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Tariff Authority for Major Ports

G.No. 77 **New Delhi,** **26 February, 2018**

NOTIFICATION

In exercise of the powers conferred by Section 48 of the Major Port Trusts Act, 1963 (38 of 1963), the Tariff Authority for Major Ports hereby disposes of the proposal received from Kolkata Port Trust (KOPT) for determination of upfront tariff for stevedoring and shore handling operations at Kolkata Dock System (KDS) at KOPT, as in the Order appended hereto.

(T.S. Balasubramanian)
Member (Finance)

Tariff Authority for Major Ports

Case No. TAMP/80/2016-KOPT

Kolkata Port Trust … **Applicant**

QUORUM

(i). Shri. T.S. Balasubramanian, Member (Finance)
(ii). Shri. Rajat Sachar, Member (Economic)

O R D E R

(Passed on this 19th day of January 2018)

This case relates to the proposal received from Kolkata Port Trust (KOPT) for determination of upfront tariff for stevedoring and shore handling operations at Kolkata Dock System (KDS) at KOPT.

2.1. The Ministry of Shipping (MOS) has issued the guidelines for determination of upfront tariff for Stevedoring and Shore Handling Operation to all Major Port Trusts. In this backdrop, the KOPT has come up with a proposal in reference vide its letters dated 21 November 2016 and 05 December 2016.

2.2. The KOPT while deciding the productivity/ upfront tariff for stevedoring and shore handling operations at KDS has reported to have considered the following:

(i). Norms provided in the Guidelines could not be adopted for fixation of the tariff as KDS is a riverine port. Due to river draft as well as lock gate, vessels of limited size with limited parcel load can arrive. The norms have been computed based on the local operational conditions and limitations of KDS.

(ii). The information on hire rates for equipment and labour have been obtained from the stevedores/shore handling agents/labour contractors working in KDS in writing and in some cases verbally also. [A statement on the information collected and the source is furnished by KOPT.]

(iii). The lowest available equipment hire rate as provided by the different stevedores/ handling agents at KDS has been considered. However, in case of Trailers and Dumpers for shore handling, the hire rates received from them appear to be on higher side. In case of these two equipment hire rates considered by HDC in their proposal for upfront tariff have been considered, factoring an escalation of 20%, due to less utilisation at KDS.

(iv). On-board labour deployment has been considered for handling various commodities as per norms prescribed in the guidelines provided. In absence of any hire rates for such on-board labour other than the CDLB rates being available, the CDLB rates have been considered.

(v). In respect of labour for shore handling, Clause 4.5.7 of guidelines has been considered where norm of estimation of labour cost is 10% of equipment cost in case of break-bulk and 5% of equipment cost in case of bulk. However, in case of handling of bagged cargo, since no equipment is used for shore handling, the aforesaid norm could not be used. For handling of bagged cargo, per Tonne rate for deployment of labour, as available in the market at KDS has been considered.

(vi). In case of Project cargo material/packages requiring specialized slings and attachments/ equipment, the stevedoring and shore handling agents may require additional cost for deployment of the same. Since these extra costs are project/package specific, it cannot be assessed for fixation of upfront tariff/ceiling rates. The same has been considered for additional levy by the stevedores and handling agents as a conditionality in the tariff proposal.

(vii). Food-grain usually comes as bulk at KDS and is bagged and stitched either on-board or on shore which is also a part of the services provided by the Stevedoring and Shore Handling Agents. As service for bagging and stitching apparently does not fall under the services rendered by port under Sec.42(1) of MPT Act, cost for such service has not been considered in fixation of the proposed upfront tariff/ceiling rates.

(viii). Although there are no guidelines for fixation of upfront tariff/ ceiling rates for stevedoring at anchorages, the KOPT has prepared the same based on information collected verbally. It is understood that vessels at anchorages usually does not work during the night and the labour is supplied by pool controlled by local Unions at a per ton rate basis. At the anchorages, mostly bulk, some bagged cargo and logs are being discharged onto barge for transportation to both Kolkata and Haldia Docks, Inland Vessel Wharf points and also directly to the consignees like NTPC. It is also understood that grabs for discharge are mostly being provided by the vessel and usually no equipment is required to be taken by the Stevedores working on board. Accordingly, ceiling rates have been computed and proposed by KOPT.

Besides, some container handling at anchorages had taken place. However, the information on hire cost for labour and equipment, if any, for such operation is yet to be received. Therefore, the upfront tariff/ceiling rates for the same could not be proposed by the KOPT in this proposal. A proposal on the same will be submitted shortly on receipt/collection of the information by KOPT.

(ix). At KDS, considerable quantity of bulk cargo/bags/logs/containers are being discharged/shipped from/to barges. In absence of adequate data on non standardised equipment being deployed for loading / unloading of barges, no norms for barge handling could be proposed by KOPT. Therefore, a ceiling rate has been proposed based on limited information of shift output. The productivity norms for barge unloading is required to be fixed after considering the position adopted in other ports. The KOPT seeks the advice of the TAMP.

(x). The KOPT has undertaken shipment of General Export Cargo, Steel and Project Cargo through barge. Coal is the principal bulk cargo handled by barges through KDS other than food-grain. In order to keep a ceiling rate for other dry bulk cargo, the same has been included with the coal category.

Finished Fertilizer in bulk has not yet been handled at KDS. However, in order to keep a ceiling rate for finish Fertilizer in bulk, the same has been included with Fertilizer Raw Material in bulk.

(xi). The stevedoring and shore handling upfront tariff/ceiling rates for handling Ro-Ro vessels is to be fixed. But in absence of any norm for labour and manpower requirement in the form of drivers, mechanics, electricians, signallers etc. and their hire rates, the same could not be proposed by KOPT. Therefore, the TAMP may consider fixation of said rates on the basis of rates fixed for any other Port.

(xii). The calculation of proposed Normative Tariff/ Ceiling Rates for Stevedoring and Shore Handling Operations is furnished by KOPT.

(xiii). General conditionalities of the Guidelines for Stevedoring and Shore Handling Operations has not been incorporated in the proposal by KOPT. TAMP may take a common position applicable for all the Ports.

2.3. Accordingly, the proposal of KOPT seeks approval for the following:

"(i). Stevedoring and Shore Handling Agents working at KDS, who has been issued license for undertaking such work under KOPT (Stevedoring and Shore Handling) Regulations, 2016 shall not levy charges exceeding the following rates:

(a). For stevedoring on-board ship at Berth

(i). Dry Bulk Cargo

Sl. No.	Cargo Group	Rates per Tonne (In ₹.)
1.	Fertilizer & Fertilizer Raw Materials	102.24
2.	Coal (All types)	77.46
3.	Iron Ore, Iron Pellets, Bentonite, Bauxite, Copper Concentrate, Lead and Zinc Ore	63.37
4.	Limestone, Dolomite, Clinker, Clay, Sand & other Dry Bulk Cargo	83.35
5.	Salt	81.58

(ii). Break Bulk Cargo

Sl. No.	Cargo Group	Rates per Tonne (In ₹.)
1.	Bagged cargo	175.11
2.	Jumbo Bags	160.84
3.	Iron & Steel – Coils & Slabs	151.74
4.	Iron & Steel - Pipes, Tubes & Plates	121.43
5.	Timber Logs	153.18
6.	Container (Laden/Empty) at Non-MHC Berth	392.42 (Rate per TEU)
7.	Mixed General Cargo including project cargo, machinery and machinery parts	248.01
8.	Coastal Mixed General Cargo	280.17

(b). For stevedoring on-board ship at Anchorage

(i). Dry Bulk Cargo

Sl. No.	Cargo Group	Rate per Tonne (In ₹.)
1.	Coal	26.90
2.	Food Grains	27.04
3.	Sugar	28.03
4.	Other Bulk Cargo	27.10

(ii). Break Bulk Cargo

Sl.No.	Cargo Group	Rate per Tonne (In ₹.)
1.	Bagged Cargo	51.94
2.	Log	35.78

Note: Stevedoring for the purpose of (A) & (B) above, includes loading and unloading and stowage of cargo in any form on-board the vessels in port.

(c). For shore handling operation

(i). Dry Bulk Cargo

Sl.No.	Cargo Group	Rate per Tonne

		(In ₹.)
1.	Fertilizer & Fertilizer Raw Materials	62.72
2.	Coal (All types)	128.61
3.	Iron Ore, Iron Pellets, Bentonite, Bauxite, Copper Concentrate, Lead and Zinc Ore	102.22
4.	Limestone, Dolomite, Clinker, Clay, Sand & other similar Dry Bulk Cargo	146.53
5.	Salt	152.38

(ii). Break Bulk Cargo

Sl.No.	Cargo Group	Rate per Tonne (In ₹.)
1.	Bagged cargo	92.40
2.	Jumbo Bags	163.63
3.	Iron & Steel – Coils & Slabs	139.95
4.	Iron & Steel - Pipes, Tubes & Plates	165.98
5.	Timber Logs	173.93
6.	Container (Laden & Empty) at Non-MHC Berth	1031.80
7.	Mixed General Cargo including project cargo, machinery and machinery parts	204.75
8.	Coastal Mixed General Cargo	241.47

Note : (a). Shore Handling for the purpose of (C) above, except for Fertilizer Raw Material includes, arranging and receiving the cargo to/from the hook point, intermodal transport from wharf to stack-yard within port premises and vice versa.

(b). For Fertilizer Raw Material, shore handling will cover only loading of cargo unloaded at the wharf on to trucks for going directly to consignee premises or vice versa.

(d). For shore handling operation including loading/unloading of cargo to/from Barge at Wharf/Berth

Sl.No.	Cargo Group	Rates per Tonne(In ₹.)
1.	Food Grain discharged in Bulk and bagged for stacking	223.38
2.	Food Grain (Bagged)	277.76
3.	Logs	462.33
4.	Coal (All types) and other Bulk Cargo	222.85
5.	Other Bagged Cargo	238.45
6.	Container (Laden & Empty) in TEUs	2063.80

Explanations –

(i). The above rates do not include Calcutta Dock Labour Board charges payable by the Stevedores under Calcutta Dock Workers (Regulation of Employment) Scheme, 1970 and Calcutta Dock Clerical & Supervisory (Regulation of Employment) Scheme, 1970.

(ii). For container exceeding 20 ft rates shall be levied at 1.5 times of TEU rate.

(iii). In case Shore Handling Operation of Bagged cargo involves transfer of cargo from wharf/berth to shed/stacking point other than berth back up shed and vise versa additional shore handling charge of ₹ 30.20 per tonne will be levied.

(iv). In case of project material/packages requiring specialized slings and attachments/equipments, the stevedoring and shore handling agents may levy additional charges on actuals, subject to consignee/consignor agreeing to the same for which confirmation has to be submitted to Port disclosing the rates before the actual operation.

(ii). Stevedoring and Shore Handling Agents working at KDS, who has been issued license for undertaking such work under KOPT (Stevedoring and Shore Handling) Regulations, 2016 shall comply with the following **productivity norms**:

(a). For stevedoring on-board ship at Berth

(i). Dry Bulk Cargo

Sl. No.	Cargo Group	Norms in Tonnes per Hook per Shift
1.	Fertilizer & Fertilizer Raw Materials	375
2.	Coal (All types)	495
3.	Iron Ore, Iron Pellets, Bentonite, Bauxite, Copper Concentrate, Lead and Zinc Ore	605
4.	Limestone, Dolomite, Clinker, Clay, Sand & other Dry Bulk Cargo	460
5.	Salt	470

(ii). Break Bulk Cargo

Sl. No.	Cargo Group	Norms in Tonnes per Hook per Shift
1.	Bagged cargo	160
2.	Jumbo Bags	240
3.	Iron & Steel – Coils & Slabs	515
4.	Iron & Steel - Pipes, Tubes & Plates	270
5.	Timber Logs	225
6.	Container (Laden/Empty) at Non-MHC Berths	60 TEUs
7.	Mixed General Cargo including project cargo, machinery and machinery parts	-
8.	Coastal Mixed General Cargo	-

(b). For Shore Handling

The Stevedoring and Shore Handling Agent shall clear all cargo and its residuals from wharf/berth within the time limit mentioned below from the time of completion of vessel/barge operation –

For Dry Bulk Cargo	6 Hours
For Break Bulk Cargo	2 Hours

In case the Stevedoring and Shore Handling Agent fails to comply with the above timeline for removal of all cargo and its residuals (except bulk fertilizer raw material which is delivered direct from berth), a penalty @ ₹.1,000/- per hour shall be levied by the Port for the period after expiry of the timeline mentioned above till removal."

2.4. Along with the proposal, the KOPT has also furnished the following:

(i). The estimation of norms for determination of upfront tariff for stevedoring and shore handling operation at KDS of KOPT.

(ii). Classification of cargoes under the bulk and break bulk cargoes following Government guidelines.

(iii). The calculated productivity for Dry-bulk Cargo and Break Bulk Cargo for the vessels worked at K.P.Dock and N.S.Dock.

(iv). Details of type and capacity of equipment to be deployed for handling dry bulk cargo and break bulk cargo between ship and shore at KDS.

(v). Details of for estimation of equipment hire cost for dry bulk cargo and break bulk cargo stevedoring operation at KDS.

(vi). Details of for estimation of labour cost for dry bulk cargo and break bulk cargo stevedoring operation at KDS.

(vii). Details of for equipment on hire basis for shore handling operations of dry bulk cargo under different handling methods.

3. The KOPT has also sought clarification on the following points.

(i). At Para 2.4 of the Guideline for determination of upfront tariff, it is mentioned that the upfront tariff and performance standards notified by TAMP will be required to be mentioned in the bid document and subsequently in the agreement in respect of the operator. This Para apparently appears to be not at par with the Stevedoring and Shore Handling Policy for Major Ports issued by the MOS in June, 2016. In the Policy, no bidding process has been prescribed at Para 4 where the process of issuance of license for stevedores and shore handling agents have been prescribed.

(ii). At KDS, the Stevedores are required to book gangs from Calcutta Dock Labour Board (CDLB) for stevedoring operations on-board the ships at docks for which they have to pay charges to CDLB as per their tariff framed and approved by its Board from time to time. However, neither the manning pattern of CDLB is at par with the norms prescribed by the National Tribunal Award for labour deployment nor CDLB is providing the stipulated manning as per their own Regulations due to shortage of manpower. Stevedores are required to supplement manpower as per their requirement for carrying on-board operations for which there is no rebate/discount in the CDLB tariff payable by them. Therefore, clarification is required in the background of Para 2.9 & 3.5.7 of the Guideline for fixation of Normative Tariff. In the meantime, for fixation of upfront tariff, charges payable to CDLB has not been considered, instead it has been provided as an additional levy by the stevedores along with the proposed ceiling rates.

(iii). Para 2.8 states the TAMP and Major Port Trusts should comply with the policy direction set out by the Government from time to time like coastal cargo/container etc. which have bearing on the determination of tariff. This provision needs to be reviewed as cross subsidization between coastal cargo and foreign cargo may not be possible by the stevedores and shore handling agents as individuals as because there may be stevedores who operate only on specific categories and even limited to coastal cargo only. In case of tariff of Ports and BOT Operators, the foreign rates are increased to cross subsidize the coastal traffic. Accordingly, pending clarification, concessional tariff for coastal cargo has not been considered for arriving at the proposed ceiling rates.

(iv). No Guidelines for fixation of upfront tariff for receipt and delivery of cargo/ container at/ from stack yard have been provided, although as per definition provided in Stevedoring and Shore handling policy for Major Ports, receiving and delivery of cargo from/to wagons/truck have been included in Shore Handling. In absence of

Guidelines for fixation of tariff as stated, the normative tariff/ceiling rates proposed for shore handling excludes receiving and delivery of cargo from/to wagons/truck at/from stack yard. Necessary Guidelines is to be issued for fixation of upfront/ceiling tariff for receipt and delivery of cargo/container at/from stack yard.

(v). Clause 2.11 states that before commencement of stevedoring and/or the shore handling operation, the operator will approach TAMP for notification of Scale of Rates (SOR) containing the ceiling rates of the stevedoring and shore handling charges and performance standard as required under section 48 of MPT Act, 1963. It needs to be clarified whether all stevedoring and shore handling agents who will be issued license under the new Regulation framed by KOPT as per requirement under Stevedoring and Shore Handling Policy for Major Ports issued by MOS, Govt. of India will have to approach TAMP individually for notification of their SOR containing same ceiling rates already approved by TAMP for Stevedoring and Shore Handling Agents for undertaking the said activities.

(vi). As per Clause 1.3 of the Guidelines, the Guidelines will be applicable for authorisation to undertake stevedoring and shore handling activity under section 42(3) of MPT Act. The said section states “notwithstanding anything contained in this section, the Board may, with the previous sanction of the Central Government, authorise any person to perform any of the services mentioned in sub section (1) of such terms and condition as may be agreed upon”.

The stevedoring and shore handling license will be issued by KOPT in terms of newly drafted KOPT (Stevedoring & Shore Handling Licence) Regulations, 2016 framed as per the Policy issued by the MOS, Government of India. It needs to be clarified that before issuance of such licence under the Regulation to any Stevedoring and Shore Handling Agents, previous sanction of the Central Government is a pre-requisite for above authorisation as required under section 42(3).

(vii). In the Guidelines, no norm for anchorage discharge (involving on board operation) and barge handling (involving barge unloading and shore handling) has been provided. However, at KDS an attempt has been made to fix the ceiling rates for the said operations which has been proposed herewith. It needs to be clarified whether there is requirement for fixation of upfront tariff for work at anchorages and barge unloading, both these activities are presently not covered under CDLB Regulation.

(viii). Para 2.10 provides guidelines for annual indexation of tariff caps upto 60% of the variation in Wholesale Price Index (WPI). However, Para 7.1 allows 100% WPI indexation instead of 60% WPI indexation prescribed at Para 2.10 from the 2nd year of operation on achievement of performance standards for each of the commodities notified along with the upfront tariff. It appears that it will be allowed in respect of each stevedoring and shore handling agent subject to their achieving the performance norms mentioned thereat. Thus, it may happen that in future the ceiling rates for all the stevedoring and shore handling agents may not be at par, and will depend on the indexation allowed on the tariff cap to individual stevedores and shore handling agents. If required, TAMP may like to review and clarify the position further.

(ix). At KDS, other than Container Terminal, stuffing/ destuffing of containers are being done by the stevedores and is regulated by manning scheme of Calcutta Dock Labour Board and is required to pay necessary CDLB charges. In the Policy as well as Guidelines issued, stuffing/ destuffing activities undertaken by stevedoring and shore handling agents have not been considered. It needs to be clarified, if ceiling rates for such activities is required to be fixed, then suitable guidelines may be issued.

4. In accordance with the consultative procedure prescribed, a copy each of the KOPT letters dated 21 November 2016 and 5 December 2016 was forwarded to the concerned users/ user organizations/ Stevedore associations vide our letter dated 13 December 2016, seeking their comments. Some of the users / user organisations / stevedore associations have furnished their comments. The said comments were forwarded to the KOPT as feedback information. The KOPT

has responded to the comments of the users / user organisations / stevedore associations vide its letter dated 05 January 2017.

5.1. A joint hearing in this case in reference was held on 25 January 2017 at the KOPT premises in Kolkata. At the joint hearing, the KOPT made a brief power point presentation of its proposal. The KOPT and the users have made their submissions, at the joint hearing.

5.2. Subsequent to the joint hearing, the Master Stevedores Association (MSA) vide its letter dated 04 February 2017 has furnished its additional comments. These comments were forwarded to KOPT. We have not received the response of KOPT till passing of this Order.

6.1. In the meantime, considering that the proposal is under consultation and as it may take some more time to dispose of the case and keeping in view that the MOS has directed this Authority for immediate action, this Authority granted adhoc approval to the upfront tariff for stevedoring and shore handling operations and Performance Standards as proposed by the port as an interim arrangement, pending fixation of final rates by this Authority, after completion of the consultation process. Accordingly, this Authority had passed an Order dated 8 February 2017. This Order has been notified in the Gazette of India Extraordinary (Part III Section 4) on 1 March 2017 vide Gazette No. 79. A copy of the said Notification and Order has been communicated to KOPT and all the concerned users/ user organisations vide our letter dated 7 March 2017.

6.2. Subsequent to passing of the above referred Order, some of the users/ stevedore associations have given their additional comments. These comments were forwarded to KOPT. The KOPT has responded vide its letter dated 27 March 2017.

7. Based on a preliminary scrutiny of the proposal, the KOPT was requested to furnish additional information/ clarifications on some points vide our letter dated 6 July 2017. After reminder, the KOPT has responded under cover of its letter dated 25 September 2017. The information/ clarification sought by us and the response of KOPT thereon are tabulated below:

Sl. No.	Information/ clarification sought by TAMP	Response of KOPT
1.	**GENERAL:**	
(i).	The KDS of KOPT has raised some issues for review/ clarifications. One of them relates to ceiling rates for receiving and delivery of cargo from/ to wagon/ truck at/ from stack yard. Irrespective of non-availability or availability of guidelines, ceiling rates for this activity may have to be fixed by the Authority, if this activity falls under the Section 48 read with Section 42(3) of the Major Ports Act., 1963. The HDC has proposed rates for this activity. In this connection, reference is invited to the notes in Annex C IX of KDS proposal dated 21 November 2016, wherein it is mentioned that equipment utilisation in respect of Reach Stackers (RST) and Mobile cranes is considered at 75% and 50% for shore handling and that the same equipment will be utilised for the receiving and delivery operations. In view of this position, the KDS to examine to consider 100% utilisation of requisite equipment covering the delivery and receipt operations at stack yard and propose a composite ceiling rate to cover all activities of Shore handling as including receipt and delivery operations, as defined in the Stevedoring and Shore Handling Policy, 2016.	The Board of Trustees of KOPT has already approved upfront tariff for delivery / receiving and the same was sent to TAMP vide letter no. Fin/392/B dated 1.8.2017 for consideration. Composite rate for shore handling in case of container and coastal cargo by including delivery and receiving operation as proposed by the Authority may not be appropriate as the same Reach Stacker / Mobile Crane is being used at the stack yard for delivery and receiving of container/ cargo of different vessels simultaneously. Therefore, the Authority is requested to consider the upfront tariff for delivery / receiving separately as proposed by KDS of KOPT.

