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Tariff Authority for Major Ports

G No. 246

New Delhi,

20 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 Paradip Port Trust for notification of Reference tariff for development of Multipurpose berth of 5 MTPA for handling clean cargo including containers on BOT basis, 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/38/2013-PPT

Paradip Port Trust

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Applicant

QUORUM:

- (i). T. S. Balasubramanian, Member (Finance)
- (ii). C. B. Singh, Member (Economic)

O R D E R

(Passed on this 30th day of August 2013)

This case relates to a proposal dated 14 August 2013 received from the Paradip Port Trust for notification of Reference tariff for development of Multipurpose berth of 5 MTPA for handling clean cargo including containers on BOT basis, under the Guidelines for Determination of Tariff for Port Projects at Major Ports, 2013.

2. The Ministry of Shipping (MOS) under cover of 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 1st January 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 Paradip Port Trust (PPT) under cover of its letter dated 14 August 2013 (received by us on 19 August 2013) has submitted a proposal for development of Multipurpose berth of 5 MTPA for handling clean cargo including containers on BOT basis, under the Guidelines for Determination of Tariff for Port Projects at Major Ports, 2013.

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

- (i). The notification for upfront tariff for the 'Multipurpose berth to handle clean cargo including containers at Paradip Port' was issued on 16.02.2010 and 30.04.2010.
- (ii). Due to delay in obtaining statutory clearances, the project has now been retendered.
- (iii). In the meantime, new tariff guidelines-2013 have been issued and made effective from 31.07.2013.

- (iv). Pursuant to the 2013 guidelines, the PPT has forwarded a proposal for notification of Reference tariff for development of Multipurpose berth of 5 MTPA for handling clean cargo including containers.

4.3. The PPT has attached 'Reference Tariff Schedule for multipurpose berth and the 'Performance Standards' alongwith its proposal.

5.1. It may be recalled that this Authority has passed an Order No.TAMP/43/2009-PPT dated 19 January 2010 followed by review Order dated 31 March 2010 for fixation of upfront tariff for development of Multipurpose berth of 5 MTPA for handling clean cargo including containers at PPT based on guidelines for upfront tariff setting for PPP Projects at Major Port Trust, 2008. These Orders have been notified in the Gazette of India vide Notification No.51 dated 16 February 2010 and No.139 dated 30 April 2010 respectively.

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

- (i). In pursuance of the Guidelines, the PPT has filed the proposal for notification of Reference tariff for development of Multipurpose berth of 5 MTPA for handling clean cargo including containers and 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 development of Multipurpose berth of 5 MTPA for handling clean cargo including containers in January/March 2010. Therefore, the upfront tariff fixed in the year 2010 for the PPT multipurpose berth, would be the highest tariff and would form the basis for determining the Reference tariff for the multipurpose berth at PPT, as stipulated in the 2013 Guidelines.
- (iii). As per para 12.1. of the PPT Order of 19 January 2010, 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 2010 and 1 January of the relevant year.

5.3. On scrutiny of PPT proposal dated 14 August 2013, it is seen that the PPT has applied around 16% indexation factor to arrive at the indexed Reference tariff for Berth hire charges, Container related charges, Multipurpose cargo related (handling) charges and around 20% on Multipurpose cargo related (storage & miscellaneous) charges which is not 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. The applicable indexation factor for tariff with base WPI as on 1 January 2010 on the tariff caps approved for the multipurpose berth at PPT vide Orders dated 19 January 2010 and 31 March 2010 is 17.63%.

5.4. In view of above, the proposed Reference scale of rates is modified considering the indexation factor of 17.63% on the tariff caps approved for the multipurpose berth at PPT vide Orders dated 19 January 2010 and 31 March 2010. While arriving at the Reference tariff, the PPT has rounded off the Reference tariff rate which has now been considered upto two decimal places.

5.5 Further, the PPT has not included Definitions, General Terms & Conditions and General Note to Schedule (1.3) to (1.5) which were earlier incorporated in the Upfront SOR as schedule 1.1, 1.2 and 1.6 respectively. The same are now incorporated in the modified Reference tariff scale of rates.

