loaded - moved by road			
	First 3 days	Free	Free	Free
	4-6 days	459.19	918.37	1377.56
	7-9 days	546.23	1092.46	1638.69
	10-12 days	649.67	1299.35	1949.02
	13-15 days	772.04	1544.08	2316.11
	16-18 days	917.11	1834.22	2751.33
	19-22 days	1091.20	2182.40	3273.59
	23-26 days	1298.08	2596.17	3894.25
	27-30 days	1542.81	3085.63	4628.44
	Thereafter	1835.48	3670.97	5506.45
8	CFS Export empty - moved by road			
	First 3 days	Free	Free	Free
	4-6 days	459.19	918.37	1377.56
	7-9 days	546.23	1092.46	1638.69
	10-12 days	649.67	1299.35	1949.02
	13-15 days	772.04	1544.08	2316.11
	16-18 days	917.11	1834.22	2751.33
	19-22 days	1091.20	2182.40	3273.59
	23-26 days	1298.08	2596.17	3894.25
	27-30 days	1542.81	3085.63	4628.44
	Thereafter	1835.48	3670.97	5506.45
9	ICD Import and Export loaded or empty - moved by rail			
	First 5 days	Free	Free	Free
	6-15 days	917.11	1834.22	2751.33
	16-30 days	1835.48	3670.97	5506.45
	Thereafter	3670.97	7341.93	11012.90

10	Transhipment - Loaded			
	First 15 days	Free	Free	Free
	16-30 days	1835.48	3670.97	5506.45
	Thereafter	3670.97	7341.93	11012.90
11	Transhipment - Empty			
	First 7 days	Free	Free	Free
	8-15 days	1091.20	2182.40	3273.59
	Thereafter	3670.97	7341.93	11012.90

Notes:

(1). 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.

(2). Transhipment containers subsequently changing the mode of dispatch locally or to the container freight station for destuffing/stuffing shall loose 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.

(3). Transhipment 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.

(4). A container from foreign port landing at the container terminal for subsequent transhipment to an Indian Port on a coastal voyage or vice versa would be charged at 50% of the transhipment charges prescribed for foreign going vessels and 50% of that prescribed for coastal category.

(5). 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.

(6). 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.

(7). Over high and over dimensional containers shall attract thrice the normal applicable charges.

(8). Hazardous containers shall attract 1.25 times the normal applicable charges.

(9). In case of stuffing the containers inside the port, the dwell time charges will be applicable as follows:

(i). Prior to stuffing, dwell time charges as applicable to empty containers will be charged.

(ii). 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.

(10). 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 destuffing is completed.

(11). 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.

(12). The storage charges on abandoned FCL containers/shipper owned containers shall be levied upto 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:

(i). The consignee can issue a letter of abandonment at any time.

(ii). 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,

(a) the Line shall resume custody of container along with cargo and either take back it or remove it from the port premises; and

(b) the line shall pay all port charges accrued on the cargo and container before resuming custody of the container.

(iii). 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.

(iv). 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.

3.3 CHARGES FOR MISCELLANEOUS SERVICES RENDERED TO THE CONTAINER VESSELS:

A. Reefer Monitoring and Connection

Sl No	Description	Rate Per TEU (in ₹)			
		Foreign Going Vessel		Coastal Vessel (in ₹)	
		Loaded	Empty	Loaded	Empty
1	Additional charges per 4 hours or part thereof for electricity consumption and monitoring of reefer containers	281.66	281.66	281.66	281.66

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

B. Other Services Rendered

Sl No	Description	Rate Per TEU (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.	2432.46	2432.46	2432.46	2432.46
2	Additional service charges for stacking containers in designated yard for custom examination or for any other purpose by prior arrangement.	286.10	286.10	286.10	286.10

C. Opening of Hatch Cover and Replacing it

Sl No	Description	Rate per Hatch Cover (in ₹)	
		Foreign Going Vessels	Coastal Vessels
1	When placing it on the Quay	4225.48	2535.29
2	Without placing it on the Quay	1689.94	1013.97

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 (in ₹)			
		Foreign Going Vessels		Coastal Vessels	
		Loaded	Empty	Loaded	Empty
(a)	Hatch to hatch shifting (involving 1 move only)	1408.30	1408.30	844.98	844.98
(b)	Other than (a) mentioned above	5633.77	5633.77	3380.26	3380.26

4. GENERAL NOTE TO CHAPTER- 2 AND 3:

The tariff caps will be indexed to inflation but only to an extent of 60% of the variation in Wholesale Price Index (WPI) occurring between 1 January 2013 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 1 April of the relevant year to 31 March of the following year.

Annex – II

PERFORMANCE STANDARDS

Performance Standards

1. Gross Berth Output

The parameter deals with the productivity of the terminal (Gross Berth Output) for Container cargo. The capability of the terminal and parcel size will determine the Gross Berth Output. Higher terminal capability and greater parcel size will lead to high productivity. The berth day output measured in terms of TEUs per day depends on the number of cranes used which is dependent on the size of the vessel. Productivity norm of the crane is 25 moves per hour.

The Gross Berth Output shall be calculated as the total cargo in terms of TEUs handled (either loaded / unloaded) from the ship during a month divided by the time spent by the ship at the terminal i.e. number of working days at the berth. While determining the number of working days from the ship hours, the berth allowance of 4 hours shall be subtracted from the total hours.

The indicative norms for Gross Berth Output for different categories of cargo are as follows:

Cargo Category	Indicative Norms
Container	
(Mainline Vessel) (Feeder Vessel)	25 moves per hour per crane 17 moves per hour

Weightage in case of a shortfall in meeting the prescribed performance standard -0.6

2. Transit Storage Dwell Time:

The Transit Storage Dwell Time for a container shall mean the total time for which the container remains in the terminal. The Transit Storage Dwell Time for containers shall be calculated as an average and shall be the sum of the transit storage of each container handled during the month at that terminal divided by the number of containers. To further clarify, the date and time a container is discharged from the vessel till the said container leaves the out – gate of the Terminal, is the total transit storage time for import box. In case of export the time and date from which the container enters the terminal till the time and date it is loaded on to a vessel will be the storage time. The details of time of discharge, gate-in, gate-out and loading need to be maintained in respect of each container including ICD container.

Unclaimed cargo or any cargo that has been detained by the customs or any Government Authority may be excluded.

Transit Storage Dwell Time - **Import** Container (at terminal) - **Export** Container (at terminal)	 3 Days by road and 7 Days by rail 5 Days by road and 7 Days by rail

Weightage in case of a shortfall in the meeting the prescribed performance standard – 0.3.

3. Turn around Time for receipt / delivery operation:

The Turn around 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.

a.	(i) Trailer for Containers (Single operation)	2 hours
	(ii) Trailer for Containers (double operation)	4 hours
b.	(i) Rake for ICD Containers (Single operation)	6 hours
	(ii) Rake for ICD Containers (double operation)	12 hours

Weightage in case of a shortfall in meeting the prescribed performance standard – 0.1.

<u>Performance Evaluation and calculation of liquidated damages</u>:-

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 Concessioning Authority. The Concessionaire shall be liable to pay liquidated damages determined at the rate of 1% (one percent) of the Gross Revenue of the respective quarter for every shortfall of 10% (ten percent) 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 shortfall is 0.6, 0.3 and 0.1 respectively, then the overall shortfall in average performance will be (0.6x + 0.3y + 0.1z)%.