(ii).	Another issue raised by KDS of KOPT is fixation of tariff for anchorage discharge (involving on-board operations) and barge handling (involving barge unloading and shore handling). The KDS of KOPT has asked whether there is a requirement for fixation of upfront tariff for work at anchorage and barge unloading. However, the KDS of KOPT has proposed upfront tariff for these two activities. The KOPT is requested to clarify what is the present tariff arrangement for these activities. If the activities fall under Section 48 read with Section 42 (3) of the Major Ports Act., 1963, the tariff may have to be fixed by the Authority whether guidelines/ norms are available or not. The KDS of KOPT to examine. If no norms are available for fixation of tariff for the two activities, the intention of KDS in proposing these tariff items to be clarified.	The present tariff arrangement for operation at anchorage and barge at port is between the vessel agent/ charterer/ importer/ exporter and the stevedoring handling agents. It either involves Port labour or DLB labour. Labour from private pools are being used by the stevedores and handling agents for anchorage and barge operations and it is given to understand that for such deployment the stevedores are required to pay on per Ton basis irrespective of number of labour deployed (and not on per labour basis). Accordingly, in the KDS proposal, cost of labour for both anchorage and barge operations, has been considered on per Ton basis in absence of any guidelines on norms being provided in the Guidelines for determination of Upfront Tariff for Stevedoring and Shore Handling Operations. The stevedoring operations at anchorages and barge handling at KDS presently can be undertaken by stevedores and handling agents respectively having stevedoring license and handling license issued by KOPT. In view of the above position, although no norms are available for fixation of tariff for the same has been proposed by KDS.
(iii).	With regard to celling tariff for Ro-Ro Vessels, in the absence of the norms, the KDS of KOPT has stated that TAMP may consider fixation of rates on the basis of rates fixed for any other Port. In this regard, it is to state that none of the Major Port Trusts whose proposal is with us for prescription for charges for Stevedoring and Shore handling operations has proposed upfront rates for handling Ro-Ro vessels. In view of this position, the KDS of KOPT to examine the matter and propose suitable rates. The calculation in support of the said rates also to be furnished.	The information on labour cost, norms and other costs for stevedoring and shore handling operations for Ro-Ro vessels are not available. As such, the Authority was requested to fix the rate as followed in other ports. It seems other ports where Ro-Ro vessels are being handled regularly have not proposed any Stevedoring and Shore Handling rates. However, as advised action is being initiated to collect the information as could be made available. The upfront rates for handling of Ro-ro vessel can only be submitted once the requisite information for the same are collected.
(iv).	The KDS of KOPT, in its proposal dated 21 November 2016 has mentioned that, at the Container MHC berths, i.e. at 4 NSD, 5 NSD and 8 NSD, gear less ships are stevedored by KOPT through a contractor viz. M/s Bharat Kolkata Container Terminal Pvt Limited (BKCT) appointed by KOPT. The entire container operation including ship loading/ unloading, lashing/ unlashing, yard management and shore handling operations is reported to have been outsourced to M/s BKCT on 10 year contract. Further, the shore handling operations at berths viz. 3 NSD and 7 NSD is entrusted to M/s BKCT. In this regard, KDS of KOPT to clarify the following Points: (a). The tariff arrangement for the operation carried by M/s BKCT at the said Berths.	The clarification /information requested are as follows –

	(b). The Authority under which the M/s BKCT has been authorised to render services at the said berths.	(a). KDS pays to M/s BKCT as per the contractual rate for different services. From the container agents KDS recovers the tariff as per SOR approved by TAMP. (b). BKCT was appointed through tendering process and their appointment was approved by the Board of Trustees.
(iv).	The existing SOR of KOPT prescribes a composite box rate for container covering wharfage, basic container handling services of ship to shore transfer, movement between berth and yard and lift off at yard. Charges are also prescribed for lift on for delivery or lift off at Yard during receiving / delivery. In the event, the rates for Stevedoring and Shore handling operations for the containers are approved, it is felt that the container handling rates for containers as prescribed in KOPT SOR may require suitable modification to this effect. The KOPT to examine the matter in detail.	The matter has been examined. Presently, there may not be any requirement of modification of KOPT's SOR as the composite rates as applicable only where are provided by KDS, either by itself or through its service provider. The upfront tariff proposed for container is for berths not served by Port but by private stevedores/ handling agent. However, KOPT will revert back to the Authority if there is requirement of any such modification.
(v).	In response to this Authority's email dated 25 March 2016, KOPT vide letter no. Fin/493/B dated 5 December 2016 has stated that a copy of the Draft proceedings of the Trustees held on 30 November, 2016 along with the approval of the Chairman for the proposal in reference has been forwarded. As seen from the draft proceeding of the Trustees' 3rd meeting held on the 30 November 2016 enclosed to the KOPT's letter dated 5 December 2016, the approval of the Chairman is not seen on the item relating to Determination of Upfront Tariff for Stevedoring & Shore Handling Operation at Kolkata Dock System. The KOPT to furnish final copy of the Board Resolution approving the proposal in reference.	A copy of Resolution R/126/KDS/TFC/03/11/2016 dated 30.11.2016, ratifying the draft proposal on fixation of upfront tariff for Stevedoring and Shore handling operation by Agents authorized by KDS is furnished by KOPT.
(vii).	The cost of bagging and stitching operations is reported to have not been considered by KOPT in the calculation of ceiling rates on the ground that such services may not come under the list of services as listed under Section 42 of the MPT Act. In this regard, it is relevant to mention here that based on a proposal received from V.O. Chidambaranar Port Trust, Visakhapatnam Port Trust and Cochin Port Trust, the Authority has in the past fixed upfront tariff for the bagging operations (bagging operations forms part of the overall handing operations) under Upfront Tariff Guidelines of 2008. The KOPT to examine non consideration of bagging and shifting operations in the proposed ceiling rates.	The bagging and stitching operations has never been undertaken, by port labour, nor the said services have been included in the list of services which the Board have power to undertaken as mentioned under Sec.42 of MPT Act. There is no mention of any other services in respect of goods, which however is mentioned in respect of vessels [Sec 42(1)(e)]. In view of the aforesaid position, the cost of bagging and stitching operations have not been considered as such services are apparently not mandated to be undertaken by the Board under Sec 42 of MPT Act. The authorization under Sec 42(3) is for services mentioned at Sec 42(1).
2.	**Productivity Norms** (Stevedoring & Shore handling operations)	
(i).	The Productivity Norms proposed by KOPT are not in line with the norms prescribed in the Guidelines of Stevedoring & Handling Policy for the Major Ports, 2016. In this connection, the KOPT has mentioned that due to operational constraints of KOPT being riverine port and	The basis/ method of calculation have already been mentioned for Dry Bulk Cargo and Break Bulk Cargo. However, details of arriving at norms is furnished by KOPT.

	with age old infrastructure, the norms prescribed in the guidelines could not be achieved. The KOPT has reported to have proposed productivity norms for each of the cargo item considering last three years performance at KOPT and further improved by 10%. In this connection, it is not clear as to how from the details of the ships as furnished by at Page 18 and Page 19 of the proposal, the KOPT has arrived at the productivity per hook per shift in respect of the Dry Bulk Cargo at Annex-III and Break Bulk cargo at Annex-IV, though the method of calculation has been described. The KOPT to therefore, furnish the detailed working and basis for calculating productivity norms for each of the items covered under Dry Bulk Cargo and Break Bulk Cargo.	
(ii).	KOPT has considered new two cargo items viz. Mixed General cargo including Machinery & Project cargo and Coastal Mixed General cargo in the proposal. In this regard, KOPT to examine whether the said cargo items can be grouped in the commodity group prescribed in the Annex-II of the Stevedoring and Shore Handling guidelines. Further, KOPT to also list down the commodities which are being classified under the head "Mixed General cargo including Machinery & Project cargo" and "Coastal Mixed General cargo" separately.	"Mixed General cargo including Machinery and Project cargo" is meant for cargo other than coastal. However, for more clarity, "Coastal Mixed General Cargo" may be described as "Coastal Mixed General Cargo including Machinery and Project Cargo". Any break-bulk cargo not falling under any specified group of cargo for which upfront tariff / ceiling rates have been fixed will fall in the cargo group of "Mixed General Cargo including Machinery and Project Cargo" and "Coastal Mixed General Cargo including Machinery and Project cargo" as the case may be. The List of "Mixed General Cargo including Machinery and Project Cargo" and Coastal Mixed General Cargo" has already been provided in 'Classification of commodities for upfront tariff determination at KDS-break bulk cargo.
3.	**Deployment of Equipment:**	
(i).	In respect of handling of Dry Bulk Cargo, as against 5T Dozer/ Excavator as stipulated in the Guidelines, the KOPT has proposed deployment of a Payloader for all cargo items. The reasons for the same to be explained.	Unlike other ports, handling of dry bulk cargo is very limited at KDS. Here only pay loaders are being used by the stevedores and handling agents as and when required. It is therefore felt to consider pay loaders for all practical purposes.
(ii).	In respect of handling Iron and Steel (Coils and slabs) and Iron and Steel (Pipes, Tubes, Plates), as against 30T DFLT for each cargo, the KOPT has proposed deployment of 20T DFLT and 5T DFLT respectively. The reason for the same to be explained.	Steel coils and slabs are being handled at KDS very occasionally. As per information gathered from the market, 30T DFLT is not available in Kolkata for handling of cargo in port. As such equipment has been considered taking on its availability at KDS for port operation.
(iii).	The reason for proposed deployment of log grab sling to handle Timber logs instead of 10T Log Grabber Stipulated in the Guidelines to be explained.	For log handling, log grab sling with ship's crane is used for on-board operation and for shore handling log grabber is used. Accordingly, log grab sling has been considered for on-board operation and 10T log grabber has been considered for shore handling. It may be mentioned that log grabber is not used inside the hatch.

(iv).	Though the Guidelines do not stipulate deployment of any equipment to handle containers, the KOPT has proposed deployment of a spreader. The reason for the same to be explained.	Container from / to vessels handled by ship's crane are required to have container spreader attached to ship's crane as per safety norms. The proposed container rates are for ship's crane handling and therefore the hire cost spreader has been considered.
(v).	The no. of hooks per shift in respect of ship shore equipment as well as hatch working equipment for both Dry Bulk Cargo and Break Bulk Cargo as considered by KOPT is seen to be less as compared to the norms in the Guidelines. This deviation to be justified.	The vessels visiting KDS berths are having two/ three hatches only and generally carries cargo less than its capacity because of draft restrictions of this riverine port. As such the operational modalities and parameters set in the Guidelines, which are comparable/ applicable to other sea-ports may not be applicable for KDS. The number of hooks per shift as considered by KDS has been derived from the actual average hooks per shift for each cargo group over a three year period. As already explained in the "Estimation of norms for determination of upfront tariff for stevedoring and shore handling operations at KDS at KOPT'" submitted with the draft proposal, size and parcel load of vessels entering KDS is severely restricted by river draft and lock size and is not at all comparable to other ports. Dry Bulk Cargo vessel hardly visit KDS.
(vi).	Budgetary Quotations in support of the Hire charges of each equipment to be deployed to be furnished.	Equipment's are to be deployed by Stevedoring and Shore Handling Agents and not the Port. Rates as available from Stevedores and Handling Agents are furnished by KOPT.
(vii).	In respect of Dry Bulk Cargo, the reason for not proposing handling by Method no. 1,2,3 and 5 in respect of Fertilizer Raw Materials and Method no. 1,2,3 and 4 in respect of all other Dry Bulk Cargo items for the Shore handling operations to be explained.	As already stated against point 3(v) Dry Bulk Cargo vessels hardly visit KDS. The very few which come, work by Method No.5 as facility for other methods (1,2 & 3) is not currently available at KDS Method five is not allowed for operational reasons (non-timely clearance of cargo from jetty) except Fertilizer Raw Materials which is allowed to work by Method no. 4 only to avoid pollution issues after ensuring timely clearance.
(viii).	Even the equipment profile envisaged to be deployed by KOPT for shore handling operation for each of the dry bulk cargo and break bulk cargo item does not match with the equipment profile stipulated under the relevant method in the Guidelines. The KOPT to justify the deviation in the equipment deployment pattern for each of the cargo item.	As already stated against point 3(v), the operational modalities and parameters set in the Guidelines, which are comparable applicable to other sea-ports may not be applicable for KDS. As such, there is some mismatch in the equipment capacity and quantity used for shore handling operation at KDS in tune with local operational requirements and availability. However, the type of equipment does not seem to be in variance with those given in the Guidelines.
(ix).	In respect of calculation of shore handling charges for Project Cargo, the KOPT has stated that hire charges of specialized trailer has not been considered for calculation of ceiling rates, though it may be required. In this connection. The KOPT to capture the hire cost of specialized trailer in the tariff. The hire cost to be supported by documentary evidence.	The stevedoring and shore handling agents may levy additional charges on actuals in case shore handling for project material packages requiring specialized slings and attachments/ equipment's subject to consignee/ consignor agreeing to the same for which confirmation has to be submitted to port disclosing the rates before the actual

		operation. As stated, such additional charge would be as per mutual agreement and case specific, depending upon the requirements of specialized slings and equipment's/ attachments. The cost of such specialized slings and attachments are generally project specific and can neither be estimated nor in a position to fix any rate for
4.	**Labour Cost:**	
(i).	Though the Stevedoring and Shore handling guidelines do not stipulate deployment of a Tindal (Leader), it is understood that deployment of Tindal would be essential for the Stevedoring Operation. In view of the above position, the KOPT to examine considering the labour cost of Tindal also in the labour cost for all cargo items under Dry Bulk Cargo.	The Guidelines had specifically stated that 'The labour deployment for handling various commodities shall be only as per the norms prescribed by the National Tribunal Award. The norms for deployment of labour for Stevedoring operations from the National Tribunal Award are provided under Annex-VIII for various commodities. These norms and any other norms specifically given for a port shall be followed for calculation of labour cost'. KDS has considered the deployment of labour as per Annex-VIII of Guidelines. There is no provision for Tindal in the Guidelines. However, since TAMP has advised to re-examine, the matter has been examined and the cost of Mate (Leader) of CDLB has been taken into cost and the proposed upfront tariff for stevedoring of Dry Bulk has been accordingly modified and furnished by KOPT.
(ii).	The basis to consider deployment of 1 no of Tindal, 1 no. of Signalman, 4 no. of Mazdoors and 1 no. of Equipment operator in respect of handling each of Mixed General Cargo incl Project and Machinery and parts and Coastal Mixed General Cargo to be explained.	In absence of any specific guidelines KDS has considered the deployment of labour as in case of other break-bulk cargo like Bagged Cargo and Jumbo Bags in Annex-VIII of the Guidelines in order to arrive at labour cost for Mixed General Cargo including Project and Machinery and parts and Coastal Mixed General Cargo. The cost on per shift basis as provided in the guideline could not be followed as stevedoring cost as well as CDLB levy at KDS are on per Ton basis only.
(iii).	Furnish documentary evidence in support of CDLB rates considered for estimation of labour cost.	Rates as provided by CDLB is furnished by KOPT.
(iv).	Since the Guidelines do not include stuffing Stuffing/ De-stuffing activities involving the Container, the KOPT has requested TAMP to issue suitable guidelines. In this regard, it is to state that Stuffing / De-stuffing of containers is one of the activities involved in the Shore Handling operations for containerised cargo. The KOPT has proposed upfront tariff for rendering shore handling operations in respect of a container by considering the required man power and equipment for performing entire shore handling operation. The labour cost has also been considered as prescribed in the guidelines. In this backdrop, KOPT is requested to confirm whether the cost towards stuffing / de-stuffing would be in addition to the cost of labour / equipment already covered	The stuffing/ de-stuffing activities is a distinct activity independent of the normal shore handling operations for containerized cargo which involve handling of load/ empty box only. Hence, cost towards stuffing/de-stuffing would be in addition to the cost of labour/ equipment already covered under the tariff for shore handling operation of containers. Further, as advised by TAMP action is being taken to capture the cost towards stuffing/ de-stuffing and the proposal for upfront tariff for the said operation will be sent once the information are available.

	under the tariff for Shore handling operation of containers. If so, the cost towards stuffing / de-stuffing to be suitably captured and included in the tariff. The necessary calculation alongwith documentary evidence also to be furnished.	
(v).	In the calculation of labour cost for Stevedoring Operations for Break Bulk Cargo, the KOPT has stated that in the absence of rate for Tindal provided by CDLB, the lowest wage rate of Mazdoor has been considered. Since the Tindal is (Leader) supervising the operation, it may not be appropriate to consider the lowest wage rate of Mazdoor. The KOPT to consider suitable rate for Tindal and the same to be supported by documentary evidence.	AS the rate of Tindal was not available with CDLB, the rate of the Mazdoor was considered then. Now the matter has been reviewed and the wage of the Mate who is the leader of the Mazdoor gang has been considered for fixing the rates. The proposed upfront tariff for stevedoring of Break-Bulk has been accordingly modified and furnished by KOPT.
5.	**Operation at Anchorage Points and Barge Loading/ Unloading.**	
(i).	The KOPT has proposed rates for Stevedoring on board ship at Anchorage Point and Shore handling operation including Loading/ Unloading of cargo to / from Barge at wharf / Berth on the ground of working at anchorage points, due to draft and size restrictions. As there are no specific norms with regard to productivity parameters, equipment requirement and labour deployment for the Anchorage Points and Barge Loading/ Unloading in the guidelines, KOPT has assessed the productivity norms considering the Average output + 10% enhancement. In this backdrop, the KOPT to clarify / furnish the following: a) Rationale of adopting the 10% enhancement over the average output for arriving the productive norms.	 ISO policy of KDS envisages an annual increase of cargo throughput at 5%. Here, in calculation of productivity norms, KDS has used the data of previous three years. So to arrive at the productivity norms, the average output has been considered with an increase of 10% (the mean increase) as the validity of the license as per policy is three years. As in all other categories, in order to arrive at ceiling tariff for Anchorage discharge and Barge operation the output has been considered as Average output+10% enhancement.
	b) Detailed calculations and basis for arriving at the proposed productivity norms for each of the cargo item for handling at Anchorage and for Barge operations separately.	KDS has not proposed any productivity norms for Anchorage discharge and Barge operation at port. This is due to the fact that at anchorages, vessels generally work in day light condition in fair weather only and generally there is no shift concept of work. As such the cost of labour at anchorages is on per Ton basis. Accordingly, for fixing the proposed upfront tariff at anchorage, per Ton labour cost has been considered.
	c) Actual output achieved during the last three years for Anchorage and Barge	The Authority may appreciate that KDS being a riverine port with restricted draft has to

	operations separately, for each of the cargo item. d) A note listing out specific activities covered by the tariff proposed for the Anchorage Point and for Barge operations may be included in the proposed SOR.	handle bigger vessels at anchorage and barge handling contributes substantially in total cargo handling at KDS. However, anchorage and barge handling do not follow any norms of output, deployment of labours which are being provided by the private labour contractors as per availability of labour with them. As such, labour cost are being levied by such contractor on per Ton basis and not on per labour per shift basis. At anchorage works take place generally during daylight in fair weather. As such, KDS while proposing any productivity norms for handling at anchorages and barge operation at docks, the actual output for Anchorage discharge and Barge operation at port for 2015-16, which is readily available has been furnished by KOPT. In case the Authority still likes to have the information pertaining to other years, it may be furnished in due course. Activities covered under Anchorage and Barge operation are as follows: (i). At anchorage points – Stevedoring activities cover discharging cargo from ships in to barge or vice versa. (ii). At barge loading / unloading points at port – Unloading of cargo from barges to quay and removing them to the adjacent stacking point or vice versa. (Bagging and stitching operations either on-board or on shore has not been considered.)
(ii).	As seen from the Annex- C-XII, the equipment proposed to be deployed for Barge Handling at berth are seen to be equipment used for Stevedoring operations. That being so, it is not clear how the nomenclature of tariff specified in the draft SOR is prescribed as "Shore Handling operation including loading/ unloading of cargo/ from Barge at Wharf/Berths". Therefore, KOPT to clarify whether the Barge Handling at Berths will come under the purview of Stevedoring operations or Shore Handling Operations. This tariff item may have to be unbundled into stevedoring activity and shore handling activity. Further, in the Shore Handling activity, the method (Method 1 to 4 of Annex-X of guidelines) of shore handling operations envisaged to deliver the cargo to the consignee/ moved to the stack yard may be specified, and the proposed rates may be modified suitably to reflect the method of handling envisaged. The workings in this regard also to be furnished.	Barge handling operations at berths involve unloading of cargo and removing the same to the adjacent stacking point or vice versa. At KDS it is a combined operation and is done by operators having Handling Agency license only. Stevedoring license is not presently required for such operations. The shore based equipment like Mobile Cranes have been considered for discharge from barges which is not in case of Stevedoring activities of the vessel where use of ships crane has been considered. Further equipment considered for on-board stevedoring activities of the vessel were not considered on the case of barge handling (barges do not require on-board handling equipment's). As stated, the barge operation is combined in nature and presently done under Handling Agency licence only (unlike vessel operation, where on-board operation requires Stevedoring License and on-shore operation requires Handling Agency licence). Considering the seamless nature of operation done by one agency, it may not be

		possible from an operational point of view to unbundle the on-board and on-shore operations in case of barge unloading/loading.
(iii).	In addition to the tariff proposed for the Shore handing operations including loading/unloading of cargo to/ from barges at wharf/ berth, a rate of ₹. 130.20 per tonne has been proposed to be levied for Bagged cargo involved in transfer from wharf/berth to stacking point other than backup shed and vice versa. As seen from the Annex-C XIII of the proposal, the rate of ₹.130.20 per tonne is worked out considering the transportation and labour cost at the rate of ₹.50 per tonne and ₹. 27.50 per tonne respectively. In this regard, KOPT to analyse the type and number of equipment required for above mentioned activity and arrive at the equipment hire cost based on the hire charges data available with port. The equipment hire cost, so arrived at to be validated to justify the transportation cost considered in the proposal.	For all operation involving shore handling of bagged cargo, labour contractors and transport equipment suppliers provide labour / transport on per Ton basis and there is no labour manning and transport supply norms. The individual labour cost and individual transport equipment cost on per shift basis are not available at KDS. As such attempt has been made to arrive at the upfront tariff taking per Ton labour / transport equipment cost. The Authority is requested to consider the matter.
(iv).	Similarly, in the case of Labour cost, actual requirement of labour deployment may be analysed and cost of the labour for the activity to be arrived instead of considering 1.5 times of the labour cost for the entire shore handling activity.	As stated in (vi) above, at KDS, for on-shore handling operation of bagged cargo the labour contractor does not follow any norm for supply of labour and the cost of labour is being realized by them from the shore-handling agent on per Ton basis irrespective of number of labour deployed. In view of the aforesaid position 1.5 times of the labour considered as it involves additional activities of loading and unloading of lorries when the operation involves storage at sheds other than at shed adjacent to discharge berth.
6.	**Coastal Cargo**	
(i).	Clause 2.8 of Stevedoring & Shore Handling Guidelines states that Major Port Trusts should comply with the policy direction set out by the Government from time to time like coastal cargo/ containers etc. One of the policy directions issued by the (then) Ministry of Shipping, Road and Transport and Highways (MSRTH) relates to concessional rate for coastal vessel and coastal cargo. As per para 3 (iii) and 5(2.2) of Order No. TAMP/4/2004–Genl. dated 7 January 2005 passed by the Authority based on the said policy direction of the MSRTH, the concessional tariff need to be prescribed for cargo handling charges at 60% of the rate for foreign for all the relevant handling charges i.e. ship-shore transfer and transfer from quay to storage yard including wharfage. The policy direction issued by the (then) MSRTH is uniformly applied at all the Major Ports and Private Terminal Operators governed under 2005, 2008 and 2013 guidelines while setting their tariff. The KOPT to, therefore, consider proposing separate concessional rate for coastal cargo as per the policy direction issued by the (then) MSRTH	In this regard, the KOPT has submitted Letter no. Fin/548/B/ dated 14.09.17 to the Ministry and enclosed as Appendix – H. [KOPT has sought advice of MOS on the applicability of Coastal concession on the cargo/ containers moving in a Costal vessel from one Indian port to another Indian port and getting transhifted for onward voyage to a foreign port.]

	and as per clause 2.8 of the Stevedoring and Shore Handling Guidelines issued by the MOS, or a general note (as prescribed in the adhoc Order) may continue to be prescribed.	
(ii).	The port may suitably adjust the proposed rate (i.e. for foreign cargo) to consider the impact of coastal concession as done in the upfront and reference tariff cases. Furnish detailed working of the rate (to be) proposed indicating the share of foreign and coastal cargo to be furnished.	Letter no. Fin/548/B/ dated 14.09.17 submitted by the KOPT to the Ministry in this regard.