6.1. In the result, and for the reasons given above and based on a collective application of mind, this Authority approves the modified Reference Tariff Schedule alongwith conditionalities governing the rates and the Performance Standards for the PPT multipurpose berth as proposed by the port.

6.2. The modified Reference Tariff Schedule alongwith conditionalities governing the rates is attached as **Annex - I** and the Performance Standards for the PPT multipurpose berth 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 PPT is advised 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.

(T.S. Balasubramanian)
Member (Finance)

PARADIP PORT TRUST

REFERENCE TARIFF SCHEDULE FOR MULTIPURPOSE TERMINAL

1.1. DEFINITIONS

In this Scale of Rates, unless the context otherwise requires, the following definitions shall apply:

- (i). **“Coastal Vessel”** shall mean any vessel exclusively employed in trading between any Terminal or place in India to any other Port or place in India having a valid coastal license issued by the competent authority.
- (ii). **“Container”** shall mean the standard ISO container, suitable for the transport and stacking of cargo and must be capable of being handled as a unit and lifted by a crane with a container spreader.
- (iii). **“Day”** shall mean the period starting from 6.00 am of a day and ending at 6.00 am on the next day.
- (iv). **“Demurrage”** shall mean charges payable for storage of cargo in transit area within the Terminal premises beyond free period, as specified in the Scale of Rates.
- (v). **“Export Container”** means a container arrived by road or train, stored in container yard and loaded on the assigned vessel.
- (vi). **“Foreign-going Vessel”** shall mean any vessel other than a coastal vessel.
- (vii). **“Free period”** shall mean the period during which cargo/container is allowed storage free of demurrage charges/ground rent and this period shall exclude Customs notified holidays and Terminal's non-operating days.
- (viii). **“Full Container Load” (FCL)** shall mean a container containing cargo belonging to one consignee in the vessel's manifest.
- (ix). **“Hazardous container”** shall mean a container containing hazardous goods as classified under International Maritime Organisation (IMO.)
- (x). **“ICD”** shall mean Inland Container Depot.
- (xi). **“Import Container”** means a container discharged from one vessel, stored in container yard and transported out through Road or Train.
- (xii). **“Less than a Container Load” (LCL)** shall mean a container containing cargo belonging to more than one consignee in the vessel's manifest.
- (xiii). **“Over Dimensional Container”** shall mean a container carrying over dimensional cargo beyond the normal size of standard containers and needing special devices like slings, shackles, lifting beam, etc. Damaged Containers (including boxes having corner casting problem) and Container requiring special devices for lifting is also classified as Over Dimensional Container.
- (xiv). **“Per day”** shall mean a calendar day or part thereof.
- (xv). **“Port”** shall mean Paradip Port Trust.
- (xvi). **“Port area”** means the custom bound area/Port operational area of the Port.
- (xvii). **“Reefer Container”** shall mean a refrigerated container used for carriage of goods with provisions for electrical supply to maintain the desired temperature.

- (xviii). **“Shut Out Container”** shall mean a container, which enters into the Terminal as an export intake for a particular vessel as indicated by the Vessel Identification Advice No.(VIAN) Container Advance Information List (COPRAR) and is not shipped into the particular vessel for reasons whatsoever.
- (xix). **“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.
- (xx). **“Transshipment container”** shall mean any container, which is discharged from one vessel stored in the container Terminal and shipped through another vessel for other port.
- (xxi). **“Week”** shall mean a period of 7 days.

1.2. GENERAL TERMS & CONDITIONS

- (i). 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 its classification as ‘coastal’ or ‘foreign-going’ 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.
- (ii).
 - (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 Terminal 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, foreign-going rates shall be chargeable by the discharge Terminals.
 - (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.
- (iii). Interest on delayed payments/refunds.
 - (a). The user shall pay penal interest on delayed payments of any charge under this Scale of Rates. The rate of interest will be at 2% above the Prime Lending Rate of State Bank of India
 - (b). Like wise, the Terminal operator shall pay penal interest on delayed refunds. The rate of interest will be at 2% above the Prime Lending Rate of State Bank of India.
 - (c). The delay in refunds by the Terminal Operator will be counted beyond 20 days from the date of completion of services or on production of the documents required from the users, whichever is later.
 - (d). The delay in payments by the users will be counted beyond 10 days after the date of raising the bills by the Terminal Operator. This provision shall, however, not apply to the cases where payment is to be made before availing the services as stipulated in the Major Port Trusts Act, 1963 and/or where payment of charges in advance is prescribed in this Scale of Rates.
- (iv). All charges worked out shall be rounded off to the next higher rupee on the grand total of each bill.