8.1. In the meanwhile, the KOPT vide its letter dated 1 August 2017 has forwarded a separate proposal for fixation of upfront tariff for delivery and receiving operations as part of Shore handling operations undertaken by Stevedoring and Shore Handling agents at KDS and Stevedoring charges for container handling at anchorages. The main points made by KOPT are summarized below:

(i). In the proposal submitted by KDS of KOPT for fixation of upfront tariff for the stevedoring and shore handling guidelines, even though the receiving and delivery operation from and to the storage point at yard/ shed fell under the definition of 'shore handling', no upfront tariff was proposed for the said operation then, in the absence of any directions in the said guidelines for determination of tariff for the said operation.

(ii). As directed by the Board of Trustees of KOPT, the Ministry was appraised of the gaps in TAMP guidelines for fixation of upfront tariff which do not cover end-to-end all the activities involved in Stevedoring and Shore handling operations, leaving scope for levy of additional charges by the agents on importers/ exporters.

(iii). In the meanwhile, the Haldia Dock Complex (HDC) of KOPT prepared a proposal for fixing upfront tariff/ ceiling rates for delivery and receiving operations at Haldia, which was approved by the Board in January 2017.

(iv). Accordingly, a Committee comprising of Secretary, FA&CAO (i/c), Traffic Manager, Terminal Manager and Sr. Dy.CAO-I undertook a similar exercise for fixation of upfront tariff/ ceiling rates for delivery and receiving operations at KDS. [A copy of the Committee Report is furnished by the KOPT.]

(v). In the absence of any guidelines/ norms for delivery/ receiving of cargo, the Committee has made the following observations:

(a). No standardized norm can be made for delivery or receiving of cargo since –

(i). Delivery/ receiving depends on the requisitions of the Importer/ Exporter.

(ii). Non-uniform supply of trucks for delivery/ receiving of cargo results in idling of equipment and labour

(iii). Segregation / aggregation of cargo at storage points based on consignee, line no., size, shape, weight etc.

(iv). Traffic restrictions imposed by city police of Kolkata for to and fro movement of heavy vehicles around KDS.

(b). Considering the above constraints, the Committee has made an attempt to find a co-relation between vessel handling norms and that of delivery/ receiving for different types of cargo.

(c). For dry bulk cargo, the norms for delivery/ receiving by road has been taken as 80% of the handling norm of stevedoring and shore handling activities, since dry bulk cargo does not require segregation of cargo during delivery and with regular transport for delivery/ receipt, a decent output can be achieved.

(d). For delivery/ receiving dry bulk cargo by rail, the norms has been considered as 1800 MTs, which is equal to half rake loading capacity, since at KDS, at a time only a maximum of half rake loading facility is available. This is in line with the principle of delivery/ receiving by rail at HDC.

(e). In case of break bulk cargo (except Timber logs, empty container and coastal general cargo), the norms for calculation of delivery/ receiving upfront tariff, 50% of handling norms of stevedoring and shore handling activities have been considered, as the same require segregation/ sorting and often multiple handling during loading. For delivery/ receiving of Timber log, 80% of the handling norms of stevedoring and shore handling activities have been considered, as delivery of log is considered to be totally mechanical process without human intervention, involving only equipment (log catchers). For delivery/ receiving of empty containers, 80% of the handling norms of stevedoring and shore handling activities have been considered, as delivery of empty containers involves little restacking. For delivery/ receiving of coastal general cargo, 100% of handling norms of stevedoring and shore handling activities have been considered, as on-board handling norm is very low.

(f). Incase of delivery/ receiving of bagged cargo, which is a manual process at KDS, the upfront tariff has been prepared on the basis of per tonne private labour rate prevailing at KDS and obtained from labour contractors deployed by handling agents and registered at KDS.

(g). For delivery/ receiving break bulk cargo by rail, no separate tariff has been proposed as very few break bulk consignments are being despatched/ arrived by rail (except bagged consignment). If there is any such movement, it is proposed to levy tariff at the rate of two times that of delivery/ receiving by road as multiple handling and transportation to wagon loading point is required.

(h). For delivery/ receiving of bagged cargo by rail, tariff has been prepared on the basis of per tonne private labour rate prevailing at KDS. The cost of labour is assumed to be 1.5 times of labour cost for delivery operation by road as it involves additional handling and cost of transportation has been collected verbally as ₹ 50/- per tonne.

(i). To arrive at the upfront tariff/ ceiling rates for delivery/ receiving, the percentage for calculation of shore handling rates have been taken as per TAMP's guidelines for labour cost, operational overheads, administrative overheads and margin.

(j). Thus, the norms for different cargo for calculation/ fixation of delivery/ receiving rates are as follows:

Cargo	**Rail/ Road**	**Norms as %of handling norms of stevedoring activities**	**Remarks**
Dry bulk	Road Rail	80% 1800 MTs (half rake capacity)	These norms are for calculation purpose only and not the performance norms for delivery/ receiving. Norms for rail not applicable for Break bulk, Timber logs, Empty containers and coastal
Break bulk cargo (except Timber logs, empty container and coastal general cargo)	Road Rail	50% -NA-	

Timber logs	Road Rail	80% -NA-	cargo, as these are very rarely handled by rail by handling agents at KDS.
Empty container	Road Rail	80% -NA-	
Coastal	Road Rail	100% -NA-	
Bagged cargo	Road Rail	Per tonne private labour rate prevailing at KDS 1.5 times of above	As per tonne labour rate is available at KDS, no norm is required to arrive at the per tonne rate.

(k). Based on the above considerations, calculation have been made to arrive at normative ceiling atriff for delivewry/ receiving operations at KDS. The cost of equipment, labour and Overheads has been considered the same as was done in the stevedoring and shore handling proposal.

8.2. Thus, the proposal of KOPT seeks approval for the following:

(a). For delivery/ receiving of dry bulk cargo

(i). By road

Sl. No.	Cargo Group	Rates per tonne (In ₹)
1.	Fertilizer & Fertilizer Raw Materials	-
2.	Coal (All types)	59.39
3.	Iron Ore, Iron Pellets, Bentonite, Bauxite, Copper Concentrate, Lead and Zinc Ore	43.74
4.	Limestone, Dolomite, Clinker, Clay, Sand & other Dry Bulk Cargo	67.67
5.	Salt	70.37

(ii). By rail

Sl. No.	Cargo Group	Rate per Tonne (In ₹)
1.	Fertilizer & Fertilizer Raw Materials	-
2.	Coal (All types)	73.46
3.	Iron Ore, Iron Pellets, Bentonite, Bauxite, Copper Concentrate, Lead and Zinc Ore	73.46
4.	Limestone, Dolomite, Clinker, Clay, Sand & other Dry Bulk Cargo	73.46
5.	Salt	73.46

(b). For delivery/ receiving of break bulk cargo

(i). By road

Sl. No.	Cargo Group	Rate per Tonne (In ₹)
1.	Bagged cargo	70.56
2.	Jumbo Bags	96.25

3.	Iron & Steel – Coils & Slabs	107.65
4.	Iron & Steel - Pipes, Tubes & Plates	128.33
5.	Timber Logs	72.57
6.	Container Laden at Non-MHC Berth (Rate per TEU)	1078.00
6a	Container Empty at Non-MHC Berth (Rate per TEU)	539.00
7.	Mixed General Cargo including project cargo, machinery and machinery parts	157.50
8.	Coastal Mixed General Cargo	123.20

(ii). By rail

Sl. No.	Cargo Group	Rates per Tonne (In ₹)
1.	Bagged cargo	189.84
2.	All other break bulk cargo	Two times rate of delivery/ receiving by road

8.3. The KOPT has also furnished the approval of its Board of Trustees for the proposed rates.

9.1. In this regard, we have vide our letter dated 17 August 2017 brought to the notice of KOPT that since equipment utilisation in respect of Reach Stackers (RST) and Mobile cranes is considered at 75% and 50% for shore handling and that the same equipment will be utilised for the receiving and delivery operations, the KOPT was requested to examine to consider 100% utilisation of requisite equipment covering the delivery and receipt operations at stack yard and propose a composite ceiling rate to cover all activities of Shore handling including receipt and delivery operations, as defined in the Stevedoring and Shore Handling Policy, 2016, so as to have a comprehensive SOR for the entire stevedoring and shore handling operations at KDS.

9.2. In this connection, the KOPT while furnishing the additional information/ clarification sought by us, vide its letter dated 25 September 2017, has, interalia, stated that Composite rate for shore handling in case of container and coastal cargo by including delivery and receiving operation, may not be appropriate, as the same Reach Stacker / Mobile Crane is being used at the stack yard for delivery and receiving of container/ cargo of different vessels simultaneously. Thus, the KOPT has requested to consider the upfront tariff for delivery / receiving separately as proposed by KOPT.

10. 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 made available at our website http://tariffauthority.gov.in.

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

(i). The Ministry of Shipping (MOS) in June 2016 has issued Stevedoring and Shore Handling Policy for Major Ports, 2016, for fixation of normative tariff for carrying out of Stevedoring and Shore Handling operations, separately for mechanised and manual handling of dry bulk and break bulk cargo. Subsequently, the MOS in October 2016 has issued the Guidelines for determination of Upfront Tariff for Stevedoring and Shore Handling Operations authorised by Major Ports. In this backdrop, the Kolkata Port Trust (KOPT) has come up with a proposal for fixation of normative tariff for stevedoring and shore handling operations at the Kolkata Dock System (KDS) at KOPT. The proposal of the Port has the approval of its Board of Trustees.

(ii). Before we move on to analyse the case, it is relevant here to mention that the Master Stevedores' Association (MSA) and Ripley & Co. Stevedoring & Handling Private Limited (RCSHPL) are of the view that stevedoring is not a Port Service under Section 42(1) of the Major Ports Act and that the Stevedores are also not authorized persons as envisaged under Section 42(3) of the Act. As such, they have opined that neither the KOPT nor this Authority has legal standing to fix stevedoring and Shore handling tariff.

In this connection, the above said parties may note that as per the Stevedoring and Shore Handling Policy issued by the Government in the year 2016, the Stevedoring activity includes loading and unloading and stowage of cargo on board the vessels in Port and the Shore handling activity includes arranging and receiving the cargo to/ from the hook point, inter modal transport from wharf to stack yard and vice-versa and also receiving and delivering of cargo from/ to wagons/ trucks. The gamut of activities covered under the stevedoring and Shore handling operations are the activities listed under Section 42 of the Major Port Trusts Act, 1963, for which this Authority is mandated to fix tariff as per Section 48 of the Major Port Trusts Act, 1963. As per clause 3 of the Stevedoring and Shore handling Policy for Major Ports, 2016, issued by the Government vide letter dated 14 June 2016 specifically mentioned that the TAMP shall notify the normative tariff for Stevedoring and Shore handling activities, separately for the Major Port based on a set of guidelines to be issued to TAMP. The Stevedoring and Shore Handling Guidelines issued by the MOS under Section 111 of the MPT Act, 1963 are binding on this Authority. Thus, this Authority as well as the KOPT are well within their statutory right to fix the tariff for the Stevedoring and Shore handling operations at all the Major Port Trusts.

(iii). The KOPT had initially filed a proposal in December 2016. Subsequently, while responding to the information/ clarification sought by us the KOPT has made modifications relating to the labour component of Tindal in Stevedoring operation for bulk cargo and break bulk cargo and filed a revised proposal in September 2017. The proposal of December 2016 alongwith the information/ clarification furnished by the KOPT during the proceedings of the case in reference is considered in the analysis.

(iv). As stated earlier, this Authority has approved vide Order No. TAMP/77/2016- KOPT dated 8 February 2017, upfront stevedoring and shore handling operations on an adhoc basis as an interim arrangement at KDS of KOPT. The current exercise is for fixation of final upfront tariff for the stevedoring and shore handling operations.

(v). (a). The Stevedoring and Shore handling Guidelines prescribe norms for twelve broad Commodity Group under each of dry bulk cargo and break bulk cargo. The Guidelines also give an indicative list of cargo falling under each of the Commodity Group under dry bulk cargo and break bulk cargo respectively.

(b). In respect of the dry bulk cargo, the upfront tariff has been proposed by KOPT in respect of five cargo groups comprising of Fertiliser and Fertiliser Raw Materials, All types of coal, Iron Ore, Iron Pellets, Bentonite, Bauxite, Copper Concentrate, Lead and Zinc Ore, Limestone, Dolomite, Clinker, Clay, Sand & other Dry Bulk Cargo and Salt.

(c). (i). Similarly, in respect of the break bulk cargo, the upfront tariff has been proposed by KOPT in respect of eight cargo groups comprising of Bagged cargo, Jumbo Bags, Iron & Steel – Coils & Slabs, Iron & Steel - Pipes, Tubes & Plates, Timber Logs, Container (Laden/ Empty), Mixed General Cargo including project cargo, machinery and machinery parts and Coastal Mixed General Cargo.

(ii). The break-bulk cargo not falling under any specified group of cargo for which upfront tariff / ceiling rates have been proposed are considered by KOPT to fall in the cargo group of “Mixed General Cargo including Machinery and Project Cargo” and “Coastal Mixed General Cargo including Machinery and Project cargo” as the case may be.

(iii). At the same time, the KOPT has also listed out the cargo items that would be covered by the above referred cargo groups. The "Mixed General Cargo including Machinery and Project Cargo" is reported to include Mixed packages including case, carton, bag, drums, pallets etc., Iron & Steel, project cargo, machinery and spares/ parts, motor vehicles/ earth moving equipment etc. with or without container (load or empty), Railway coaches and wagons, locomotives, over dimensional consignment, Military Goods, Defense Stores, UN Cargo/ Vehicles/ Equipment etc. in various proportion.

The "Coastal Mixed General Cargo including Machinery and Project cargo" is reported to include Mixed packages of all types loaded/ unloaded to/ from coastal cargo/ passenger ships and include iron & steel materials, food grains/ provisions, motor vehicles/ earth moving equipment with or without container (load or empty) in various proportions. Since classification of cargo is wholly in the domain of KOPT, the said cargo groups proposed by KOPT is relied upon.

(d). The cargo items considered by the KOPT under the dry bulk cargo category and break bulk cargo category are generally seen to be as per the broad list of cargo falling under each of the Commodity Group under dry bulk cargo and break bulk cargo respectively, as prescribed in the Stevedoring and Shore handling Guidelines. In the calculation of the proposed rates for Stevedoring and Shore Handling Operations at KDS, the KOPT has considered the cost component towards labour viz., Tindal, Signalman, Mazdoor, Equipment operator. The cost of each type of above said category of labour has been reported to be as per the rates prescribed in the CDLB rate Schedule.

(vi). (a). Before we go into the analysis of the case, it is relevant here to mention about the labour cost pertaining to the Calcutta Dock Labour Board (CDLB). At KDS, there exists a CDLB and the stevedores are required to mandatorily deploy gangs and other staff drawn from CDLB for on board operations on chargeable basis. While the port has captured the basic wages payable to Tindal, Signalman and Operator as per CDLB rates, the port has not factored the charges payable to CDLB and, instead, has proposed a note to the effect that the proposed rates do not include CDLB charges payable by the Stevedores under Calcutta Dock Workers (Regulation of Employment) Scheme, 1970 and Calcutta Dock Clerical & Supervisory (Regulation of Employment) Scheme, 1970, in its proposed Scale of Rates. Since the CDLB charges other than basic wages are not factored in the stevedoring charges proposed for approval of this Authority, the note as proposed by the port, is retained in the Scale of Rates. In the absence of such a note, the stevedores will not be able to recover from the users, the other charges of CDLB.

(b). Clause 2.9 of the Stevedoring and Shore handling guidelines stipulates that the stevedore shall charge only for services provided by them and no notional booking of labour would be permitted. In this context, the KOPT has stated that the CDLB is not providing the stipulated manpower due to shortage of manpower. Reportedly, the stevedores are required to supplement manpower as per their requirement for carrying out on based operations for which there is no rebate/ discount in CDLB tariff payable by stevedores. In other words, it appears that the stevedores are required to pay charges to CDLB for full complement of labour even if full complement of labour is not made available by CDLB, which results in notional booking of labour. CDLB does not fall under the regulatory purview of this Authority. Therefore, this Authority is not in a position to interfere in the matter.

(vii). Clause 2.11. of the Stevedoring and Shore Handling Guidelines states that before commencement of the stevedoring and or the shore handling operations, the operator will approach this Authority for notification of the Scale of Rates containing the ceiling rates of the stevedoring and or the shore handling charges and performance standards as required under Section 48 of the Major Port Trust Act, 1963. Thus, the KOPT has sought clarification whether all stevedoring and shore handling agents who will be issued licences will have to individually approach this Authority for notification of the Scale of Rates containing the same ceiling rates of the stevedoring and/ or the shore handling operations for undertaking the said activities.

In this regard, reference is drawn to Clause 2.3 of the Stevedoring and Shore Handling Guidelines, which stipulates that once the upfront tariff caps are set out for stevedoring and shore handling operations of various commodities for a port, it will be applicable uniformly to the entire port where the stevedoring and shore handling operations are carried out by private agencies or firms. It is also relevant here to mention here that this Authority in consultation with all the Major Port Trusts had already, with reference to regulation of rates for provision of services by person authorised under Section 42 of the Major Port Trusts Act, 1963, decided that regulation of tariff can be done for the port as a whole without reference to individual service providers. Accordingly, this Authority had decided that ceiling tariff will be prescribed for a particular port and the port trust concerned will ensure their application to authorised service provider by making it a condition of authorisation in terms of Section 42(3) of the Major Port Trusts Act, 1963, while issuing the license. The said decision of this Authority was communicated to all the Major Ports and Ministry of Shipping (MOS) vide letter No TAMP/47/2000-MBPT dated 6 May 2002. However, in case of private (terminal) operators who provide comprehensive services at a berth or a terminal within a major port under a BOT/ BOOT arrangement, regulation of tariff will continue to be based on their proposal with reference to their operating cost and investments. In view of the above position and keeping in view Clause 2.3. of the Stevedoring and Shore Handling Guidelines, the port is advised to apply the ceiling rates to the authorised individual stevedoring and shore handling operator, by making it as a condition of authorization, while issuing licenses. It is noteworthy that such an advice was given to the port while granting adhoc approval to the stevedoring and shore handling charges vide Order dated 8 February 2017.

(viii). **Productivity norms for Dry Bulk Cargo and Break bulk Cargo:**

(a). The Stevedoring and Shore Handling Guidelines prescribe the productivity norms in respect of the various commodity groups under the dry bulk cargo and break bulk cargo. Accordingly, the KOPT has proposed productivity norms for handling of dry bulk cargo and break bulk cargo. However, the Productivity Norms as proposed by KOPT are lower than the norms prescribed in the Guidelines of Stevedoring & Handling Policy for the Major Ports, 2016, for each of the cargo item listed under dry bulk cargo and break bulk cargo.

(b). With regard to proposing lower productivity norms for handling of dry bulk cargo and break bulk cargo, the KOPT has argued that KOPT-KDS is a riverine port, where due to low river draft as well as lock gate, only limited size vessels with limited parcel load arrive, resulting in the use of only 1 to 2 number of hooks in each shift. Further, except at some 3-4 berths, loading/ unloading of break-bulk and dry bulk cargo to/ from ships is dependent only on Ship's crane/ derrick, as the General Cargo berths are not suitable to withstand the load of the Mobile Harbour Cranes (MHCs). Since the ships that are on the run are old and in poor condition, Ship's derricks do not have adequate lifting capacity and are slow. Thus, the KOPT is of the view that the operational modalities and parameters set in the Stevedoring and Shore Handling Guidelines may be applicable to other sea-ports and not to the KDS.

(c). The KOPT is seen to have arrived at the productivity norms for each of the cargo item listed under dry bulk cargo and break bulk cargo, based on the average of the past three years performance at KOPT-KDS, which is reported to reflect the local operational conditions and above referred limitations of KDS. Further, the KOPT has considered an improvement of 10% over the past average. The KOPT has furnished the data for the past three years for each of the cargo item listed under dry bulk cargo and break bulk cargo.

(d). For handling of break bulk cargo which are classified as “Mixed General Cargo including Machinery and Project Cargo” and “Coastal Mixed General Cargo including Machinery and Project cargo”, which could not be accommodated in the classification given in the Guidelines, the KOPT has proposed productivity for the said cargo groups.

(e). A comparative position of the productivity norms as prescribed in the Stevedoring & Handling Guidelines vis-a-vis the productivity norms as proposed by the KOPT is attached as **Annex – I**.

(f). In view of the various local constraints put forth by KOPT and since Clause 1.8 of the Stevedoring and Shore handling Guidelines allows this Authority to accept necessary adjustment in norms based on the justification furnished by the port keeping in view of the port specific conditions having impact on the norms prescribed in the guidelines, this Authority is inclined to accept productivity norms for the various cargo under the dry bulk cargo and break bulk cargo as proposed by the KOPT.

(ix). **Rates for the Stevedoring Operations – Dry bulk and Break Bulk:**

(a). As stipulated in Clause 3.5.2 of the Stevedoring and Shore Handling Guidelines, the Operating Cost for the Stevedoring activity are grouped under the following major heads viz. Equipment hire cost, Labour cost, Operational overheads and Administrative Overheads.

(b). Equipment Hire Charges:

(i). Annex – VII to the Stevedoring and Shore handling Guidelines prescribes norms for estimation of equipment hire cost for stevedoring operations for dry bulk cargo and break bulk cargo. As per the said Annex, the normative handling equipment are ship crane, or shore crane or HMC or combination of these handling equipment for ship-shore operations.

(ii). In respect of handling each of the cargo item listed under the dry bulk cargo by KOPT in the stevedoring operations, the Annex-VII of the Stevedoring and Shore Handling Guidelines stipulates deployment of 5T Dozer/ Excavator. The KOPT has proposed deployment of a Payloader for all the dry bulk cargo items on the ground that handling of dry bulk cargo is very limited at KDS and when required, only pay loaders are used by the stevedores and handling agents.

(iii). In respect of handling each of the cargo item listed under the break bulk cargo by KOPT in the stevedoring operation, the KOPT is generally seen to have considered the equipment profile as given in the Annex-VII of the Stevedoring and Shore Handling Guidelines, except for the following cargo items as detailed below:

Commodity/ Commodity Group under Break Bulk Cargo	As per Guidelines	As per KOPT Proposal	Reason for deviation as given by KOPT
Iron & steel – Coils & Slabs	2 to 3 Nos.– 30T DFLT	1 No. – 20T DFLT or 2 Nos. – 10T DFLT	30T DFLT is not available in Kolkata. Hence, equipment as available at KDS for port operation is considered.
Iron & steel –pipes/ tubes/ plates	2 to 3 Nos.– 30T DFLT	1 No. – 5T DFLT	
Container (Laden & Empty)	No Equipment	1 No. – Spreader	Container handled from/ to vessels by ship's crane are required to have container spreader attached to ship's crane as per safety norms. Hence, hire cost of spreader has been considered.
Mixed General Cargo incl. Project cargo, Machinery & Parts	No Equipment norm is given	1 No. – 5T DFLT	Presently used by the stevedores and handling agents to handle this cargo.

(iv). As stated earlier, Clause 1.8 of the Stevedoring and Shore handling Guidelines allows TAMP to accept necessary adjustment in norms based on justification furnished by port keeping in view of port specific conditions. In view of the above provision in the guidelines and based on the reasons given, this Authority is inclined to consider the equipment profile for the stevedoring operations as proposed by the port for the various cargo items under the dry bulk and break bulk category.

(v). As per Stevedoring and Shore Handling Guidelines, the hire charges towards deployment of equipment are to be estimated based on the equipment hire cost prevailing at the relevant port locations or prevailing market based hire cost. In this connection, the KOPT has furnished the details of equipment hire charges as collected from various stevedores/ handling agents at KDS in support of the hire cost of each of the equipment. The KOPT has reported to have considered the lowest amongst the equipment hire rate as provided by the different stevedores/ handling agents, for each of the equipment. This position is relied upon.