- (v). No claims for refund shall be entertained unless the amount refundable is Rs.100/- or more. Likewise, Terminal Operator shall not raise any supplementary or under charge bills, if the amount due to Terminal is Rs.100/- or less.
- (vi). Containers less than and up to 20' in length will be reckoned as one TEU for the purpose of tariff.
- (vii). Users shall not be required to pay charges for delays beyond a reasonable level attributable to the Terminal.
- (viii). The vessel related charges for all Coastal vessels should not exceed 60% of the corresponding charges for other vessels.
- (ix). (a). The container related charges for all Coastal containers should not exceed 60% of the normal container related charges.
- (b). 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.
- (c). For the purpose of this concession, container from a foreign port which reaches an Indian Port 'A' for subsequent transshipment 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.
- (x). (a). The rates prescribed in this Scale of Rates are ceiling levels; likewise, rebates and discounts are floor levels. The Terminal Operator may, if it so desire, charge lower rates and/ or allow higher rebates and discounts.
- (b). The Terminal Operator may also, if it so desires, rationalise 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 Terminal 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.

1.3. BERTH HIRE CHARGES:

The berth hire charge payable by masters / owners / agents of the vessel and other floating craft approaching or lying alongside the berth shall be as per the rates given below:

S. No.	Vessels	Rate per GRT per hour	
		Foreign Going Vessel(Re)	Coastal Vessel (Re)
1	All vessels	0.96	0.58

Notes:

- (i). The time for the purpose of levy of berth hire shall be reckoned from the time vessel occupies the berth till she vacates the berth.
- (ii). Berth hire includes charges for services rendered at the berth, such as occupation of berth, rubbish removal, cleaning of berths, fire watch, etc.
- (iii). No berth hire shall be levied for the period when the vessel idles at its berth for continuous one hour or more due to breakdown of terminal operator's equipment or power or for any other reasons attributable to the terminal operator.

- (iv). (a). Berth hire shall stop 4 hours after the time of vessel signaling its readiness to sail.
- (b). The time limit of 4 hours prescribed for the cessation of berth hire shall exclude the ship's waiting time for want of favorable tide conditions, inclement weather, and due to lack of night navigation.
- (c). The master/agent of the vessel shall signal readiness to sail only in accordance with favorable tidal and weather conditions.

- (v). The Penal Berth hire shall be equal to one-day's (24 hours) berth hire charge for a false signal.

"False signal" would be when the vessel signals readiness and asks for a pilot in anticipation even when she is not ready for un-berthing due to engine not being ready or cargo operation not completed or such other reasons attributable to the vessels. This excludes the signaling readiness when a vessel is not able to sail due to unfavorable tide, lack of night navigation or adverse weather conditions."

- (vi). Ousting Priority / Priority berth hire:

The rate and conditions for granting ousting priority berthing / priority berthing will be governed by extant Government guidelines in this regard and provisions prescribed in the Scale of Rates of Paradip Port Trust.

1.4. **CONTAINER RELATED CHARGES**

(A). HANDLING CHARGES

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.

NORMAL AND REEFER CONTAINERS

S. NO.	Particulars	Foreign Going (In Rs)			Coastal (In Rs)		
		Container not exceeding 20' in length	Container exceeding 20' but up to 40' in length	Container exceeding 40' in length	Container not exceeding 20' in length	Container exceeding 20' but up to 40' in length	Container exceeding 40' in length
(i)	Loaded Container	2176.37	3264.55	4352.73	1305.81	1958.72	2611.62
(ii)	Empty Container	1741.09	2611.63	3482.18	1044.65	1566.97	2089.30

The handling charges for transshipment containers shall be concessional. Such charges shall not exceed 1.5 times the handling charges for the normal handling operation in loading or unloading cycle. In the case of transshipment of coastal containers, the concession in handling charges prescribed shall be calculated with reference to the applicable handling charges which are subject to the concessions specified in General Condition No.(ix) (a) above for coastal containers for the normal handling operation in loading or unloading cycle.