(vi). Accordingly, equipment hire cost for the dry bulk cargo and break bulk cargo as furnished by the Port, for arriving at the upfront stevedoring tariff are attached as **Annex- II(a)** and **Annex – II(b)**, respectively.

(c) Labour Cost:

(i). As per clause 3.5.7 of the Guidelines, labour deployment for the stevedoring operations shall be as per the norms prescribed by the National Tribunal Award (NTA) as provided in the Annex-VIII to the Guidelines and the unit rate will be the prevailing actual cost of labour for the quantum of the labour prescribed in the norms. The Guidelines also state that the prescribed norms and any other norms specifically given for the port shall be followed for calculation of Labour cost.

(ii). At KOPT, the NIT award appears to have been implemented, as the labour deployment considered for the stevedoring operations is seen to be in line with the norms prescribed for estimation of labour for Stevedoring operation given at Annex- VIII of the Guidelines.

(iii). Though the Stevedoring and Shore Handling guidelines do not stipulate any norms towards deployment of one Tindal for dry bulk operations, one Tindal who is the leader of the Gang appears to be a requirement per shift as per NTA. Though the KOPT had initially not factored the deployment of Tindal, the KOPT has, on being pointed out following the approach adopted while fixing tariff at other Major Port Trusts, captured the cost of one Tindal in the calculation of Labour cost for the stevedoring operation for both dry bulk cargo and break bulk cargo.

(iv). For the break bulk cargo classified by KOPT under mixed General Cargo including Project and Machinery and parts and Coastal Mixed General Cargo including Project and Machinery and parts under the Break Bulk cargo category, the KOPT has considered deployment of 1 no of Tindal, 1 no. of Signalman, 4 no. of Mazdoors and 1 no. of Equipment operator in respect of handling each of the above referred cargo, based on the labour deployment envisaged for Bagged Cargo and Jumbo Bags in the Guidelines. The judgment of the port in this regard is relied upon.

(v). The unit rate for labour deployment will be the prevailing actual cost of labour for the quantum of labour as prescribed in the norms. The cost of each category of manpower is as per the prevailing labour rate as per Calcutta Dock Labour Board (CDLB) rates. The KOPT has furnished documentary evidence in support of the labour cost.

(vi). A statement showing estimation of labour cost for dry bulk cargo and break bulk cargo as furnished by KOPT is attached as **Annex - III(a)** and **Annex III(b)**, respectively.

(d). Each of the Operational Overheads and Administrative Overheads has been estimated by KOPT at 20% of the equipment hire cost and labour cost, which is as per the stipulation contained in Clause 3.5.8 and 3.5.9 of the Stevedoring and Shore handling guidelines.

(e) As stipulated in Clause 5 of the Stevedoring and Shore Handling Guidelines, a margin at 20% on the total operating cost has been considered by KOPT to arrive at the upfront stevedoring tariff.

(f). Clause 2.8 of Stevedoring & Shore Handling Guidelines states that Major Port Trusts should comply with the policy direction set out by the Government from time to time like coastal cargo/ containers etc. One of the policy directions issued by the (then) Ministry of Shipping, Road and Transport and Highways (MSRTH) relates to concessional rate for coastal vessel and coastal cargo. As per para 3 (iii) and 5(2.2) of Order No.TAMP/4/2004-Genl. dated 07 January 2005 passed by this Authority based on the said policy direction of the MSRTH, concessional tariff need to be prescribed for cargo handling charges at 60% of the rate for foreign for all the relevant handling charges i.e. ship-shore transfer and transfer from quay to storage yard including wharfage except thermal coal, POL including crude oil, iron ore and iron ore pellets which are not eligible for Coastal Concession. The policy direction issued by the (then) MSRTH is uniformly applied at all the Major Ports and Private Terminal Operators governed under 2005, 2008 and 2013 guidelines while setting their tariff.

In view of Clause 2.8. of the Stevedoring and shore handling guidelines and also recognising that the Coastal concession policy issued by the Government stipulates grant of coastal concession on all charges prescribed for ship-shore transfer and transfer from quay to yard and since the activities involved under the stevedoring and shore handling operations also include these activities, this Authority is bound to comply with the coastal concession policy of the Government while approving upfront tariff for stevedores and shore handling operations.

The KOPT in its initial proposal had not proposed separate concessional rate for coastal cargo. Further, even after being pointed out, the KOPT in its revised proposal also has not proposed separate concessional rate for coastal cargo in respect of stevedoring charges at 60% of the tariff for foreign cargo, as per coastal concession policy issued by the Ministry. In view of this position, the ratio of foreign and coastal cargo at KDS have been taken out from the Administration Report of KOPT for the year 2016-17 at 93:7. Thus, based on the said ratio, the impact of coastal concession has been captured in the proposed foreign rate for stevedoring charges, to fall in line with the coastal concession policy of the MOS.

It is relevant here to mention that in view of submission made by Mormugao Port Trust (MOPT) while processing its proposal for fixation of upfront tariff for Stevedoring and Shore handling that coastal concession policy should not be applicable for this exercise and in view of similar request from few other Major Port Trusts, this Authority has requested the Ministry of Shipping (MOS) in January 2017 to examine whether the policy direction for prescription of concessional rate for eligible coastal cargo need to be applied while fixing tariff under the stevedoring and shore handling operations. The response of MOS is awaited. If the response of the MOS to be received on the matter referred to the MOS is different from the approval accorded based on proposal of the KOPT, a suitable amendment can be issued at that point of time.

(g) The cost statements for the determination of the upfront tariff for Stevedoring operations for dry bulk cargo and break bulk cargo as furnished by KOPT and subject to application of the coastal concession policy, based on the various parameters discussed above is attached at **Annex- IV(a)** and **Annex IV(b)** respectively.

(x). **Rates for the Shore handling Operations – Dry bulk and Break Bulk:**

(a). As stipulated in the Clause 4.5.2 of the Stevedoring and Shore Handling Guidelines, the Operating cost for the Shore Handling Operations are grouped under following major heads, viz. Equipment hire cost, Labour cost, Operational overheads and Administration Overheads.

(b). Equipment Hire cost:

(i). Clauses 4.4.1 and 4.4.2 of the Stevedoring and Shore Handling Guidelines list down five different handling methods for the shore handling operations of dry bulk cargo and four methods for handling break bulk cargo.

In respect of the shore handling operations of the dry bulk cargo, Annex – IX of the Stevedoring and Shore Handling Guidelines lists down 5 handling methods and prescribes norms for hire of equipment for each of the handling method. In the case in reference, the KOPT has proposed only one method of handling all dry bulk cargo viz., ‘Method – 5 – Cargo unloaded onto wharf and loaded onto trucks and transported to storage yard within 1 km’, except for Fertiliser raw materials, on the ground that handling of dry bulk cargo is very limited at KDS and the said limited cargo is handled as per Method 5 only. The Fertiliser raw materials is envisaged to be handled through ‘Method – 4 – Cargo unloaded onto wharf and loaded onto trucks and going to consignee’s premises’, to avoid pollution. The method of handling of dry bulk cargo in the shore handling operation as proposed by KOPT is relied upon.

Similarly, in respect of the shore handling operations of the break bulk cargo, Annex – X of the Stevedoring and Shore Handling Guidelines lists down 4 handling methods and prescribes norms for hire of equipment for each of the handling method. In the case in reference, the KOPT has proposed only one method of handling all break bulk cargo viz., 'Method – 3 – Cargo unloaded onto truck and transported to storage yard within the port premises or vice versa' on the ground that at KDS the said cargo is handled as per Method 3 only. The Timber logs are envisaged to be handled through 'Method – 4 – Cargo unloaded onto wharf and loaded onto trucks and transported to storage yard within the port premises or vice versa'. The method of handling of break bulk cargo in the shore handling operation as proposed by KOPT is relied upon.

(ii). Though the KOPT has generally adhered to the type of equipment prescribed in the Stevedoring and Shore Handling Guidelines for handling of dry bulk cargo and break bulk cargo for shore operations, there is seen to be variation in the quantum and capacity of the equipment, as brought out below:

Commodity/ Commodity Group under Break Bulk Cargo	**As per Guidelines**	**As per KOPT Proposal**	**Reason for deviation as given by KOPT**
Jumbo Bags	9 nos. – 15T Trucks	1 no. – 10T to 15T Mobile Cranes and 5 nos. – 20T/30T Tractor Trailer	The operational modalities and parameters set in the Stevedoring and Shore Handling Guidelines is applicable to other sea-ports. In respect of KDS, the capacity and quantity of equipment envisaged is in tune with local operational requirements and availability.
Iron & steel – Coils & Slabs	2 nos. – 30T Mobile Cranes and 9 nos. – 40T Tractor Trailer	1 no. – 30T Mobile Cranes and 5 nos. – 20T/30T Tractor Trailer	
Iron & steel – pipes/ tubes/ plates	2 nos. – 10T Mobile Cranes and 9 nos. – 40T Tractor Trailer	1 no. – 10T to 15T Mobile Cranes and 6 nos. – 20T/30T Tractor Trailer	
Timber Logs using grabs	7 nos. – 10T Log Grabbers Cranes and 12 nos. – 40T Tractor Trailer	1 no. – 10T Log Grabbers Cranes and 5 nos. – 20T/30T Tractor Trailer	
Container (Laden & Empty)	1 no. – 10T Forklift Truck and 12 nos. – 40T Tractor Trailer	1 no. – Reach stacker and 5 nos. – 20T/30T Tractor Trailer	
Mixed General Cargo incl. Project cargo, Machinery & Parts	No Equipment prescribed in the Guidelines	1 no. – 30T Mobile Cranes and 5 nos. – 20T/30T Tractor Trailer	
Coastal Mixed General Cargo incl. Project cargo, Machinery & Parts	No Equipment prescribed in the Guidelines	1 no. – 10T to 15T Mobile Cranes and 2 nos. – 20T/30T Tractor Trailer	

(iii). Clause 1.8 of the Stevedoring and Shore handling Guidelines allows this Authority to accept necessary adjustment in norms based on justification furnished by port keeping in view of port specific conditions. In view of the above provision in the guidelines and based on the reason given by KOPT, as brought out above and considering the position that the capacity and quantity of equipment envisaged is in tune with local operational requirements and availability at the KDS, this Authority is inclined to consider the equipment profile for the shore handling operations as proposed by the port for the various cargo items under the dry bulk and break bulk category.

(iv). As per Stevedoring and Shore Handling Guidelines, the hire charges towards deployment of equipment are to be estimated based on the equipment hire cost prevailing at the relevant port locations or prevailing market based hire cost. In this connection, the KOPT has furnished the details of equipment hire charges as collected from various stevedores/ handling agents at KDS in support of the hire cost of each of the equipment. The KOPT has reported to have considered the lowest amongst the equipment hire rate as provided by the different stevedores/ handling agents, for each of the equipment. This position is relied upon.

(v). Accordingly, equipment hire cost for the dry bulk cargo and break bulk cargo as furnished by the Port, for arriving at the upfront shore handling tariff is attached as **Annex - V(a)** and **Annex – V(b)**, respectively.

(c). Labour cost:

Clause 4.5.7 of the Stevedoring and Shore Handling Guidelines stipulates that the labour cost for shore handling operations should be estimated at 5% and 10% of the equipment hire cost for dry bulk cargo and break bulk cargo respectively. Accordingly, the KOPT has estimated the labour cost for the dry bulk and break bulk cargo for shore handling operations.

In respect of bagged cargo, the Guidelines do not envisage deployment of any equipment in the shore handling operations. Accordingly, the KOPT has also not considered any equipment. However, since the labour cost under the shore handling operation is a function of equipment hire cost and in the absence of any equipment envisaged for bagged cargo, the KOPT has considered the labour cost for the bagged cargo. The Labour cost has been estimated by the KOPT for labour involved in transferring the bagged cargo from hook point to stacking point in licensed shed based on the prevailing rates. The judgment of the port in this regard is relied upon.

(d). Each of the Operational Overheads and Administrative Overheads has been estimated at 20% of the equipment hire cost and labour cost, which is as per the stipulation contained in Clause 4.5.8 and 4.5.9 of the Stevedoring and Shore handling guidelines.

(e). As stipulated in Clause 5 of the Stevedoring and Shore Handling Guidelines, margin at 20% on the total operating cost has been considered by KOPT to arrive at the upfront stevedoring tariff.

(f). As brought out earlier, the KOPT in its revised proposal has not proposed separate concessional rate for coastal cargo in respect of shore handling charges at 60% of the tariff for foreign cargo, as per coastal concession policy issued by the Ministry. For the reasons given earlier, the impact of coastal concession has been captured in the proposed foreign rate for shore handling charges based on the ratio at 93:7, to fall in line with the coastal concession policy of the MOS. If the response of the MOS to be received on the matter referred to the MOS is different from the approval accorded based on proposal of the KOPT, a suitable amendment may be issued at that point of time.

(g). The cost statements for the determination of the upfront tariff for Shore handling operations for dry bulk cargo and break bulk cargo as furnished by

KOPT, based on the various parameters discussed above is attached at **Annex- VI(a)** and **Annex- VI(b)** respectively.

(xi). Based on the above analysis and taking into consideration the submission made by the KOPT and recognizing that the proposal is filed by KOPT with the approval of its Board of Trustees, the Stevedoring and Shore Handling charges for Dry bulk and Break Bulk cargo are approved as modified, based on various parameters discussed above.

(xii). **Performance Standards for Dry Bulk Cargo:**

(a). Clause 2.10. of the Stevedoring and Shore Handling Guidelines stipulates that tariff caps will be indexed to inflation only to an extent of 60% of the variation in the Wholesale Price Index (WPI) occurring between 1 January and 31 December of the relevant year. Thus, the rates approved in respect of the Stevedoring and Shore Handling Operations at KDS for all the dry bulk cargo items, would automatically be indexed to inflation to an extent of 60% of the variation in the WPI. The said indexation is automatic and is not linked to achievement of any performance standards considered for upfront tariff fixation for Stevedoring and Shore Handling Operations.

(b). For the dry bulk cargo, Clause 7.1 of the Stevedoring and Shore Handling Guidelines stipulates that the operator is entitled for 100% WPI indexation in tariff instead of 60% WPI indexation, on achievement of Performance Standard as prescribed in the Berthing Policy issued by Ministry of Shipping (MOS) vide letter no. PD-11033/73/2013-PT (pt) dated 16.06.2016.

In this connection, the KOPT has stated that under Berthing Policy for Dry Bulk Cargo, the performance norms have been set out for only two commodities viz., Coal (includes all types of Coal and Cokes) and Industrial Salt, after considering various limitations. The said performance norms have been approved by this Authority vide its Order no. TAMP/73/2016-KOPT dated 4 January 2017. Thus, no productivity norms are available for the other Dry Bulk Cargos other than the two commodities notified under the Berthing Policy. Moreover, the productivity norms under the Stevedoring and Shore handling operations have been arrived at by taking into account, three years average with 10% escalation. Therefore, the Berthing Policy norms and the norms for fixation of upfront tariff under the Stevedoring and Shore handling are different. In view of the above position, the KOPT has requested to review the matter and consider necessary adjustment in the norms.

In this regard, it is to state that this Authority vide its Order no. TAMP/73/2016-KOPT dated 4 January 2017 has approved the Performance norm based Incentive/ Penalty, Anchorage charges in respect of handling Dry Bulk Cargo at KDS, based on the stipulations contained in the Berthing Policy, 2016. Based on the submissions made by KOPT then, Performance norm based Incentive/ Penalty was prescribed for only two of the dry bulk commodities viz. Coal and Industrial Salt handled at KDS.

Thus, based on the stipulation contained in the Stevedoring and Shore Handling Guidelines, only two of the dry bulk commodities viz. Coal and Industrial Salt, would be entitled for claiming indexation to the extent of 100% of the variation in the WPI, on the achievement of performance standards as prescribed in the Order no. TAMP/73/2016-KOPT dated 4 January 2017. This aspect is suitably incorporated in the Scale of Rates by way of a note. Other cargo items under bulk cargo category shall be entitled to automatic indexation to the extent of 60% of the variation in WPI.

(xiii). **Performance Standards for Break Bulk cargo.**

For Break bulk cargo, the Stevedoring and Shore handling guidelines stipulate that the productivity norms considered for arriving at the upfront tariff for stevedoring and shore handling operations will be applicable. Accordingly, KOPT has proposed the performance standards on par with the productivity norms considered for arriving the upfront tariff for stevedoring and shore handling operations, as given below:

Sl. No.	Cargo Group	Norms in Tonnes per Hook per Shift
1.	Bagged cargo	160
2.	Jumbo Bags	240
3.	Iron & Steel – Coils & Slabs	515
4.	Iron & Steel - Pipes, Tubes & Plates	270
5.	Timber Logs	225
6.	Container (Laden/ Empty) at Non-MHC Berths	60 TEUs
7.	Mixed General Cargo including project cargo, machinery and machinery parts	220
8.	Coastal Mixed General Cargo including project cargo, machinery and machinery parts.	100

(xiv). (a). The Stevedoring and Shore Handling Guidelines prescribe norm to determine the normative tariff for the Stevedoring and Shore Handling operations carried out at Major Ports. The KOPT, in addition to the upfront tariff for the stevedoring and shore handling operations, has proposed upfront tariff for stevedoring on-board ship at Anchorage points viz., Sandheads, Saugor and Diamond Harbour and has also proposed upfront tariff for the shore handling operation including loading/unloading of cargo to/ from Barge at Wharf/ Berth. The KOPT has stated that deep drafted ships which cannot proceed to KDS due to draft and size restrictions work at Anchorage points to transload/ lighten/ fully discharge commodities on to barges. Thus, the KOPT has proposed upfront tariff for stevedoring on-board ship at Anchorage points in respect of Dry Bulk Cargo viz., Coal, Food Grains, Sugar and Other Bulk Cargo and in respect of Break Bulk Cargo viz., Bagged Cargo and Logs.

(b). Though the KOPT has proposed upfront tariff for anchorage discharge (involving on-board operations) and barge handling (involving barge unloading and shore handling), it has expressed its lack of clarity on whether there is a requirement for fixation of upfront tariff for work at anchorage and barge unloading.

In this regard, it is to state that the definition of stevedoring activity includes loading and unloading and stowage of cargo in any form on board the vessels in Port. The definition of shore handing includes the arranging and receiving the cargo to/ from the hook point, inter modal transport from wharf to stack yard and vice-versa and also receiving and delivering of cargo from/ to wagons/ trucks. Receiving and delivering goods is covered under Section 42 (1) (d) of the Major Port Trusts Act, 1963. Considering that Section 48 mandates this Authority to frame SOR for the services performed by a Board or any other person authorized under Section 42 at or in relation to the port or port approaches, there does not appear to be any doubt that upfront tariff is required to be fixed for the activity of stevedoring on-board ship at Anchorage points and the shore handling operation including loading/ unloading of cargo to/ from Barge at Wharf/ Berth. Therefore, this Authority is inclined to approve the upfront tariff for anchorage discharge (involving on-board operations) and barge handling (involving barge unloading and shore handling).

(c). In this connection, regarding anchorage discharge, the KOPT has stated that the output of the vessel depends on the weather conditions prevailing at Anchorage and availability and size of the Barges. The port has also stated that the vessels at anchorages usually do not work during the night and the labour is supplied by pool controlled by local Unions. The port has also reported that the grabs for discharge are mostly being provided by the vessel and usually no equipment are deployed on board the Vessel. The port has also stated that Vessel operations at anchorage points are not monitored/ supervised by the Port. In view of this position, the KOPT has reported to have considered the productivity norms and the labour cost, based on the details obtained from the Agents, verbally. In respect of bagged cargo, in the absence of availability of hook shift output at anchorage, KOPT has reported to have considered 1.5 times of hook shift output of bagged cargo at berth, considering free discharge into barges.

(d). In the absence of any norms, and since the tariff for anchorage discharge and barge handling requires to be regulated, this Authority decides to approve the tariff for stevedoring on-board ship at Anchorage points and the tariff for the shore handling operation including loading/ unloading of cargo to/ from Barge at Wharf/ Berth, as proposed by KOPT, based on the proposal of the port and based on the calculation made by KOPT in this regard. In the absence of working for the charges proposed for containers, the rates as proposed by the Port is relied upon and approved. For the reasons brought out earlier and considering that the existing Scale of Rates of KOPT prescribes concessional tariff for coastal cargo handled at anchorages, as per coastal concession policy issued by the MOS, the charges for stevedoring on-board ship at Anchorage points and the shore handling operation including loading/unloading of cargo to/ from Barge at Wharf/ Berth as furnished by the Port subject to the application of the Coastal Concession Policy, is attached as **Annex – VII(a)** and **Annex - VII(b)** respectively.

(xv). As brought out in the earlier part of this Order dealing with the factual position relating to the case in reference, the KOPT has arrived at the tariff for receipt and delivery of cargo from/ to wagons/ trucks at/ from stack yard by taking into account local factors as well as by considering the equipment hire cost, labour cost @ 5%/ 10% of equipment hire cost and 20% each of the operational and administration overheads and with a profit margin of 20% of the total cost. The Stevedoring and Shore handling guidelines do not prescribe norms for loading/ unloading cargo to/ from wagon. However, considering that the definition of the shore handing includes the delivery/ receipt of cargo for wagon/ trucks and also the receiving and delivering goods is also covered under Section 42 (1) (d) of the MPT Act., 1963 and the calculation to arrive at the upfront tariff with loading and unloading of dry bulk cargo to/ from wagons are in line with the guiding principles of Stevedoring and Shore Handling guidelines, this Authority is inclined to approve the tariff for the delivery/ receipt of dry bulk cargo and break bulk cargo by road and rail, as proposed by KOPT, relying on the calculation made by KOPT in this regard. A Cost Statement showing the charges for delivery/ receipt of dry bulk cargo and break bulk cargo by road and rail, as proposed by the Port is attached as **Annex – VIII (a) to (e).**

(xvi). The existing SOR of KOPT prescribes a composite box rate for container covering wharfage, basic container handling services of ship to shore transfer, movement between berth and yard and lift off at yard. Charges are also available in the existing SOR for lift on for delivery or lift off at Yard during receipt/ delivery. At the same time, with the prescription of the rates for Stevedoring and Shore handling operations for the containers, it was felt that the container handling rates for containers as prescribed in the SOR of KOPT require suitable modification to this effect. In this connection, the KOPT is of the view that, the rates prescribed in the SOR of KOPT are levied only when the services are provided by KOPT either by itself or through its service provider, whereas, the stevedoring charges are leviable at berths not served by port but by private stevedores/ handling agents. However, the port has assured that it would approach this Authority, in the event any modification is required to its Scale of Rates.

(xvii). The cost of bagging and stitching operations is reported to have not been considered by KOPT in the calculation of ceiling rates on the ground that such services do not come under the list of services as listed under Section 42 of the MPT Act. The KOPT has also stated that though Section 42(1)(e) of the Major Port Trusts Act, 1963, covers '*any other service in respect of vessels*', there is no mention of 'any other services in respect of goods' in Section 42. In this regard, it is to state that services like bagging etc. may be incidental to cargo handling activity of '*receiving, removing, shifting, transporting, storing or delivering goods*' which are covered under Section 42(1)(b) of the Major Port Trusts Act, 1963, for which this Authority is mandated to fix tariff as per Section 48 of the Major Port Trusts Act, 1963. Incidentally, this Authority, while dealing with a proposal filed by Visakhapatnam Port Trust (VPT) for handling of fertilisers has approved upfront tariff for bagging of fertilisers, under upfront tariff guidelines of 2008. In view of the above position, the KOPT is advised to review its stand again and come up with a separate proposal for prescription of charges for bagging and stitching.

(xviii). While approving the ad-hoc upfront tariff for the stevedoring and shore handling operations across all major port trusts including KDS at KOPT, this Authority has prescribed definitions for some common terms viz., Coastal vessel, Foreign-going vessel, Stevedoring, Stevedore, Shore Handling, Shore Handling Agent. Those definitions are allowed to continue in the final upfront tariff schedule approved for the stevedoring and shore handling operations at KDS of KOPT.

(xix). Likewise, the general terms and conditions relating to System of classification of vessel for levy of Vessel Related Charges (VRC), Criteria for levy of VRC and Cargo related charges (CRC) at concessional Coastal rate, non-applicability of tariff for BOT/ BOOT operators or any other arrangement for private sector participation who are governed by the Tariff Guidelines of 2005, 2008 and 2013, uniform applicability of tariff to the entire port where the stevedoring and shore handling operations are carried out by private agencies or firms, etc. are allowed to continue in the final upfront tariff schedule approved now.

(xx). The KOPT in its proposal has stated that the Stevedoring and Shore Handling Policy for Major Ports, 2016, does not prescribe any bidding process for issuance of license for stevedores and shore handling agents. Therefore, it has stated that Clause 2.4 of the Stevedoring and Shore Handling Guidelines, which requires that the upfront tariff and performance standards notified by TAMP are to be mentioned in the bid document and subsequently in the agreement in respect of the operator, is not at par with the Stevedoring and Shore Handling Policy. As stipulated in the Guidelines, the upfront tariff and performance standards notified by this Authority may be mentioned in the bid document, if there is a bidding process, and subsequently in the agreement in respect of the operator.

(xxi). The KOPT has stated that the Guidelines will be applicable for authorisation to undertake stevedoring and shore handling activity under section 42(3) of MPT Act. Since Section 42(3) of the MPT Act states that the Board may, with the previous sanction of the Central Government, authorise any person to perform any of the services mentioned in sub section (1) of such terms and condition as may be agreed upon, the KOPT has sought clarification whether before issuance of such licence under the Regulation to any Stevedoring and Shore Handling Agents, previous sanction of the Central Government is a pre-requisite for above authorisation as required under section 42(3). Since the sanctioning authority is Central Government, the KOPT may have to take up the matter with the Central Government.

(xxii). As per Clause 2.10 of the Stevedoring and Shore Handling Guidelines, tariff caps will be indexed annually to the inflation to the extent of 60% variation in Wholesale Price Indexed (WPI) announced by the Government of India occurring between 1 January and 31 December of the relevant year and the adjusted indexed SOR will come into force from 1 April of the relevant year to 31 March of the following year. Since the proposal of the KOPT is as of fag end of the year 2016, the base year for WPI escalation is prescribed as 01 January 2017. Accordingly, a suitable note is prescribed in the upfront tariff schedule for Stevedoring and Shore Handling operations.

(xxiii). This Authority while approving upfront tariff for Stevedoring and Shore handling operations on adhoc basis vide Order No. TAMP/80/2016-KOPT dated 08 February 2017 has stated that the final rates to be approved by this Authority will have prospective effect. Accordingly, the final rates approved will come into effect prospectively after expiry of 30 days from the date of notification of the Order in the Gazette of India as per the general approach followed by this Authority. As stated in the interim Order dated 08 February 2017, the interim rates adopted in an adhoc basis are recognized as such. There will not be any question of refund/ recovery, if any, in case of variation between the adhoc rates and final rates as decided by this Authority in the interim Order dated 08 February 2017.

(xxiv). If any error apparent on the face of record or for any other justifiable reasons, the KOPT may approach this Authority for review giving adequate justification / reasoning within 30 days of notification of the Order in the Gazette of India. If port users / user association have any issue they may approach the port.

12.1. In the result, and for the reasons give above, and based on a collective application of mind, this Authority approves the schedule of Upfront Stevedoring and Shore Handling Charges alongwith the Performance Standards for the KDS at KOPT attached as **Annex – IX.**

12.2. The ceiling rates approved may be applied to the authorised stevedoring and shore handling operator, by making it as a condition of authorization, while issuing licenses, for a period of 3 years. The approval accorded shall automatically lapse thereafter unless specifically extended by this Authority. The port is advised to take necessary action for implementation of the upfront tariff for Stevedoring and Shore Handling operations along with Performance Standards.

12.3. As stipulated in Clause 2.4. of Stevedoring and Shore Handling Guidelines, the upfront tariff and performance standards notified by this Authority may be mentioned in the bid document, if there is a bidding process and subsequently in the agreement in respect of the operator.

12.4. The indexation of upfront Stevedoring and Shore Handling Charges as provided in Clause 2.10 of the Stevedoring and Shore Handling Guidelines is to be read with Clause 7 of the Stevedoring and Shore Handling Guidelines. If the Operator does not achieve the prescribed performance standards as per Annex-XI in previous 12 months, the operator will not be entitled for 100% WPI indexation and the operator will continue to levy the tariff with 60% indexation as prescribed in Clause 2.10 of the Stevedoring and Shore Handling Guidelines.

12.5. As stipulated in Clause 8.1. of Stevedoring and Shore Handling Guidelines, the operator shall furnish to the KOPT and to this Authority, annual reports on cargo traffic, ship berth day output, per shift output within a month following the end of financial year in respect of stevedoring/ shore handling operations licensed by the port. Any other information which is required by this Authority shall also be furnished from time to time.

12.6. As stipulated in Clause 8.2. of Stevedoring and Shore Handling Guidelines, this Authority shall publish on its website all such information received from operators and the KOPT. However, this Authority shall consider a request from any operator or the KOPT about not publishing certain data/information furnished which may be commercially sensitive. Such requests should be accompanied by detailed justification regarding the commercial sensitiveness of the data/information in question and the likely adverse impact on their revenue/operation of upon publication. This Authority's decision in this regard would be final.

12.7. (a). As stipulated in Clause 9.1. of Stevedoring and Shore Handling Guidelines, the performance norms prescribed for various commodities shall be the minimum which should be achieved by the Operator. These performance norms shall be incorporated in the bid documents, if there is a bidding process.

(b). As stipulated in Clause 9.2. of Stevedoring and Shore Handling Guidelines, the performance actually achieved by the operator shall be monitored by both the KOPT and this Authority on a quarterly basis. In the event of any shortfall in achieving the performance prescribed, the Port will initiate action on the operator as per the terms contained in the agreement entered into with the operator by the Port.

12.8. As stipulated in Clause 10 of Stevedoring and Shore Handling Guidelines, in the event any user has any grievance regarding non-achievement of the Performance Standards by the operator as notified by this Authority, he may prefer a representation to this Authority which, thereafter, shall conduct an inquiry into the representation and give its finding to the KOPT. The KOPT will be bound to take necessary action on the findings as per the provisions of the contract conditions of the Agreement.

(T.S. Balasubramanian)
Member (Finance)

Annex - I

Comparative Statement of Productivity norms as per the Guidelines vis-à-vis average productivity at KOPT for the past 3 years as furnished by the Port and the productivity norms as proposed by the KOPT.

Sl. No.	Commodity	As per Guidelines			Average Productivity achieved per hook per shift during last 3 years as given by KOPT (in M.T.)	Productivity proposed by KOPT considering about 10% increase over the actuals & rounded off			Productivity Norms as considered by TAMP	
		Norms per hook per shift (in M.T.)	No. of Hooks per shift	Norms per shift (in M.T.)		Productivity per hook per shift (in M.T.)	No. of Hooks per shift	Productivity per shift (in M.T.)	Productivity per hook per shift (in M.T.)	Productivity per shift (in M.T.)
(1)	(2)	(3)	(4)	(5)= (3) x (4)	(6)	(7)	(8)	(9) = (7) x (8)	(10)	(11)
I	**Dry bulk cargo**									
1	Fertilizer & Fertilizer Raw Materials	900	3	2700	341	375	1.5	563	375	563
2	Coal (All types)	900	4	3600	450	495	1.8	891	495	891
3	Iron Ore, Iron Pellets, Bentonite, Bauxite, Copper Concentrate, Lead and Zinc Ore	1460	4	5840	548	605	2	1210	605	1210
4	Limestone, Dolomite, Clinker, Clay, Sand & other Dry Bulk Cargo	1080	3	3240	418	460	1.7	782	460	782
5	Salt	1000	3	3000	426	470	1.6	752	470	752
II	**Break bulk cargo**									
1	Bagged cargo	300	2.5	750	143	160	1.6	256	160	256
2	Jumbo Bags	560	2.5	1400	217	240	1.6	384	240	384
3	Iron & Steel – Coils & Slabs	1360	2.5	3400	465	515	1	515	515	515
4	Iron & Steel - Pipes, Tubes & Plates	280	2.5	700	242	270	1.6	432	270	432
5	Timber Logs	320 - Soft 480 - Hard	2.5	800 - Soft 1200 - Hard	202	225	1.7	383	225	383
6	Container (Laden/ Empty) at Non-MHC Berths	200 - Empty 1050 - Laden	2	400 - Empty 2100 - Laden	Not given	60	1.5	90	60	90
7	Mixed General Cargo including project cargo, machinery and machinery parts	Not given	-	-	197	220	1.6	352	220	352
8	Coastal Mixed General Cargo including project cargo, machinery and machinery parts	Not given	-	-	90	100	1.5	150	100	150

Annex - II(a)

Equipment Hire Cost for Stevedoring Operations for Dry Bulk Cargo

DRY BULK CARGO										
SL. NO.	**CARGO GROUP**	**PRODUCTIVITY**		**TYPE OF EQUIPMENT**						**TOTAL COST PER HOOK PER SHIFT**
				Grabs			**Payloader/ Dozer**			
		Productivity in tons per shift	Average Number of hooks per shift	Equipment Hire rate	No. of Equipment per hook per shift	Total cost	Equipment Hire rate	No. of Equipment per hook per shift	Total cost	
1	Fertilizer -Raw Materials	563	1.5	9000	1	9000	10000	1	10000	**19000**
2	Coal All Types	891	1.8	9000	1	9000	10000	1	10000	**19000**
3	Iron Ore, Iron Ore Pellets, Bentonite, Bauxite, Copper Concentrate, Lead and Zinc Ore	1210	2	9000	1	9000	10000	1	10000	**19000**
4	Limestone, Dolomite, Clinker, Clay, Sand and similar Dry Bulk cargo	782	1.7	9000	1	9000	10000	1	10000	**19000**
5	Salt	752	1.6	9000	1	9000	10000	1	10000	**19000**

Annex - II(b)

Equipment Hire Cost for Stevedoring Operations for Break Bulk Cargo

BREAK BULK CARGO

SL. NO.	CARGO GROUP	PRODUCTIVITY		TYPE OF EQUIPMENT																					TOTAL COST PER HOOK PER SHIFT
				Log Grabs			Net Sling			Hook/ Rope Sling			Wire Rope Sling			Manual Spreader			Fork lift Truck 10 T			Fork lift Truck 5 T			
		Productivity in tons per hook per shift	Average Number of hooks per shift	Equipment Hire rate	No. of Equipment	Total cost	Equipment Hire rate	No. of Equipment	Total cost	Equipment Hire rate	No. of Equipment	Total cost	Equipment Hire rate	No. of Equipment	Total cost	Equipment Hire rate	No. of Equipment	Total cost	Equipment Hire rate	No. of Equipment	Total cost	Equipment Hire rate	No. of Equipment	Total cost	
1	Bagged cargo	256	1.6	11500	0	0	4200	1	4200	3000	0	0	12500	0	0	5000	0	0	12500	0	0	7500	0	0	**4200**
2	Jumbo Bags	384	1.6	11500	0	0	4200	0	0	3000	1	3000	12500	0	0	5000	0	0	12500	0	0	7500	1	7500	**10500**
3	Iron and steel -coils and slabs	515	1	11500	0	0	4200	0	0	3000	0	0	12500	1	12500	5000	0	0	12500	2	25000	7500	0	0	**37500**
4	Iron and Steel - pipes, tubes, plates	432	1.6	11500	0	0	4200	0	0	3000	1	3000	12500	0	0	5000	0	0	12500	0	0	7500	1	7500	**10500**
5	Timber logs-(Soft/Hard)	383	1.7	11500	1	11500	4200	0	0	3000	0	0	12500	0	0	5000	0	0	12500		0	7500	0	0	**11500**
6	Containers (Empty/Laden)	90	1.5	11500	0	0	4200	0	0	3000	0	0	12500	0	0	5000	1	5000	12500	0	0	7500	0	0	**5000**
6A	Containers (Empty/Laden)	90	1.5	11500	0	0	4200	0	0	3000	0	0	12500	0	0	5000	1	5000	12500	0	0	7500	0	0	**5000**
7	Mixed General cargo incl Machinery and Project Cargo	352	1.6	11500	0	0	4200	0	0	3000	0	0	12500	1	12500	5000	0	0	12500	0	0	7500	1	7500	**20000**
8	Coastal Mixed General cargo incl Machinery and Project Cargo	150	1.5	11500	0	0	4200	1	4200	3000	0		12500	0	0	5000	0	0	12500	0	0	7500	0	0	**4200**

Annex - III(a)

Labour Cost for Stevedoring Operations for Dry Bulk Cargo

DRY BULK CARGO														
SL. NO.	**CARGO GROUP**	**NORMS PER HOOK PER SHIFT AS PER GUIDELINES AND CONSIDERED BY KOPT**				**RATE FOR MANPOWER**				**COST FOR MANPOWER**				**TOTAL LABOUR COST PER HOOK PER SHIFT**
		Tindal	Signalman	Mazdoor	Operator	Tindal (MATE)	Signalman	Mazdoor	Operator	Tindal (MATE)	Signalman	Mazdoor	Operator	
1	Fertilizer -Raw Materials	1	1	0	1	1838	1881	1731	1941	1838	1881	0	1941	**5660**
2	Coal All Types	1	1	0	1	1838	1881	1731	1941	1838	1881	0	1941	**5660**
3	Iron Ore, Iron Ore Pellets, Bentonite, Bauxite, Copper Concentrate, Lead and Zinc Ore	1	1	0	1	1838	1881	1731	1941	1838	1881	0	1941	**5660**
4	Limestone, Dolomite, Clinker, Clay, Sand and similar Dry Bulk cargo	1	1	0	1	1838	1881	1731	1941	1838	1881	0	1941	**5660**
5	Salt	1	1	0	1	1838	1881	1731	1941	1838	1881	0	1941	**5660**

Annex - IV(a)

Calculation of Normative Tariff/ Ceiling Rates for Stevedoring of Dry Bulk Cargo

Amt in Rs.

SL. NO.	CARGO GROUP	Equipment Hire Cost	Labour Cost	Total Operating Cost	20% Operating Overheads	20% Administrative Overheads	Total	20% Margin	Revenue Requirement per Hook per Shift	Norms per hook per shift (MT)	Normative tariff/ Ceiling tariff/ Ceiling rate per Tonne		
											As proposed by the KOPT	As modified by us	
												Foreign	Coastal
1	Fertilizer -Raw Materials	19000.00	5660.00	24660.00	4932.00	4932.00	34524.00	6904.80	41428.80	375	**110.48**	**113.66**	**68.20**
2a	Thermal Coal	19000.00	5660.00	24660.00	4932.00	4932.00	34524.00	6904.80	41428.80	495	**83.69**	**83.69**	**83.69**
2b	Coal other than thermal coal	19000.00	5660.00	24660.00	4932.00	4932.00	34524.00	6904.80	41428.80	495	**83.69**	**86.11**	**51.67**
3a	Iron Ore, Iron Ore Pellets	19000.00	5660.00	24660.00	4932.00	4932.00	34524.00	6904.80	41428.80	605	**68.48**	**68.48**	**68.48**
3b	Bentonite, Bauxite, Copper Concentrate, Lead and Zinc Ore	19000.00	5660.00	24660.00	4932.00	4932.00	34524.00	6904.80	41428.80	605	**68.48**	**70.45**	**42.27**
4	Limestone, Dolomite, Clinker, Clay, Sand and similar Dry Bulk cargo	19000.00	5660.00	24660.00	4932.00	4932.00	34524.00	6904.80	41428.80	460	**90.06**	**92.66**	**55.60**
5	Salt	19000.00	5660.00	24660.00	4932.00	4932.00	34524.00	6904.80	41428.80	470	**88.15**	**90.69**	**54.41**

Annex - IV(b)

Calculation of Normative Tariff/ Ceiling Rates for Stevedoring of Break Bulk Cargo

Amt in Rs.

BREAK BULK CARGO														
SL. NO.	**CARGO GROUP**	**Equipment Hire Cost**	**Labour Cost**	**Total Operating Cost**	**20% Operating Overheads**	**20% Administrative Overheads**	**Total**	**20% Margin**	**Revenue Requirement per Hook per Shift**	**Norms per Hook per shift (MT)**	**Normative tariff/ Ceiling tariff/ Ceiling rate per Tonne**		
											As proposed by the KOPT *	**As modified by us**	
												Foreign	**Coastal**
1	Bagged cargo	4200	12584	16784	3356.80	3356.80	23497.60	4699.52	28197.12	160	**176.23**	**181.31**	**108.79**
2	Jumbo Bags	10500	12584	23084	4616.80	4616.80	32317.60	6463.52	38781.12	240	**161.59**	**166.24**	**99.74**
3	Iron and steel -coils and slabs	37500	9122	46622	9324.40	9324.40	65270.80	13054.16	78324.96	515	**152.09**	**156.47**	**93.88**
4	Iron and Steel - pipes, tubes, plates	10500	9122	19622	3924.40	3924.40	27470.80	5494.16	32964.96	270	**122.09**	**125.61**	**75.37**
5	Timber logs-(Soft/Hard)	11500	9122	20622	4124.40	4124.40	28870.80	5774.16	34644.96	225	**153.98**	**158.41**	**95.05**
6	Containers (Laden)	5000	9122	14122	2824.40	2824.40	19770.80	3954.16	23724.96	60	**395.42**	**406.81**	**244.09**
6a	Containers (Empty)	5000	9122	14122	2824.40	2824.40	19770.80	3954.16	23724.96	60	**395.42**	**406.81**	**244.09**
7	Project Cargo including Machinery and Mixed General cargo	20000	12584	32584	6516.80	6516.80	45617.60	9123.52	54741.12	220	**248.82**	**255.99**	**153.59**
8	Coastal Mixed General Cargo including project cargo, machinery and machinery parts	4200	12584	16784	3356.80	3356.80	23497.60	4699.52	28197.12	100	**281.97**	**-NA-**	**281.97**

* There was an error in the calculation of KOPT to arrive at the proposed rates as the KOPT has considered the productivity per shift as base instead of productivity per hook per shift. The rates shown here are the rates reworked for KOPT considering the productivity per hook per shift.

Annex - V(a)

Equipment Cost for Shore Handling Operations for Dry Bulk Cargo

DRY BULK CARGO														
Sl. No.	**Cargo Group**	**Productivity**		**Type of Equipment**									**Total cost per Shift**	**Total Qty handled per shift**
				Excavators			**Payloader**			**Dumper**				
		Productivity in tons per hook per shift	Average Number of hooks per shift	Equipment Hire rate	No. of Equipment	Total cost	Equipment Hire rate	No. of Equipment	Total cost	Equipment Hire rate	No. of Equipment	Total cost		
1	Fertilizer -Raw Materials	375	1.5	14000	0	0	10000	2	20000	5160	0	0	20000	563
2	Coal (All Types)	495	1.8	14000	1	14000	10000	2	20000	5160	6	30960	64960	891
3	Iron Ore, Iron Ore Pellets, Bentonite, Bauxite, Copper Concentrate, Led and Zinc Ore	605	2	14000	1	14000	10000	2	20000	5160	7	36120	70120	1210
4	Limestone, Dolomite, Clinker, Clay, Sand and similar Dry Bulk cargo	460	1.7	14000	1	14000	10000	2	20000	5160	6	30960	64960	782
5	Salt	470	1.6	14000	1	14000	10000	2	20000	5160	6	30960	64960	752

Annex - V(b)

Equipment Cost for Shore Handling Operations for Break Bulk Cargo

BREAK BULK CARGO

Sl. No.	Cargo Group	Productivity		Type of Equipment															Total cost per Shift	Total Qty handled per shift
		Productivity in tons per hook per shift	Average Number of hooks per shift	Log grabbers 10T			Mobile Cranes 10/15T			Mobile Cranes 20/30T			** Tractor Trailers 20/30T			Top lifter - Reach Stacker				
				Equipment Hire rate	No. of Equipment	Total cost	Equipment Hire rate	No. of Equipment	Total cost	Equipment Hire rate	No. of Equipment	Total cost	Equipment Hire rate	No. of Equipment	Total cost	Equipment Hire rate	No. of Equipment	Total cost		
1	Bagged cargo	160	1.6	12000	0	0	10000	0	0	15000	0	0	4800	0	0	35000	0	0	0	256
2	Jumbo Bags	240	1.6	12000	0	0	10000	1	10000	15000	0	0	4800	5	24000	35000	0	0	34000	384
3	Iron and steel -coils and slabs	515	1	12000	0	0	10000	0	0	15000	1	15000	4800	5	24000	35000	0	0	39000	515
4	Iron and Steel - pipes, tubes, plates	270	1.6	12000	0	0	10000	1	10000	15000	0	0	4800	6	28800	35000	0	0	38800	432
5	Timber logs - (Soft/ Hard)	225	1.7	12000	1	12000	10000	0	0	15000	0	0	4800	5	24000	35000	0	0	36000	383
6	Containers (Laden)	60	1.5	12000	0	0	10000	0	0	15000	0	0	4800	5	24000	35000	0.75	26250	50250	90
6A	Containers (Empty)	60	1.5	12000	0	0	10000	0	0	15000	0	0	4800	5	24000	35000	0.75	26250	50250	90
7	Project Cargo including Machinery	220	1.6	12000	0	0	10000	0	0	15000	1	15000	4800	5	24000	35000	0	0	39000	352
8	Coastal Mixed General Cargo including project cargo, machinery and machinery parts	100	1.5	12000	0	0	10000	1	10000	15000	0	0	4800	2	9600	35000	0	0	19600	150

Annex - VI(a)

Calculation of Normative Tariff/ Ceiling Rates for Shore Handling Operations of Dry Bulk Cargo

DRY BULK CARGO

SL. NO.	CARGO GROUP	Equipment Hire Cost	Labour Cost	Total Operating Cost	20% Operating Overheads	20% Administrative Overheads	Total	20% Margin	Revenue Requirement per Shift	Norms per shift	Normative tariff/ Ceiling tariff/ Ceiling rate per Tonne		
											As proposed by the KOPT	As modified by us	
												Foreign	Coastal
1	Fertilizer -Raw Materials	20000.00	1000.00	21000.00	4200.00	4200.00	29400.00	5880.00	35280.00	563	**62.72**	**64.53**	**38.72**
2a	Thermal Coal	64960.00	3248.00	68208.00	13641.60	13641.60	95491.20	19098.24	114589.44	891	**128.61**	**128.61**	**128.61**
2b	Coal other than thermal coal	64960.00	3248.00	68208.00	13641.60	13641.60	95491.20	19098.24	114589.44	1210	**128.61**	**132.31**	**79.39**
3a	Iron Ore, Iron Ore Pellets	70120.00	3506.00	73626.00	14725.20	14725.20	103076.40	20615.28	123691.68	1210	**102.22**	**102.22**	**102.22**
3b	Bentonite, Bauxite, Copper Concentrate, Lead and Zinc Ore	70120.00	3506.00	73626.00	14725.20	14725.20	103076.40	20615.28	123691.68	1210	**102.22**	**105.17**	**63.10**
4	Limestone, Dolomite, Clinker, Clay, Sand and similar Dry Bulk cargo	64960.00	3248.00	68208.00	13641.60	13641.60	95491.20	19098.24	114589.44	782	**146.53**	**150.75**	**90.45**
5	Salt	64960.00	3248.00	68208.00	13641.60	13641.60	95491.20	19098.24	114589.44	752	**152.38**	**156.77**	**94.06**

Annex - VI(b)

Calculation of Normative Tariff/ Ceiling Rates for Shore Handling Operations of Break Bulk Cargo

BREAK BULK CARGO

SL. NO.	CARGO GROUP	Equipment Hire Cost	Labour Cost	Total Operating Cost	20% Operating Overheads	20% Administrative Overheads	Total	20% Margin	Revenue Requirement per Shift	Norms per shift	Normative tariff/ Ceiling tariff/ Ceiling rate per Tonne		
											As proposed by the KOPT	As modified by us	
												Foreign	Coastal
1	Bagged cargo	0	14080	14080	2816	2816	19712	3942	23654	256	**92.40**	**95.06**	**57.04**
2	Jumbo Bags	34000	3400	37400	7480	7480	52360	10472	62832	384	**163.63**	**168.34**	**101.00**
3	Iron and steel -coils and slabs	39000	3900	42900	8580	8580	60060	12012	72072	515	**139.95**	**143.98**	**86.39**
4	Iron and Steel - pipes, tubes, plates	38800	3880	42680	8536	8536	59752	11950	71702	432	**165.98**	**170.76**	**102.46**
5	Timber logs-(Soft/Hard)	36000	3600	39600	7920	7920	55440	11088	66528	383	**173.93**	**178.94**	**107.36**
6a	Containers (Laden) in TEUs	50250	5025	55275	11055	11055	77385	15477	92862	90	**1031.80**	**1061.52**	**636.91**
6b	Containers (Empty) in TEUs	50250	5025	55275	11055	11055	77385	15477	92862	90	**1031.80**	**1061.52**	**636.91**
7	Project Cargo including Machinery and Mixed General cargo	39000	3900	42900	8580	8580	60060	12012	72072	352	**204.75**	**210.65**	**126.39**
8	Coastal Mixed General Cargo including project cargo, machinery and machinery parts	19600	1960	21560	4312	4312	30184	6037	36221	150	**241.47**	**-NA-**	**241.47**

Annex - VII(a)

Calculation of Normative Tariff/ Ceiling Rates for Stevedoring Operation of Dry Bulk/ Break Bulk Cargo at Anchorage as given by KOPT and considered by TAMP.