Note:

- (1). Handling charges for Hazardous cargo containers / over-dimensional cargo containers shall attract 1.25 times the normal applicable charges.

(B). **STORAGE CHARGES**

S. NO.	Particulars	Rate in Rs		
		Container not exceeding 20' in length	Container exceeding 20' but up to 40' in length	Container exceeding 40' in length
(i)	Loaded Container			
	-First week after free period	162.33	324.66	486.99
	-Second week after free period	243.49	486.99	730.48
	-Third weeks and over after free period	324.66	649.32	973.98
(ii)	Empty Container			
	-First week after free period	162.33	324.66	486.99
	-Second week after free period	243.49	486.99	730.48
	-Third weeks and over after free period	324.66	649.32	973.98

Note:

- (i). Five free days for import containers and fifteen free days for export containers shall be allowed. Customs notified holidays and Terminals non-working days shall be excluded for the purpose of calculation of free days.
- (ii). Dwell time charges for Hazardous cargo containers / over-dimensional cargo container shall attract 1.25 times the normal applicable charges.
- (iii). Free storage period for import loaded and empty containers shall commence from the day after the day of landing of the containers.
- (iv). Free storage period for export loaded and empty containers shall commence from the time the container enters the terminal.
- (v). The storage charges shall not accrue for the period during which the operator is not in a position to deliver / ship containers when requested by the user.
- (vi). 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 date of landing of container, whichever is earlier subject to the following conditions:
 - (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 or remove it from 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 necessary actions are taken by the shipping lines for destuffing the 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 date the Customs order release of the cargo subject to lines observing the necessary formalities and bearing the cost of transportation and destuffing. Otherwise, seized/confiscated containers should be removed by the Lines/consignee from the port premises to the Customs bonded area and in that case the storage charge shall cease to apply from the date of such removal.

(C). MISCELLANEOUS CHARGES

S. NO.	Particulars	Rate in Rs		
		Container not exceeding 20' in length	Container exceeding 20' but up to 40' in length	Container exceeding 40' in length
(i)	Loaded Container	64.99	97.49	129.98
(ii)	Empty Container	64.99	97.49	129.98

1.5. MULTIPURPOSE CARGO RELATED CHARGES

(A). HANDLING CHARGES:

The cargo handling charges shall be payable on the manifested cargo directly by the importer of cargo at the rates specified below:

S. No.	Commodity	Unit	Rate in Rupees (Foreign)	Rate in Rupees (Coastal)
1	Iron and Steel products	Ton	151.74	91.05
2	Aluminum ingots, pig iron, finished fertilizers, food grains, sugar	Ton	72.85	43.71

The handling charges prescribed above is a composite charge for (i) unloading of the cargo from the vessel and transfer of the same upto the point of storage, storage at the stackyard upto a free period of 5 days and loading on to rakes/trucks in respect of import cargo and (ii) unloading of the cargo from the rakes/trucks at the stackyard, storage at the stackyard upto a period of 15 days, transfer the cargo to the loading point and loading onto the ship including stevedoring. This composite charge includes wharfage and supply of labour, wherever necessary and all other miscellaneous charges not specifically prescribed in the Scale of Rates.

(B). STORAGE CHARGES:

The storage charges for the cargo stored in the stackyard beyond the free period allowed shall be as below:

Free period:

Import cargo : 5 days free
Export cargo : 15 days free

Storage charges after free period:

IMPORT

S. No.	Commodity	Unit	Rate for 6 th -12 th day (Re)	Rate for 13 th -19 th day (Re)	Rate for 20 th day onwards (Re)
1	All types of Multipurpose cargo	Per ton	5.88	8.82	11.76

EXPORT

S. No.	Commodity	Unit	Rate for 16 th -22 nd day(Re)	Rate for 23 th -29 th day(Re)	Rate for 30 th day onwards(Re)
1	All types of Multipurpose cargo	Per ton	5.88	8.82	11.76

Notes:

- (i). Five free days for import cargo and fifteen free days for export cargo shall be allowed. For the purpose of calculation of free period, Customs notified holidays and Terminal's non- working days shall be excluded.
- (ii). Storage charges shall be payable for all days including Terminal's non-working days and Customs notified holidays for stay of cargo beyond the prescribed free days.
- (iii). Free period for import cargo shall be reckoned from the day following the day of completion of final discharge from the vessel.
- (iv). Free period for export cargo shall commence from the actual date of the receipt of cargo in the operator's premises.
- (v). Storage charge on cargo shall not accrue for the period when the terminal operator is not in a position to deliver / ship the cargo when requested by the user due to reasons attributable to the terminal operator.

(C). MISCELLANEOUS CHARGES

The composite charge for all miscellaneous services such as environment and management, lift on-lift off charges , sweeping of cargo on the wharf, safety measures, etc. shall be as below:

S. No.	Commodity	Unit	Rate in Rupees
1	All types of Multipurpose cargo	Per Ton	5.59

1.6. GENERAL NOTE TO SCHEDULE (1.3) to (1.5) ABOVE:

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.

APPENDIX 15

PERFORMANCE STANDARDS

Performance Standards**1. Gross Berth Output**

The parameter deals with the productivity of the terminal (Gross Berth Output) for different types of cargo. In case of break-bulk cargo, the capability of the terminal (mechanization, method of handling) and parcel size will determine the Gross Berth Output. Higher terminal capability and greater parcel size will lead to high productivity.

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

In the case of containers the crane rate shall be measured by dividing total number of TEUs lifted on/off from ships by the elapsed crane time. The elapsed crane time is the total allocated crane hours less operational and non-operational delays.

The indicative norms for Gross Berth Output for different categories of Clean Cargo to be handled at this berth are as follows:

Cargo Category	Indicative Norms
Container	
Main line vessel	16 moves per hour
Feeder vessel	17 moves per hour
Mixed Dry bulk cargo (Fertilizer and Food grains)	
For terminals capable of handling more than 30,000 MT parcel size	12,500 T/day
For terminals capable of handling up to 30,000 MT parcel size.	7,500 T/day

Break Bulk	
Steel and bagged cargo	4000 T/day
Others	2500 T/day

Weightage in case of a shortfall in meeting the prescribed performance standard will be 70%.

2. Transit Storage Dwell**Time: (a) Containers:**

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 containers.

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

(b) Break-bulk cargo:

The Transit Storage Dwell Time of Break Bulk cargo shall be calculated in the same manner as calculated for container in the terminal. The Transit Storage Dwell Time for Break Bulk Cargo is the sum of time of each unit of cargo that remains in the Port in a month divided by the number of cargo units handled during that month in the terminal. To further clarify, the time the break bulk cargo remains in the port will commence from the date and time of landing till the date and time of exit from the Port in case of import and for export from the date and time the cargo entered the Port area till the date and time of the shipment.

Transit Storage Dwell Time**- Import**

a)	Containerised cargo (at terminal)	5 days
b)	Other Clean Cargo (at stack yard)	10 days after date of completion of vessel's discharging operation.

- Export

a)	Containerised cargo (at terminal)	3 days
b)	Other Clean Cargo (at stack yard)	10 days upto commencement of ship loading operation

Weightage in case of a shortfall in meeting the prescribed performance standard is 20%.

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)	Truck for conventional cargo (Single Operation)	4 hours
A(ii)	Truck for conventional cargo (double Operation)	8 hours
B(i)	Trailer for container (single operation)	2 hours
B(ii)	Trailer for container (double operation)	4 hours
C(i)	Rake for ICD container (single operation)	6 hours
C(ii)	Rake for ICD container (double operation)	12 hours

Weightage in case of a shortfall in meeting the prescribed performance standard will be 10%.

Performance Evaluation and calculation of liquidated damages:

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 per cent) of the Gross Revenue of the respective quarter for every shortfall of 10% (ten per cent) 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-a-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 around time for receipt/delivery operations by z%

and the weightage assigned to such shortfalls is 0.7, 0.2 and 0.1 respectively, then the overall shortfall in average performance will be $(0.7x + 0.2y + 0.1z)\%$.