Sl.No.	Cargo Group	Average Hook-Shift Output (In Tonne)	Hire Cost for Crane Operator per Shift	Crane Operator cost per Tonne	LABOUR COST PER TONNE	TOTAL OPERATING COST	20% OPERATING Overheads	SUB TOTAL	20% ADMINISTRATIVE OVERHEAD	TOTAL	20^% MARGIN	REVENUE REQUIREMENT PER HOOK PER SHIFT	CEILING RATE PER TON		
													As proposed by KOPT	As modified by us	
														Foreign	Coastal
1a	Thermal Coal	690	700.00	1.01	15	16.01	3.20	19.22	3.20	22.42	4.48	26.90	26.90	26.90	26.90
1b	Coal other than thermal coal	690	700.00	1.01	15	16.01	3.20	19.21	3.20	22.41	4.48	26.89	26.89	27.67	16.60
2	Bagged Cargo	240	700.00	2.92	28	30.92	6.18	37.10	6.18	43.28	8.66	51.94	51.94	53.44	32.06
3	Foodgrain	640	700.00	1.09	15	16.09	3.22	19.31	3.22	22.53	4.51	27.04	27.04	27.82	16.69
4	Other Bulk	620	700.00	1.13	15	16.13	3.23	19.35	3.23	22.58	4.52	27.10	27.10	27.88	16.73
5	Sugar	415	700.00	1.69	15	16.69	3.34	20.02	3.34	23.36	4.67	28.03	28.03	28.84	17.30
6	Log	540	700.00	1.30	20	21.30	4.26	25.56	4.26	29.81	5.96	35.78	35.78	36.81	22.09

Annex - VII(b)

Calculation of Normative Tariff/ Ceiling Rates for Barge Handling at Berth for Dry Bulk/ Break Bulk Cargo

Sl. No.	Cargo Group	Average Shift Output (In Tonne)	Hire Cost of Equipment for Barge Unloading				Equipment cost per tonne for Barge Unloading	Cost of Labour for Barge Unloading (Rs. per Tonne)	Total Operating Cost for Barge Unloading per Tonne	20% OPERATING Overhead	20% ADMINISTRATIVE OVERHEAD	TOTAL COST	20 % MARGIN	As propsoed by Port			As modified by us					
														CEILING RATE PER TON FOR BARGE UNLOADING	CEILING RATE PER TON FOR SHORE HANDLING	Total Cost for Barge Unloading at Berth upto Stacking Yard	CEILING RATE PER TON FOR BARGE UNLOADING		CEILING RATE PER TON FOR SHORE HANDLING		Total Cost for Barge Unloading at Berth upto Stacking Yard	
			Mobile Shore Crane/ RST	Grab	Sling/ Spreader	Total											Foreign	Coastal	Foreign	Coastal	Foreign	Coastal
1	Foodgrain (Bulk)	295	15000	8000		23000	78	0	78	16	16	109	22	130.98	92.40	223.38	134.76	80.85	95.06	57.04	229.82	137.89
2	Foodgrain (Bag) stacked at berth back-up shed	225	15000		4200	19200	85	25	110	22	22	154	31	185.36	92.40	277.76	190.70	114.42	95.06	57.04	285.76	171.46
3a	Thermal Coal (All types)	410	15000	8000		23000	56	0	56	11	11	79	16	94.24	128.61	222.85	94.24	94.24	128.61	128.61	222.85	222.85
3b	Coal other than thermal coal	410	15000	8000	0	23000	56	0	56	11	11	79	16	94.24	128.61	222.85	96.96	58.18	132.31	79.39	229.26	137.57
4	Other Bag Cargo	310	15000		4200	19200	62	25	87	17	17	122	24	146.05	92.40	238.45	150.26	90.16	95.06	57.04	245.32	147.19
5	Container (in TEUs)	35	15000		5000	20000	571	43	614	123	123	860	172	1032.00	1031.80	2063.80	1061.73	637.04	1061.52	636.91	2123.25	1273.95
6	Log	150	15000		7000	22000	147	25	172	34	34	240	48	288.40	173.93	462.33	296.71	178.02	178.94	107.36	475.65	285.39

Annex - VIII(a)

Equipment Cost for Receiving / Delivery operations for Dry Bulk Cargo by Road

A: Dry Bulk Cargo

Sl no.	Cargo Group	Type Equipment									Total Equipment cost per shift	Vessel Handling per shift	Delivery / Receving Norms
		Dumper			Excavators			Payloader					
		Equipment Hire Rate (Rs. Per Shift)	No. of Equipment (per Shift)	Total Cost	Equipment Hire Rate (Rs. Per Shift)	No. of Equipment (per Shift)	Total Cost	Equipment Hire Rate (Rs. Per Shift)	No. of Equipment (per Shift)	Total Cost			
1	Fertilizer Raw Materials	5160	0	0	14000	0	0	10000	0	0	0	562.5	450
2	Food Grains	5160	0	0	14000	0	0	10000	0	0	0		0
3	Coal (All Types)	5160	0	0	14000	1	14000	10000	1	10000	24000	891	713
4	Iron Ore, Iron Ore Pellets, Bentonite, Bauxite, Copper Concentrate, Lead and Zinc Ore	5160	0	0	14000	1	14000	10000	1	10000	24000	1210	968
5	Limestone, Dolomite, Clinker, Clay, Sand and similar Dry Bulk cargo	5160	0	0	14000	1	14000	10000	1	10000	24000	782	626
6	Salt	5160	0	0	14000	1	14000	10000	1	10000	24000	752	602

Equipment Cost for Receiving / Delivery operations for Dry Bulk Cargo by Rail

A: Dry Bulk Cargo

Sl no.	Cargo Group	Type Equipment									Total Equipment cost per shift	Rake loading / unloading per shift	Rake Delivery / Receiving Norms
		Dumper			Excavators			Payloader					
		Equipment Hire Rate (Rs. Per Shift)	No. of Equipment (per Shift)	Total Cost	Equipment Hire Rate (Rs. Per Shift)	No. of Equipment (per Shift)	Total Cost	Equipment Hire Rate (Rs. Per Shift)	No. of Equipment (per Shift)	Total Cost			
1	Fertilizer Raw Materials	5160	0	0	14000	0	0	10000	0	0	0	0	0
2	Food Grains	5160	0	0	14000	0	0	10000	0	0	0	0	0
3	Coal (All Types)	5160	6	30960	14000	1	14000	10000	3	30000	74960	1800	1800
4	Iron Ore, Iron Ore Pellets, Bentonite, Bauxite, Copper Concentrate, Lead and Zinc Ore	5160	6	30960	14000	1	14000	10000	3	30000	74960	1800	1800
5	Limestone, Dolomite, Clinker, Clay, Sand and similar Dry Bulk cargo	5160	6	30960	14000	1	14000	10000	3	30000	74960	1800	1800
6	Salt	5160	6	30960	14000	1	14000	10000	3	30000	74960	1800	1800

1. Equipment deployment has been considered as per practice in KDS
2. For Fertilizer Raw Materials at KDS, cargo is delivered direct from berth and the same has already been considered in Shore Handling Operation Rates.
3. Delivery / Receiving norms have been taken as 0.8 of vessel handling per shift

Annex - VIII(b)

Calculation of Normative Tariff / Ceiling Rates for Receving / Delivery Operatins by Road of Dry Bulk Cargo

A. Dry Bulk Cargo

Sr. no.	Cargo Group	Equipment Cost	Labour Cost (5% of Equipment Cost)	Total Operating Cost	20% Operating Overheads	SubTotal	20% Administrative Overheads	Total	20% Margin	Revenue Requirement	Delivery / Receiving Norms	Naromative Tariff
1	Fertilizer Raw Materials *	0	0	0	0	0	0	0	0	0	450	0
2	Food Grains **	0	0	0	0	0	0	0	0	0	0	0
3	Coal (All Types)	24000	1200	25200	5040	30240	5040	35280	7056	42336	713	59.39
4	Iron Ore, Iron Ore Pellets, Bentonite, Bauxite, Copper Concentrate, Lead and Zinc Ore	24000	1200	25200	5040	30240	5040	35280	7056	42336	968	43.74
5	Limestone, Dolomite, Clinker, Clay, Sand and similar Dry Bulk cargo	24000	1200	25200	5040	30240	5040	35280	7056	42336	626	67.67
6	Salt	24000	1200	25200	5040	30240	5040	35280	7056	42336	602	70.37

Calculation of Normative Tariff / Ceiling Rates for Receving / Delivery Operatins by Rail of Dry Bulk Cargo

A. Dry Bulk Cargo

Sr. no.	Cargo Group	Equipment Cost	Labour Cost (5% of Equipment Cost)	Total Operating Cost	20% Operating Overheads	SubTotal	20% Administrative Overheads	Total	20% Margin	Revenue Requirement	Delivery / Receiving Norms	Naromative Tariff
1	Fertilizer Raw Materials	0	0	0	0	0	0	0	0	0	0	0
2	Food Grains	0	0	0	0	0	0	0	0	0	0	0
3	Coal (All Types)	74960	3748	78708	15741.6	94449.6	15741.6	110191.2	22038.24	132229.44	1800	73.46
4	Iron Ore, Iron Ore Pellets, Bentonite, Bauxite, Copper Concentrate, Led and Zinc Ore	74960	3748	78708	15741.6	94449.6	15741.6	110191.2	22038.24	132229.44	1800	73.46
5	Limestone, Dolomite, Clinker, Clay, Sand and similar Dry Bulk cargo	74960	3748	78708	15741.6	94449.6	15741.6	110191.2	22038.24	132229.44	1800	73.46
6	Salt	74960	3748	78708	15741.6	94449.6	15741.6	110191.2	22038.24	132229.44	1800	73.46

1. * For Fertilizer Raw Materials at KDS, cargo is delivered direct from berth and the same has already been considered in Shore Handling Operations Rates
2. ** Food Granis in bulk are not handled (received /delivered) at berths in KDS.

Annex - VIII(c)

Equipment Cost for Receiving / Delivery operations for Break Bulk Cargo

A: Break Bulk Cargo

Sl no.	Cargo Group	Type Equipment												Total Cost per shift	Vessel Handling per shift	Delivery / Receving Norms
		Log Grabbers 10T			Mobile Cranes 10/15T			Mobile Cranes 20/30T			Top Lifter-Reach Stacker					
		Equipment Hire Rate (Rs. Per Shift)	No. of Equipment (per Shift)	Total Cost	Equipment Hire Rate (Rs. Per Shift)	No. of Equipment (per Shift)	Total Cost	Equipment Hire Rate (Rs. Per Shift)	No. of Equipment (per Shift)	Total Cost	Equipment Hire Rate (Rs. Per Shift)	No. of Equipment (per Shift)	Total Cost			
1	Bagged cargo	12000	0	0	10000	0	0	15000	0	0	35000	0	0	0	256	128
2	Jumbo Bags	12000	0	0	10000	1	10000	15000	0	0	35000	0	0	10000	384	192
3	Iron and steel -coils and slabs	12000	0	0	10000	0	0	15000	1	15000	35000	0	0	15000	515	257.5
4	Iron and Steel - pipes, tubes, plates	12000	0	0	10000	0	0	15000	1	15000	35000	0	0	15000	432	216
5	Timber logs - (Soft/ Hard)	12000	1	12000	10000	0	0	15000	0	0	35000	0	0	12000	382	305.6
6	Containers (Laden)	12000	0	0	10000	0	0	15000	0	0	35000	0.75	26250	26250	90	45
6A	Containers (Empty)	12000	0	0	10000	0	0	15000	0	0	35000	0.75	26250	26250	90	90
7	Project Cargo including Machinery	12000	0	0	10000	0	0	15000	1	15000	35000	0	0	15000	352	176
8	Coastal Mixed General Cargo	12000	0	0	10000	1	10000	15000	0	0	35000	0	0	10000	150	150
9	Motor Vehicles/Earth Moving Equipement (through Ro-Ro Vessel)	No Norm														

Break Bulk receiving / delivery has been considered for road only as there is very seldom by Rail
RST utilisation is taken as 0.75 as avg output is only 90 TEUs/ shift which is much less that the per shift RST productivity. The same RST is used for receiving and delivery also.

Log Grab 1.5 as same log grab at yard is used for two hooks (i.e 3 for 2 hooks)

Delivery / receving norms for Breal-bulk have been taken as 0.5 of vessel handling per shift (except MT containers, Timbers logs and coastal Mixed General Cargo)
Delivery / receving norms for MT containers has been taken as 1.0 as very little restacking is required during removal to outside docks
Delivery / receving norms for Coastal Mixed General Cargo is taken as 1.0 as a lot of cargo is taken as direct delivery from berth.
Delivery / receving norms for Timber is taken as 0.8 as manual intervation / slinging is not requried.

Annex - VIII(d)

Calculation of Normative Tariff / Ceiling Rates for Receiving / Delivery Operations by Road of Break Bulk Cargo

A. Break Bulk Cargo

Sr. no.	Cargo Group	Equipment Cost	Labour Cost (10% of Equipment Cost)	Total Operating Cost	20% Operating Overheads	SubTotal	20% Administrative Overheads	Total	20% Margin	Revenue Requirement	Delivery / Receiving Norms	Naromative Tariff
1	Bagged cargo *	0	0	0	0	0	0	0	0	0	128	0
2	Jumbo Bags	10000	1000	11000	2200	13200	2200	15400	3080	18480	192	96.25
3	Iron and steel -coils and slabs	15000	1500	16500	3300	19800	3300	23100	4620	27720	257.5	107.65
4	Iron and Steel - pipes, tubes, plates	15000	1500	16500	3300	19800	3300	23100	4620	27720	216	128.33
5	Timber logs - (Soft/ Hard)	12000	1200	13200	2640	15840	2640	18480	3696	22176	305.6	72.57
6	Containers (Laden)	26250	2625	28875	5775	34650	5775	40425	8085	48510	45	1078.00
6A	Containers (Empty)	26250	2625	28875	5775	34650	5775	40425	8085	48510	90	539.00
7	Project Cargo including Machinery	15000	1500	16500	3300	19800	3300	23100	4620	27720	176	157.50
8	Coastal Mixed General Cargo	10000	1000	11000	2200	13200	2200	15400	3080	18480	150	123.20
9	Motor Vehicles/Earth Moving Equipement (through Ro-Ro Vessel)											

1. * Calculation of Bagged Cargo is shown in Annex VIII (e).

Annex - VIII(e)

Calculation of Normative Tariff / Ceiling Rates for Receiving / Delivery by Road of bagged cargo									
Sr.no.	**Cargo Group**	**Cost of Transporation on per MT**	**Cost of Labour including Sweeping**	**Total Opearting Cost for**	**20% Operating Overhead**	**20% Administrative Overheads**	**Total Cost**	**20% Margin**	**Ceiling Rate per ton for Shore Handling**
1	Bagged foodgrain & other bagged cargo	0	42	42	8.4	8.4	58.8	11.76	70.56

Calculation of Normative Tariff / Ceiling Rates for Receiving / Delivery by Rail of bagged cargo									
Sr.no.	**Cargo Group**	**Cost of Transporation on per MT**	**Cost of Labour including Sweeping**	**Total Operating Cost for**	**20% Operating Overhead**	**20% Administrative Overheads**	**Total Cost**	**20% Margin**	**Ceiling Rate per ton for Shore Handling**
1	Bagged foodgrain & other bagged cargo	50	63	113	22.6	22.6	158.20	31.64	189.84

Note 1. Cost of loading as obtained from labour contractors operating in KDS by KDS.

2. The Cost of trasportation has been collected verbally as Rs. 50/- per Tonne by KDS.

3. Total labour cost involved in delivery by Rail is assumed to be 1.5 times of the labour cost for the delivery operation by road as it involved additional handling [Assumption is by KDS]

Annex - C XIII

Calculation of Normative Tariff/ Ceiling Rates for additional cost involving Shore Handling Operation for Bagged Cargo from berth to shed other than berth back-up shed & vice-versa

Sl. No.	Cargo Group	Transportation cost per Tonne	Cost of Labour	Total Operating Cost for Barge Unloading per Tonne	20% OPERATING Overhead	20% ADMINISTRATIVE OVERHEAD	TOTAL COST	20 % MARGIN	CEILING RATE PER TON FOR SHORE HANDLING
1	Bagged foodgrain transported from wharf and stacked at shed other than berth back-up shed & vice-versa	50	27.50	77.50	15.50	15.50	108.50	21.70	130.20
2	Other Bagged cargo transported from wharf and stacked at shed other than berth back-up shed & vice-versa	50	27.50	77.50	15.50	15.50	108.50	21.70	130.20

Note :

1 The cost of transportation has been collected verbally as Rs.50 per Tonne.

2 Total labour cost involved in this process is assumed to be 1.5 times of the labour cost for the entire shore-handling operation. As 1.0 times labour cost has already been considered in computing at the shore handling rates, only the additional 0.5 labour cost has been considered in the aforesaid calculation.

Annex - IX

KOLKATA PORT TRUST – KOLKATA DOCK SYSTEM
UPFRONT TARIFF FOR STEVEDORING AND SHORE HANDLING SERVICES

Part I - Definitions and General conditions

(I). Definitions:

(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 Directorate General of Shipping/ Competent Authority.

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

(iii). 'Stevedoring' includes loading and unloading and stowage of cargo in any form on board the vessels in Port.

(iv). 'Shore handling' includes arranging and receiving the cargo to/from the hook point, inter modal transport from wharf to stack yard and vice-versa and also receiving and delivering of cargo from/to wagons /trucks.

(v). 'Stevedore' is an authorized agent for loading and unloading and anchorage of cargo in any form on board the vessels in ports and to whom the licence has been given under regulations.

(vi). 'Shore handling agent' is an authorized agent for arranging the receiving the cargo to/ from the hook point, intermodal transport from wharf to stock yard and vice-versa and also receiving and delivering of cargo from/ to wagons/ trucks.

(II). General 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 classifying into 'coastal' or 'foreign-going' 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.

(ii). System of classification of vessel for levy of Vessel Related Charges (VRC)

(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. Such vessel that converts into coastal run based on the Customs Conversion Order at her first port of call in Indian Port, no further custom conversion is required, so long as it moves on the Indian Coast.

(b). A Foreign going vessel of foreign flag can convert to coastal run on the basis of a Licence for Specified Period or voyage issued by the Director General of Shipping and a custom conversion order.

(iii). Criteria for levy of Vessel Related Charges (VRC) at Concessional Coastal rate and foreign rate

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

(b). In cases of such conversion coastal rates shall be chargeable till the vessel completes discharging operations at the last call of Indian Port; immediately thereafter, foreign going rates shall be chargeable by the discharge ports.

(c). 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.

(iv). Criteria for levy of Cargo Related Charges (CRC) at Concessional Coastal rate

(a). Foreign going Indian Vessel having General Trading License issued for 'worldwide and coastal' operation should be accorded applicable coastal rates with respect to Handling Charges (HC) i.e. ship to shore transfer and transfer from/ to quay to/ from storage yard including wharfage in the following scenario:

(i). Converted to coastal run and carrying coastal cargo from any Indian Port and destined for any other Indian Port.

(ii). Not converted* to coastal run but carrying coastal cargo from any Indian Port and destined for any other Indian Port.

* *The Central Board of Excise and Customs Circular no.15/2002-Cus. dated 25 February 2002 allows carriage of coastal cargo from one Indian port to another port in India, in Indian flag foreign going vessels without any custom conversion.*

(b). In case of a Foreign flag vessel converted to coastal run on the basis of a Licence for Specified Period or voyage issued by the Director General of Shipping, and a Custom Conversion Order, the coastal cargo/ container loaded from any Indian Port and destined for any other Indian Port should be levied at the rate applicable for coastal cargo/ container.

(v). All the charges shall be denominated in Indian Rupees.

(vi). This tariff is not applicable for BOT/ BOOT operators or any other arrangement for private sector participation who are governed by the Tariff Guidelines of 2005, 2008 and 2013.

(vii). This tariff is applicable uniformly to the entire port where the stevedoring and shore handling operations are carried out by private agencies or firms.

(viii). (a). The tariff notified is ceiling level.

(b). The rates prescribed in the Scale of Rates are ceiling levels; likewise, rebates and discounts are floor levels. The authorized agent may, if he so desires, charge lower rates and/or allow higher rebates and discounts.

(c). The authorized agent may also, if he so desire rationalise the prescribed conditionalities governing the application of rates prescribed in the Scale of Rates if such rationalisation gives relief to the users in rate per unit and the unit rates prescribed in the Scale of Rates do not exceed the ceiling level.

(d). The authorized agent should, however, notify the public such lower rates and/ or rationalisation 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.

(ix). The authorized agent shall charge only for services provided by him. No notional booking of labour and other similar notional charges would be permitted.

(x). If any new cargo is to be handled which is not notified/ not included in the list, then the port may categorise that cargo under any one of the cargo categories based on the nature, physical characteristics and the method of handling that cargo.

(xi). Services for other miscellaneous activities and also the handling charges for specific cargoes when Port takes custody of cargo as per Section 42 of MPT Act shall continue to be levied by Port as per TAMP notified SOR.

(xii). 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 1st January 2017 and 31 December of the relevant year. Such automatic adjustment of tariff caps will be made every year and the adjusted tariff caps will come into effect from 1st April of the relevant year to 31st March of the following year.

(xiii). (a). From the date of Commercial Operation (CoD) till 31st March of the same financial year, the tariff would be limited to the indexed upfront tariff relevant to that year, which would be the ceiling. The aforesaid tariff shall be automatically revised every year based on an indexation as provided in para 2.10. of the normative tariff guidelines, 2016 which will be applicable for the entire License period.

(b). The operator, however, is entitled to 100% WPI indexation instead of 60% WPI indexation, from the second year of operation on achievement of performance standards as prescribed in respect of Coal and Industrial Salt as prescribed in the Order no. TAMP/73/2016-KOPT dated 4 January 2017, as stipulated in clause 7.1. of the guidelines issued by the Ministry of Shipping for fixation of upfront tariff for stevedoring and shore handling operations. For break bulk cargo, the Performance Standards as notified along with this Scale of Rates will be applicable.

(c). For this purpose, the Operator shall approach the concerned Major Port Trust within 30 days of completion of financial year of operation along with details of cargo wise average Performance standard achieved for each cargo for both stevedoring and shore handling operations.

(d). The Major Port Trust shall ascertain the achievement of performance standards claimed to have been achieved by the operator by engaging Consultant if required in one month’s time.

(e). The operator can apply 100% indexation instead of 60% on written confirmation by the Major Port Trust to the operator that it has achieved the Performance Standards notified along with the upfront tariff.

(f). In the event the Major Port Trust confirms that the operator has not achieved the Performance Standards as notified by TAMP in previous 12 months, the operator will not be entitled for 100% WPI indexation. The operator will continue to levy the tariff with 60% indexation as prescribed at clause 2.10. of the normative tariff guidelines, 2016.

(xiv). All the operators shall furnish to the Major Port Trust and TAMP annual reports on cargo traffic, ship berth day output, per shift output within a month following the end of financial year in respect of stevedoring/ shore handling operations licensed by the port. Any other information which may be required by TAMP shall also be furnished to them from time to time.

(xv). TAMP shall publish on its website all such information received from operators and Major Port Trusts. However, TAMP shall consider a request from any operator or Major Port Trust about not publishing certain data/ information furnished which may be commercially sensitive. Such requests should be accompanied by detailed justification regarding the commercial sensitiveness of the data/ information in question and the likely adverse impact on their revenue/ operation of upon publication. TAMP’s decision in this regard would be final.

(xvi). The performance norms prescribed for various commodities shall be the minimum that should be achieved by the operator. These performance norms shall be incorporated in the bid documents, if there is a bidding process.

(xvii). The performance actually achieved by the operator shall be monitored by both the Port and the TAMP on a quarterly basis. In the event of any shortfall in achieving the performance prescribed, the Port will initiate action on the operator as per the terms contained in the agreement entered into with the operator by the Port.

(xviii). In the event any user has any grievance regarding non-achievement by the operator of the Performance Standards as notified by the TAMP, he may prefer a representation to TAMP which, thereafter, shall conduct an inquiry into the representation and give its finding to the concerned Major Port Trust. The Major Port Trust will be bound to take necessary action on the findings as per the provisions of the contract conditions of the Agreement.

(xix). In calculating the gross weight or measurement by volume or capacity of any individual item, fractions upto 0.50 shall be taken as 0.50 unit and fractions of 0.50 and above shall be treated as one unit, except where otherwise specified.

(xx). Users will not be required to pay charges for delays beyond reasonable level attributable to the operator.

(xxi). As per coastal policy direction issued by the MOS and notified by this Authority vide Order No.TAMP/4/2004-Genl. dated 7 January 2005 and 15 March 2005 –

(a). The cargo/container related charges for all coastal cargo/containers, other than thermal coal, POL (including crude oil), iron ore and iron ore pellets, should not exceed 60% of the corresponding charges for normal cargo/container related charges.

(b). In case of cargo related charges, the concessional rates should be levied on all the relevant handling charges for ship shore transfer and transfer from/to quay to/from storage yard including wharfage.

(c). In case of container related charges, the concession is applicable on composite box rate. Where itemised 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.

(As and when there is a change in the policy direction issued by the MOS on the coastal concession policy, the same will be communicated to the port.)

(xxii). If any question arises requiring clarification or interpretation of the Scale of Rates and Statement of conditions of the operator, the matter shall be referred to TAMP and decision of TAMP in this regard will be binding on the operator.

Part - II

Stevedoring and Shore Handling Agents working at Kolkata Dock System, who has been issued license for undertaking such work under Kolkata Port Trust (Stevedoring and Shore Handling) Regulations, 2016 shall not levy charges exceeding the following rates:

(A). For stevedoring on-board ship at Berth

(i) Dry Bulk Cargo

Sl. No.	**Cargo Group**	**Rates per Tonne (In ₹)**	
		Foreign	**Coastal**
1	Fertilizer -Raw Materials	113.66	68.20
2a	Thermal Coal	83.69	83.69
2b	Coal other than thermal Coal	86.11	51.67
3a	Iron Ore, Iron Ore Pellets	68.48	68.48
3b	Bentonite, Bauxite, Copper Concentrate, Lead and Zinc Ore	70.45	42.27
4	Limestone, Dolomite, Clinker, Clay, Sand and similar Dry Bulk cargo	92.66	55.60
5	Salt	90.69	54.41

(ii) Break Bulk Cargo

Sl. No.	Cargo Group	Rates per Tonne (In ₹)	
		Foreign	Coastal
1.	Bagged cargo	181.31	108.79
2.	Jumbo Bags	166.24	99.74
3.	Iron & Steel – Coils & Slabs	156.47	93.88
4.	Iron & Steel - Pipes, Tubes & Plates	125.61	75.37
5.	Timber Logs	158.41	95.05
6.	Container (Laden/Empty) at Non-MHC Berth (Rate per TEU)	406.81	244.09
7.	Mixed General Cargo including project cargo, machinery and machinery parts	255.99	153.59
8.	Coastal Mixed General Cargo including project cargo, machinery and machinery parts	-NA-	281.97

(B). For stevedoring on-board ship at Anchorage

(i). Dry Bulk Cargo

Sl. No.	Cargo Group	Rate per Tonne (In ₹)	
		Foreign	Coastal
1a.	Thermal, Coal	26.90	26.90
1b.	Coal other than thermal Coal	27.67	16.60
2.	Food Grains	27.82	16.69
3.	Sugar	28.84	17.30
4.	Other Bulk Cargo	27.88	16.73

(ii). Break Bulk Cargo

Sl. No.	Cargo Group	Rate per Tonne (In ₹)	
		Foreign	Coastal
1.	Bagged Cargo	53.44	32.06
2.	Log	36.81	22.09
3.	Container (Laden/Empty) at Non-MHC Berth (Rate per TEU)	406.81	244.09

Note:(a). Stevedoring for the purpose of (A) & (B) above, includes loading and unloading and stowage of cargo in any form on-board the vessels in port.

(b). For container exceeding 20 ft., rates shall be levied at 1.5 times of TEU rate.

(c). Stevedoring activities cover discharging cargo from ships in to barge or vice versa.

(C). For shore handling operation

(i) Dry Bulk Cargo

Sl. No.	Cargo Group	Rates per Tonne (In ₹)	
		Foreign	Coastal
1	Fertilizer -Raw Materials	64.53	38.72
2a	Thermal Coal	128.61	128.61

2b	Coal other than thermal Coal	132.31	79.39
3a	Iron Ore, Iron Ore Pellets	102.22	102.22
3b	Bentonite, Bauxite, Copper Concentrate, Lead and Zinc Ore	105.17	63.10
4	Limestone, Dolomite, Clinker, Clay, Sand and similar Dry Bulk cargo	150.75	90.45
5	Salt	156.77	94.06

(ii) Break Bulk Cargo

Sl. No.	Cargo Group	Rates per Tonne (In ₹)	
		Foreign	**Coastal**
1.	Bagged cargo	95.06	57.04
2.	Jumbo Bags	168.34	101.00
3.	Iron & Steel – Coils & Slabs	143.98	86.39
4.	Iron & Steel - Pipes, Tubes & Plates	170.76	102.46
5.	Timber Logs	178.94	107.36
6.	Container (Laden & Empty) at Non-MHC Berth	1061.52	636.91
7.	Mixed General Cargo including project cargo, machinery and machinery parts	210.65	126.39
8.	Coastal Mixed General Cargo including project cargo, machinery and machinery parts	-NA-	241.47

Note:

(a) Shore Handling for the purpose of (C) above, except for Fertilizer Raw Material, includes, arranging and receiving the cargo to/from the hook point, intermodal transport from wharf to stack-yard within port premises and vice versa.

(b) For Fertilizer Raw Material, shore handling will cover only loading of cargo unloaded at the wharf on to trucks for going directly to consignee premises or vice versa.

(D). For shore handling operation including loading/unloading of cargo to/from Barge at Wharf/ Berth

Sl. No.	Cargo Group	Rates per Tonne (In ₹)	
		Foreign	**Coastal**
1.	Food Grain discharged in Bulk and bagged for stacking	229.82	137.89
2.	Food Grain (Bagged)	285.76	171.46
3.	Logs	475.65	285.39
4.	Thermal Coal	222.85	222.85
5.	Coal other than Thermal Coal & other bulk Cargo	229.26	137.56
5.	Other Bagged Cargo	245.32	147.19
6.	Container (Laden & Empty) in TEUs	2123.25	1273.95

Explanations –

(i) The above rates includes basic wages for Tindal, Signalman and Operator as per CDLB rates but do not include Calcutta Dock Labour Board charges payable by the Stevedores under Calcutta Dock Workers (Regulation of Employment) Scheme, 1970 and Calcutta Dock Clerical & Supervisory (Regulation of Employment) Scheme, 1970, which may be collected from the users, if required.

(ii) For container exceeding 20 ft rates shall be levied at 1.5 times of TEU rate.

(iii) In case Shore Handling Operation of Bagged cargo involves transfer of cargo from wharf/berth to shed/stacking point other than berth back up shed and vice versa additional shore handling charge of ₹ 130.20 per tonne will be levied.

(iv) In case of project material/packages requiring specialized slings and attachments/ equipment, the stevedoring and shore handling agents may levy additional charges on actuals, subject to consignee/consignor agreeing to the same for which confirmation has to be submitted to Port disclosing the rates before the actual operation.

(v) Service includes unloading of cargo from barges to quay and removing them to the adjacent stacking point or vice versa. (Bagging and stitching operations either on-board or on shore has not been considered.)

Part – III

Stevedoring and Shore Handling Agents working at Kolkata Dock System, who has been issued license for undertaking such work under Kolkata Port Trust (Stevedoring and Shore Handling) Regulations, 2016 shall not levy charges exceeding the following rates for shore handling services in connection with delivery and receiving at storage yard/ shed:

(a). For delivery/ receiving of dry bulk cargo

(i). By road

Sl. No.	Cargo Group	Rates per tonne (In ₹)
1.	Fertilizer & Fertilizer Raw Materials	-
2.	Coal (All types)	59.39
3.	Iron Ore, Iron Pellets, Bentonite, Bauxite, Copper Concentrate, Lead and Zinc Ore	43.74
4.	Limestone, Dolomite, Clinker, Clay, Sand & other Dry Bulk Cargo	67.67
5.	Salt	70.37

(ii). By rail

Sl. No.	Cargo Group	Rates per tonne (In ₹)
1.	Fertilizer & Fertilizer Raw Materials	-
2.	Coal (All types)	73.46
3.	Iron Ore, Iron Pellets, Bentonite, Bauxite, Copper Concentrate, Lead and Zinc Ore	73.46
4.	Limestone, Dolomite, Clinker, Clay, Sand & other Dry Bulk Cargo	73.46
5.	Salt	73.46

(b). For delivery/ receiving of break bulk cargo

(i). By road

Sl. No.	Cargo Group	Rates per tonne (In ₹)
1.	Bagged cargo	70.56
2.	Jumbo Bags	96.25
3.	Iron & Steel – Coils & Slabs	107.65
4.	Iron & Steel - Pipes, Tubes & Plates	128.33
5.	Timber Logs	72.57
6.	Container Laden at Non-MHC Berth (Rate per TEU)	1078.00

6a	Container Empty at Non-MHC Berth (Rate per TEU)	539.00
7.	Mixed General Cargo including project cargo, machinery and machinery parts	157.50
8.	Coastal Mixed General Cargo including project cargo, machinery and machinery parts Coastal Mixed General Cargo	123.20

(ii). By rail

Sl. No.	Cargo Group	Rates per tonne (In ₹)
1.	Bagged cargo	189.84
2.	All other break bulk cargo	Two times rate of delivery/ receiving by road

Notes:

(i). Delivery/ receiving of Fertiliser raw material takes place at berth itself, so no separate delivery/ receiving charge is leviable other than the charges for shore handling operation specified above, which covers the loading/ unloading at berths for delivery/ receiving.

(ii). Incase of direct delivery/ receiving from/ to berth (other than Fertiliser raw material as mentioned above, the rates for shore handling operations as specified at (C) of Part II shall not apply, instead delivery/ receiving rates as specified above shall be levied.

(iii). Delivery/ receiving for the purpose of above, except for Fertiliser raw material includes, loading the cargo from the storage shed or yard, to truck or trailer or vice versa. Incase of delivery/ receiving by rail, it will also involve shifting of cargo from its storage point to railway loading point and loading into railway wagons or vice versa.

(iv). For container exceeding 20 ft., rates shall be levied at 1.5 times of TEU rates.

(v). Incase of project material/ packages requiring specialized slings and attachments/ equipment, the stevedoring and shore handling agents may levy additional charges on actuals, subject to consignee/ consignor agreeing to the same for which confirmation has to be submitted to Port disclosing the rates before the actual operation.

Part – IV

Stevedoring and Shore Handling Agents working at Kolkata Dock System, who have been issued license for undertaking such work under Kolkata Port Trust (Stevedoring and Shore Handling) Regulations, 2016 shall comply with the following productivity norms:

A. For stevedoring on-board ship at Berth

(i) Dry Bulk Cargo

The Performance Standards for dry bulk cargo will be as prescribed in the Berthing Policy vide letter No.PD-11033/73/2013-PT(pt) dated 16 June 2016 for dry bulk cargo as stipulated in clause 7.1. of the guidelines issued by the Ministry of Shipping for fixation of upfront tariff for stevedoring and shore handling operations.

(ii) Break Bulk Cargo

Sl. No.	Cargo Group	Norms in Tonnes per Hook per Shift
1.	Bagged cargo	160
2.	Jumbo Bags	240
3.	Iron & Steel – Coils & Slabs	515
4.	Iron & Steel - Pipes, Tubes & Plates	270
5.	Timber Logs	225
6.	Container (Laden/Empty) at Non-MHC Berths	60 TEUs
7.	Mixed General Cargo including project cargo, machinery and machinery parts	220
8.	Coastal Mixed General Cargo including project cargo, machinery and machinery parts Coastal Mixed General Cargo	100

B. For Shore Handling

The Stevedoring and Shore Handling Agent shall clear all cargo and its residuals from wharf/berth within the time limit mentioned below from the time of completion of vessel/barge operation -

For Dry Bulk Cargo	6 Hours
For Break Bulk Cargo	2 Hours

In case the Stevedoring and Shore Handling Agent fails to comply with the above timeline for removal of all cargo and its residuals (except bulk fertilizer raw material which is delivered direct from berth), a penalty @ ₹ 1,000/- per hour shall be levied by the Port for the period after expiry of the timeline mentioned above till removal.

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

F. No. TAMP/80/2016-KOPT		**Proposal received from Kolkata Port Trust (KOPT) for determination of upfront tariff for stevedoring and shore handling operations at Kolkata Dock System at KOPT.**

A summary of the comments of users / user organisations and response of Kolkata Port Trust **(**KOPT) thereon is tabulated below:

Sr. no.	Comments of the users / user organizations / stevedore association	Reply of KOPT
1.	**Master Stevedores' Association (MSA) dated 23.12.2016**	
	Our initial observation / comments against the proposal made by KOPT for Stevedoring and Shore Handling operation at Kolkata Dock System are as follows :	
(i).	Certain commodities are not properly classified for working out the tariff.	Commodities have been classified as per classification provided in the Guidelines for determination of Upfront Tariff notified by TAMP in respect of cargo presently being handled at KDS. In case of Dry Bulk, certain commodity groups like Finished fertilizer, Shredded Scrap, Heavy Melting Scrap, Other Ores and Minerals, Aluminium and Pig Iron Ingots etc. have not been considered separately as the same are not being handled presently at KDS. No separate non-coking coal group has been proposed as very few coal vessels visit KDS and that too mostly handled at anchorages. In case of break-bulk cargo, commodity group of Granite and Marbles have not been considered separately as the same are not being handled presently at KDS. 'Timber Log' is kept as one group

		since handling methods for both soft and hard varieties are the same. Load and Empty containers are also clubbed together since they are handled together by the same hook with similar handling methods. The details of basis of classification have already been furnished to TAMP with the proposal. However, MSA has not mentioned any specific item of classification for further examination if any.
(ii).	The norms suggested also require review as some of them are not realistic.	MSA has not specified the item(s) for which review of norm is required. The methodology followed in arriving at the norms have already been furnished to TAMP with the proposal.
(iii).	Equipment / Gears cost has not been properly apportioned.	Equipment / Gears costs have been considered as per guidelines provided by TAMP taking into consideration the available local rates.
(iv).	Manpower requirement has not been properly assessed and this has to be totally reviewed keeping in relation with the requirement and handling procedure.	Manpower requirement have been considered as per guidelines provided by TAMP.
(v).	Scope of work not clear.	As per Stevedoring and Shore Handling Policy 2016 issued by the Ministry of Shipping, Stevedoring has been defined as – "Stevedoring includes loading and unloading and stowage of cargo in any form on board the vessels in Ports" and Shore Handling has been defined as –

		"Shore Handling includes arranging and receiving the cargo to/from the hook point, intermodal transport from wharf to stack yard and vice-versa and also receiving and delivery of cargo from/to wagons to trucks". The Upfront/Ceiling Tariff has been calculated and proposed as per the methodology provided in the guidelines. As the guidelines issued by TAMP in arriving at the cost and consequent Ceiling Rates must have envisaged the scope of work of the Stevedoring and Shore Handling Agents commonly applicable for all Ports, the Authority may like to define/ clarify the same for common adoption.
(vi).	At KDS, Calcutta Dock Labour Board is charging a fixed amount on Stevedores on commodity basis which is an input cost to draw and operate stevedoring operation at Kolkata. All rates are inclusive of this cost. Therefore, this cost must be included as part of operational cost with suitable margin etc. allowed.	This has been considered and accordingly it has been clarified in the proposal that Upfront Tariff/Ceiling Rates proposed do not include Calcutta Dock Labour Board charges. This may be considered as an additional levy by the Stevedores so long they are statutorily required to pay the said charges to Calcutta Dock Labour Board.
2. **3.**	**Calcutta Dock Workers Union (CDWU) dated 11.01.2017 and letter dated 24.02.2017** **Calcutta Port & Dock Industrial Workmen Union (CPDIW) dated 9.01.2017**	
(i).	This union does not oppose any rational move and/ or proposal to make Kolkata Port a cost friendly and trade friendly. But not at the cost and interest of main stake holders i.e. Port and Dock workers.	The upfront tariff proposal for

<table>
<tr><td>(ii).</td><td>The unions of Port & Dock workers affiliated to five major and recognized federations was not consulted and no consensus or agreement has been reached in respect of such change in manning and datum/productivity. This is a clear violation of spirit as embodied in the text of Wage Settlement dt. 02.08.2000 and 25.10.2013.</td><td rowspan="5">stevedoring & shore handling operation has been submitted in terms of MOS directive and following the guidelines notified by TAMP.

The manpower for stevedoring operation has been followed as per the manning norms given in the guidelines.

The CDLB charge has been kept out of the purview of the KDS tariff proposal and provided as an additional levy by the Stevedoring along with proposed ceiling rates. Therefore there is no interference with CDLB regulations.

The Guidelines for determination of Upfront Tariff for Stevedoring & shore Handling Operation authorized by Major Ports is only for fixation of upfront tariff for carrying out all stevedoring & shore handling operations by the agencies or firms who are authorized by Major Port Trusts to carry out these operations under the provisions of Section 42(3) of MPT Act 1963.</td></tr>
<tr><td>(iii).</td><td>The contents of such purported proposal is a faulty one since different types of operation/ handling of cargo viz. manual, mechanical, semi-mechanical was not considered/ consulted and taken into account. The proposal on manning and datum is bad in law since as per clause 35 of National Wage Settlement dt. 02.08.2000 between five Major Federations and Management of Major Ports, the Govt. of India, in the Ministry of Shipping agreed to refer the matter of manning and datum uniformly applicable to all major ports for adjudication to National Tribunal by Order no. L-31011/1/2000-TR(Nisc) dt. 25.11.03 U/S. 10(1) of the ID Act, 1947 in the Court of Hr. Justice Hrishikesh Banerjee, who acted as Presiding Officer under ref. No. NT-01/2001. And His Lordship has been pleased to pass Award on the terms of reference at Kolkata on 19.04.2006 which was published in the official Gazette of India. A synopsis of Award of National Tribunal relating to manning and other allied matters applicable to cargo handling operation and also to workers belonging to Calcutta Dock Labour Board (CDLB) is furnished for ready reference/ records.</td></tr>
<tr><td>(iv).</td><td>Wlth reference to above, it may be appreciated that the purported proposal on manning as mooted by KOPT, is totally contradictory and not fully covered, Besides, CDLB in Kolkata was constituted under Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948) and is functioning by a Scheme framed u/s. 2(e) of the Principal Act 1948 which enjoy a statutory force as per law established. The scheme is known and called The Calcutta Dock Workers (Regulation of Employment) Scheme, 1970 and came into force w.e.f. 1" July, 1970. The Scheme, inter-alia fixed the manning and datum against each type of cargo and operation by schedule VI of the Scheme which formed an integral part of the scheme.</td></tr>
<tr><td>(v).</td><td>The present proposal of manning, datum, etc. as mooted by KOPT Admn. is totally contradictory and in violation of codified provision of the schedule VI of the Scheme, 1970. As per section 8A of the Principal Act, 1948 any amendment, modification, if made or contemplated is required to be replaced in both houses of Parliament and after getting the affirmative nod from the Houses, modified effect can be made and/or enforced. But nothing has been done in the instant proposal by KOPT. Therefore, the purported proposal of KOPT is illegal, unilateral, authoritarian and ultra vires.</td></tr>
<tr><td>(vi).</td><td>There is another important omission envisaged in the purported proposal of manning mooted by KOPT. In clause 2(b) of the Principal Act 1948 (9 of 1948) the definition of dock workers and their work / function is well defined. One of such functions is to perform work in connection with preparation of ships or other vessels for the receipt / discharge of cargoes or leaving port. For leaving the ship / vessel from port a group of workers is required to prepare the documentation records. These workers are known and called as Clerical & Supervisory workers.

In the purported proposal of KoPT, presence and requirement of these categories of workers and their work is totally denied but no alternative suggestion is available as to how such documents work being a prime necessity for keeping cargo in the leave ship/ vessel, as per manifesto, be made and by whom. Significantly the existence of Tally Clerk, General Purpose Mazdoor (Carpenters) category has</td></tr>
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	been vanished from the Category chart maintained for cargo handling and cargo record keeping function.	
(vii).	The Govt. of India, in the Ministry of Shipping has evolved a new Stevedoring and Shore handling policy in 2009 and again modified in 2016. The policy has empowered the licensed stevedore companies to use and engage their own workers in cargo handling operation Inside impounded Dock/Berths in the event the Port Trust or Dock Labour Board fail to supply workers as per their requisition. It is true that at present KoPT and CDLB are suffering from inadequate number of workers for cargo handling operation on board and on shore and main reason for that is the Govt. of India has imposed embargo in entry of fresh workers in such operation. To augment the strength of cargo handling dock worker on board and on shore, embargo should be lifted and fresh recruitment of workers be allowed in compliance with Award passed by the National Tribunal in para 66 or its Award being binding and mandatory to all parties as per section 18 of ID Act 1947.	
(viii).	Based on the foregoing submissions and in view of the fact that the manning scale as codified in schedule VI of the CDLB Scheme, 1970 and the National Tribunal Award being statutory and mandatory to all parties covered as passed by the Hon'ble Presiding Officer, Mr. Justice Hrishikesh Banerjee, the Propriety and authority of KOPT for mooting the purported proposal of revised and reduced manning of cargo handling dock workers is hereby strongly challenged and be it noted that cargo handling workers of on board operation or shore operation would not accept the revised and reduced manning and proposal of absurd increase in datum till such time a consensus followed by an agreement on it is reached and signed between KOPT and all Trade Unions affiliated to 5 Major and Recognised Federations. Till then the existing manning with old age practice in respect of cargo handling pattern, manning and datum should continue to maintain peace and harmony in Port & Dock Industries.	
(ix).	TAMP is the Competent Authority for fixing the rates for cargo related, vessel related and other matters relating to the Port operations and revenue, etc. But the fixation of manning and datum as applicable for all major ports is uniformly vested on other forum and even Ministry did not say anything keeping in mind the Award of National Tribunal, Schedule 6 of Dock Workers (Regulation of employment) Scheme and other Agreements in force.	
(x).	In view of the above, the contention expressed by the KOPT that its proposal is in terms of Guidelines and that the manpower for stevedoring operation is as per the manning norms given in the Guidelines is confusing and does not corroborate with the existing area of functioning and authority of TAMP.	
4. **5.**	**The Master Stevedores' Association (MSA) dated 17.01.2017** **Ripley & Co. Stevedoring & Handling Pvt Ltd (RCSHPL) dated 6.02.2017**	
	Our detailed comments on KOPT proposal for determination of upfront tariff for stevedoring and shore handling operations at Kolkata Dock System is as follows:	
(i).	Section 42 (1) does not cover stevedoring service and as such stevedoring is not a Port Service as defined as per Section 42(1) of the Major Ports Act. Consequently, the stevedoring service does not come within the purview of 42(3). Stevedores are also not authorized persons as envisaged under Section 42 (3). They are licensed u/s. 123 for the purpose. Hence, the Board or TAMP cannot fix a ceiling rate as proposed now.	While preparing the tariff proposal, charges payable to Calcutta Dock Labor Board (CDLB) has not been considered, instead proposed as an additional levy by the stevedores along

		with the ceiling rates. Hence, Stevedores can always provide their services within the notified ceiling rate with CDLB cost as an additional charge. Moreover, the legality of fixation of celling rate for stevedoring services by TAMP is a matter commonly applicable for all ports. Therefore, the Authority may like to dispose of this issue through general clarification.
(ii).	Without prejudice to the above, MSA submits the following :- Points need to be reviewed and clarified by TAMP	
(a).	The guideline for determination of upfront tariff is not circulated. Hence, MSA is not able to comment on quoted paragraphs by KOPT. It is found that a number of clarifications are being sought from the Government on various points. Hence, MSA seeks the guidelines and the specific points for clarification sought/cleared.	Although proposal for upfront tariff for handling at anchorages and barge handling at docks have been submitted to TAMP, clarifications have also been sought whether there is requirement for fixation of such tariff as such operations are not covered under CDLB regulations, However, at KDS such operations are presently undertaken by stevedores (for vessel loading/ unloading at anchorages) and by handling agents (for barge loading/ unloading at docks).
(b).	Notwithstanding the above, MSA wishes to clarify that according to the revised Stevedoring and Shore Handling Policy for Major Ports“, no notional booking or levying of charges should be made and agents shall not be levied any charges for labour, in case the Port Trust (in our case Dock Labour Board does not supply the labour” A proposal, has however been made under this column that the charges payable to CDLB be treated as additional levy by the Stevedores. It is also stated in the statement of clarification of Normative Tariff / Ceiling Rates for Stevedoring of Dry Bulk Cargo (Annexure – C III) that “Stevedores are required to pay CDLB Levy as per Schematic Provisions of CDLB” which has not been considered while arriving at the aforesaid ceiling rates cost. Therefore CDLB charges are to be levied extra. We wish to clarify here that what we are paying to Dock	The labour deployment for stevedoring operations has been as per the norms provided in the guidelines and not as per Calcutta Dock Labor Board manning scale. However, as submitted by Master Stevedores' Association during the hearing taken by

	Labour Board is a consolidated rate which is supposed to include wages for supply of labour and levy thereon as determined by Dock Labour Board. This exercise was done when the consolidated charges were introduced. Over the period, as already admitted by KOPT, the Dock Labour Board is not supplying full complement labour but continue collecting charges. This is not authorized by the Scheme, and the Scheme only authorizes collecting of wages for the workers supplied and levy thereon. Therefore, if this charge is to continue, the same has to be included in the cost as stevedores are to pay this charge upfront to the Board for supply of labour and it is factored in the cost of operation. As per the prevailing practice, the Trade only pays a consolidated stevedoring rate inclusive of Dock Labour Board charges. Therefore in the proposed tariff, this cost should be included as input cost and provide for margin etc. as per accepted formula.	TAMP on 25.01.2017 at Kolkata regarding the issue of on-board labour cost considered in the proposal of KDS based on the manning provided in the guidelines, the authority may consider a relief manning for equipment operator (operator for ship's crane) and signalman which is stated to be a practice as well as requirement for efficient and safe working, provided the same is also considered at other ports.
(c).	**<u>Para VI :</u>** Anchorage points do not come under the purview of DLB / Port labour and cannot be included in the present proposed tariff. The same also applies for unloading of boats which is not considered as stevedoring activity as per DLB Scheme as no DLB labour is required to be booked.	KOPT has not given any comments.
(d).	**<u>Para VII :</u>** In the proposed tariff annual indexation of tariff on the basis of Wholesale Price Index (WPI) is provided whereas the Kolkata Port and Dock Workers are entitled to review as per Cost Price Index (CPI) every quarter. Therefore suitable escalation clause should be provided on this line. Excluded services / activities, if any, will be by negotiation between the Principal and Agent.	KOPT has no comments on the methodology for the annual indexation of tariff.
(e).	<u>Approach / assumptions made for fixation of upfront tariff / ceiling rates for stevedoring and shore handling operation – Page 5 to 7:</u> Assumption of labour cost for Shore Handling at a small percentage of equipment cost is not realistic. This is likely to be much higher. Existing manning scale in vogue should be the basis for any calculation. The assumption of labour manning is neither in line with the accepted norm of Dock Labour Board nor what is in practice / vogue. It may please be noted that it will not be possible to reduce the manning as it will definitely invite labour protest / unrest and other consequences affecting vessels' operation.	For manning cost of stevedoring and shore handling operations, KDS has followed the guidelines.
(f).	**<u>Para VIII :</u>** At anchorage, Grabs are also provided by stevedores on most of the bulk vessels. As stated earlier, the proposed tariff should not include Anchorage points. Gears and equipment reckoned for various operations are not correct and exhaustive. The actual requirement is given in the following paragraphs.	It has been leant that at times grabs are also used by the stevedores for operations on dry bulk vessels at anchorages when vessels does not provide the same. However, in arriving at the upfront tariff for

		stevedoring operations at anchorages the grab cost has not been taken into consideration as such situations are occasional. A separate tariff with grab cost may be considered by the Authority for meeting such situation. KDS has considered in the proposal standard gears and equipment's generally used in operations, which may not be exhaustive to meet each and every requirement. It apparently appears that 20% operational overheads and 20% administrative overheads besides 20% margin provided in the guidelines would cover such other costs. (Cost of Grabs at anchorage have not been considered as it has been learnt that in most cases the vessels provide the Grabs)
(g).	**Para IX :** Barge handling and unloading should be waived as it is not a stevedoring operation.	-----
(h).	<u>Proposed Upfront Tariff / Ceiling Rates Productivity Norms for stevedoring and shore handling operations at Kolkata Dock System under Kolkata Port Trust :</u> Any extra services, specialized equipments provided will have to be negotiated between the Principals and Agent. This may be decided by market forces. Under "Stevedoring on board ship for Break Bulk", timber log is considered only for vessels fitted with gears for grab handling. Shore handling: Adequate time should be provided for removal of cargo from the Wharf upon completion for Bulk and Break-Bulk cargo as long as this does not interfere with subsequent vessel berthing or any other related activity.	For shore handling operations, a time has been fixed for removal of cargo from jetty as performance norms. The proposal of Master Stevedores' Association that time should be provided for removal cargo jetty "as long as it does not interfere with subsequent vessel berthing or any other related activity" is not tune with the spirit of

the policy and cannot be accede to.

(i). The various Annexures as furnished by MSA/ RCSHPL is as follows:

(a). PRODUCTIVITY NORMS PER HOOK PER SHIFT AND PER SHIFT FOR DRY BULK CARGO FOR STEVEDORING OPERATIONS AT KDS:

No.	Commodity	Norm in Ton per Hook per shift	Our suggested Norm	Average No. of hooks per shift
1	Fertilizer-Raw Materials	375	300	1.5
2	Food Grains	To be decided later as Food Grains are yet to be handled as dry bulk cargo at dock berths		
3	Coal - All types including Thermal/Steam Coal, Calcined petroleum coke, Coke/ Charcoal, Metallurgical Coke, Coking Coal, coke of all kinds and charcoal of all kinds, etc	495	400	1.8
4	Iron Ore, Iron Ore Pellets, Bentonite, Bauxite, Copper Concentrate, Lead and Zinc Ore	605	500	2
5	Limestone, Dolomite, Clinker, Clay, Sand and other similar Dry Bulk cargo	460	375	1.7
6	Salt	470	400	1.6

The basis of calculations of productivity norms has already been submitted.

(b). PRODUCTIVITY NORMS FOR THE PRODUCTIVITY PER HOOK PER SHIFT AND PER SHIFT FOR BREAK BULK CARGO AT KDS:

No.	Commodity	Norm in Ton per Hook per shift	Our suggested Norm	Average No. of hooks per shift
1	Bagged Cargo	160	150	1.6
2	Jumbo Bags	240	200	1.6
3	Iron and steel - coils and slabs	515	450	1.0
4	Iron and steel - Pipes, tubes plates	270	175	1.6
5	Timber logs - using Grab	225	200	1.7
6	Container (Laden & Empty) at non-MHC berths	60 TEU	50	1.5
7	Mixed General Cargo including Project and Machinery & parts	220	125	1.6
8	Coastal Mixed General cargo	100		1.5
9	Motor Vehicles (through Ro-Ro ship)	In Ro-Ro ships no hook is used. Discharge and loading is by moving on wheels. Normally vessel finishes work in less than one shift. Cost may be worked out on Unit basis.		

(c). NORMS ON TYPE AND CAPACITY OF EQUIPMENT TO BE DEPLOYED FOR HANDLING DRY BULK CARGO BETWEEN SHIP AND SHORE AT KDS:

No.	Commodity	Handling Equipment from Ship to Shore	Handling Equipment for hatch working	Our suggested requirement
1	Fertilizer-Raw Materials	Ship Crane/ Derrick	Payloader - 1 No. per hook Grab - 1 No. per hook	Payloader/ Excavator - 1 No. per hook Grab - 1 No. per hook Electro grab Generator from the shore
2	Food Grains	May be decided later once handling for M/s ETC Agro by conveyor form KPD-II to the Plant is decided.		
3	Coal - All types including Thermal/Steam Coal, Calcined petroleum coke, Coke/ Charcoal, Metallurgical Coke, Coking Coal, coke of all	Ship Crane/ Derrick	Payloader - 1 No. per hook Grab - 1 No. per hook	Payloader/ Excavator - 1 No. per hook Grab - 1 No. per hook Electro grab

Equipment deployed for handling dry bulk between ship and shore – the proposal of Master Stevedores' Association mentions cost for generator from shore. It may be mentioned that extra electrical power support is not a regular feature for vessels coming to KDS. Moreover, extra electrical power support is not a part of any stevedoring

	kinds and charcoal of all kinds, etc			Generator from the shore
4	Iron Ore, Iron Ore Pellets, Bentonite, Bauxite, Copper Concentrate, Lead and Zinc Ore	Ship Crane/ Derrick	Same as above	Same as above
5	Limestone, Dolomite, Clinker, Clay, Sand and other similar Dry Bulk cargo	Ship Crane / Derrick	Same as above	Same as above
6	Salt	Ship Crane/ Derrick	Same as above	Same as above

activity but merely an arrangement by the vessel agent to give power to ship's crane. (All ports including KoPT are in the process of setting up arrangement to provide electrical power to vessels, as required, under Green Port initiative. It will be an arrangement between the port and the vessel agent and not the stevedore).

(d). NORMS ON TYPE AND CAPACITY OF EQUIPMENT TO BE DEPLOYED FOR HANDLING BREAK BULK CARGO BETWEEN SHIP AND SHORE AT KDS:

No.	Commodity	Handling Equipment from Ship to Shore	Handling Equipment for hatch working	Our suggested requirement
1	Bagged Cargo	By net sling (maximum load ST) and hooks if required	No equipment	Jubba wire slings, hooks, Shackles, spreader beams
2	Jumbo Bags	By hooks	DFLT ST - 1 No.	DFLT ST -1 No. Jubba wire slings, hooks, shackles, spreader beams
3	Iron and steel - coils and slabs	By ship cranes/derrick using wire rope slings attached to the hooks	DFLT 20T - 1 No. or 2 X 10T, if 20T is not available I	DFLT 20T - 1 No. or 2 I X 10T, if 20T is not available Booms, wires, spreader beams, 'L' hooks with wires, braided slings
4	Iron and steel - Pipes, tubes plates	By ship crane/derrick Using slings	DFLT ST - 1 No.	DFLT ST - 1 No. Pipe hooks ('L' hooks), clamp hooks with wires, spreader beams, rail clips
5	Timber logs - using Grab	By ship crane/derrick using log grabs	Log grab Sling - 1 No. per hook	Log grab Sling - 1 No. Per hook – generator for power
6	Container (Laden & Empty) at non-MHC berths	By ship crane using manual spreaders	Spreader - 1 No. per hook	Spreader - 1 No. per hook With wires and shackles, boat hook, aluminum ladder, Human cage

Equipment deployed for handling break bulk between ship and shore – the proposal of Master Stevedores' Associations mentions cost of different types of slings used. It may be mentioned that cost of different types of slings for different types of cargo has already been accounted for.

7	Mixed General Cargo including Project and Machinery & parts	By ship crane/derrick using slings	DFLT (ST) - 1 No.	DFLT (ST) - 1 No. Wires of various capacity, shackles, tape slings of various capacities, spreader beams, 'T' tray, nets, wire slings, jubba slings
8	Coastal Mixed General cargo	By ship crane/derrick Using slings	No equipment	Grabs, jubba wire slings, forklifts, front-end loader, rope net and slings
9	Motor Vehicles (through Ro-Ro ship)	Nil	Nil	Nil

(e). NORMS FOR ESTIMATION OF EQUIPMENT HIRE COST FOR STEVEDORING OPERATION AT KDS

A – Dry Bulk Cargo

No.	Commodity	Handling Equipment from Ship to Shore	No. of hooks worked per shift	Handling Equipment for hatch working	Our suggested requirement	No. of hatch worked per shift
1	Fertilizer-Raw Materials	Ship Crane/ Derrick	1.5	Payloader - 1 No. per hook Grab - 1 No. per hook	Payloader/ Excavator - 1 No. per hook Grab - 1 No. per hook Electro grab Generator from the shore	1.5
2	Food Grains	May be decided later once handling for M/s ETC Agro by conveyor form KPD-II to the Plant is decided.				
3	Coal - All types including Thermal/Steam Coal, Calcined petroleum coke, Coke/ Charcoal, Metallurgical Coke, Coking Coal, coke of all kinds and charcoal of all kinds, etc	Ship Crane/ Derrick	1.8	Payloader - 1 No. per hook Grab - 1 No. per hook	Payloader/ Excavator - 1 No. per hook Grab - 1 No. per hook Electro grab Generator from the shore	1.8
4	Iron Ore, Iron Ore Pellets, Bentonite, Bauxite, Copper Concentrate, Lead and Zinc Ore	Ship Crane/ Derrick	2	Same as above	Same as above	2
5	Limestone, Dolomite, Clinker, Clay, Sand and other similar Dry Bulk cargo	Ship Crane / Derrick	1.7	Same as above	Same as above	1.7
6	Salt	Ship Crane/ Derrick	1.6	Same as above	Same as above	1.6

B – Break Bulk Cargo

No.	Commodity	Handling Equipment from Ship to Shore	No. of hooks worked per shift	Handling Equipment for hatch working	Our suggested requirement	No. of hatch worked per shift
1	Bagged Cargo	By net sling (maximum load ST) and hooks if required	1.6	No equipment	Jubba wire slings, hooks, Shackles, spreader beams	1.6
2	Jumbo Bags	By hooks	1.6	DFLT ST - 1 No.	DFLT ST -1 No. Jubba wire slings, hooks, shackles, spreader beams	1.6
3	Iron and steel - coils and slabs	By ship cranes/derrick using wire rope slings attached to the hooks	1.0	DFLT 20T - 1 No. or 2 X 10T, if 20T is not available I	DFLT 20T - 1 No. or 2 I X 10T, if 20T is not available Booms, wires, spreader beams, 'L' hooks with wires, braided slings	1.0
4	Iron and steel - Pipes, tubes plates	By ship crane/derrick Using slings	1.6	DFLT ST - 1 No.	DFLT ST - 1 No. Pipe hooks ('L' hooks), clamp hooks with wires, spreader beams, rail clips	1.6
5	Timber logs - using Grab	By ship crane/derrick using log grabs	1.7	Log grab Sling - 1 No. per hook	Log grab Sling - 1 No. Per hook – generator for power	1.7
6	Container (Laden & Empty) at non-MHC berths	By ship crane using manual spreaders	1.5	Spreader - 1 No. per hook	Spreader - 1 No. per hook With wires and shackles, boat hook, aluminum ladder, Human cage	1.5
7	Mixed General Cargo including Project and Machinery & parts	By ship crane/derrick using slings	1.6	DFLT (ST) - 1 No.	DFLT (ST) - 1 No. Wires of various capacity, shackles, tape slings of various capacities, spreader beams, 'T' tray, nets, wire slings, jubba slings	1.6
8	Coastal Mixed General cargo	By ship crane/derrick Using slings	1.5	No equipment	Grabs, jubba wire slings, forklifts, front-end loader,	1.5

					rope net and slings	
9	Motor Vehicles (through Ro-Ro ship)	Nil	Nil	Nil	Nil	Nil

(f). NORMS FOR ESTIMATION OF LABOUR COST FOR STEVEDORING OPERATION AT KDS

A – Dry Bulk Cargo

No.	Commodity	Tindal per shift	Signalman per shift	Mazdoor per shift	Operator per shift	No. of hooks per shift
1	Fertilizer-Raw Materials KOPT - MSA -	0 1	1 2	0 4	1 2	1.5
2	Food Grains KOPT - MSA -	May be decided later once handling for M/s ETC Agro by conveyor form KPD-II to the Plant is decided.				
3	Coal - All types including Thermal/Steam Coal, Calcined petroleum coke, Coke/ Charcoal, Metallurgical Coke, Coking Coal, coke of all kinds and charcoal of all kinds, etc KOPT - MSA -	0 1	1 2	0 4	1 2	1.8
4	Iron Ore, Iron Ore Pellets, Bentonite, Bauxite, Copper Concentrate, Lead and Zinc Ore KOPT - MSA -	0 1	1 2	0 4	1 2	2
5	Limestone, Dolomite, Clinker, Clay, Sand and other similar Dry Bulk cargo KOPT - MSA -	0 1	1 2	0 4	1 2	1.7
6	Salt KOPT - MSA -	0 1	1 2	0 4	1 2	1.6

B – Break Bulk Cargo

No.	Commodity	Tindal per shift	Signalman per shift	Mazdoor per shift	Operator per shift	No. of hooks per shift
1	Bagged Cargo KOPT - MSA -	1 1	1 2	0 10	1 2	1.6
2	Jumbo Bags KOPT - MSA -	1 1	1 2	0 6	1 2	1.6
3	Iron and steel - coils and slabs KOPT - MSA -	1 1	1 2	0 6	1 2	1.0
4	Iron and steel - Pipes, tubes plates KOPT - MSA -	1 1	1 2	0 6	1 2	1.6
5	Timber logs - using Grab KOPT - MSA -	1 1	1 2	0 4	1 2	1.7

6	Container (Laden & Empty) at non-MHC berths KOPT - MSA -	1 1	1 2	0 6	1 2	1.5
7	Mixed General Cargo including Project and Machinery & parts KOPT - MSA -	1 1	1 2	0 8	1 2	1.7
8	Coastal Mixed General cargo KOPT - MSA -	1 1	1 2	0 8	1 2	1.8
9	Motor Vehicles (through Ro-Ro ship) KOPT - MSA -	Nil	Nil	Nil	Driver per unit	Nil

(g). NORMS FOR ESTIMATION OF EQUIPMENT HIRE COST FOR SHOREHANDLING OPERATION AT KDS UNDER METHOD 5 I.E. CARGO UNLOADED ON TO WHARF AND LOADED ON TO TRUCKS AND TRANSPORTED TO STORAGE YARD WITHIN PORT PREMISES (WITHIN 1 km)

A – Dry Bulk Cargo

No.	Commodity	
1	Fertilizer-Raw Materials	Not applicable
2	Food Grains	To be decided if conveyor system comes into operation at KPD-II
3	Coal - All types including Thermal/Steam Coal, Calcined petroleum coke, Coke/ Charcoal, Metallurgical Coke, Coking Coal, coke of all kinds and charcoal of all kinds, etc	Payloader - (at berth) / 2 nos. + 1 no. Excavator Dumper Trucks 15T - 6 nos
4	Iron Ore, Iron Ore Pellets, Bentonite, Bauxite, Copper Concentrate, Lead and Zinc Ore	Payloader - (at berth) / 2 nos. + 1 no. Excavator Dumper Trucks 15T - 7 nos
5	Limestone, Dolomite, Clinker, Clay, Sand and other similar Dry Bulk cargo	Payloader - (at berth) / 2 nos. + 1 no. Excavator Dumper Trucks 15T - 6 nos
6	Salt	Payloader - (at berth) / 2 nos. + 1 no. Excavator Dumper Trucks 15T - 6 nos

Note: In addition to the above fleet of equipment as proposed by KOPT, the MSA has requested for deployment of 1 no. of Excavator and 1 no. of Payloader at storage yard.

B – Break Bulk Cargo

(a). Under the Shore handling Method of unloading the Cargo on to truck and transport to storage yard within the port premises or vice versa, the MSA has proposed the following fleet of equipment in addition to the equipment envisaged by the KOPT, for handling break bulk cargo:

(i). Iron and Steel- coils and slabs -1 Reach Stacker / Heavy Du Cargo – ODC + Cargo handling gears

(ii). Iron and steel- pipes, tubes, plates - 1 front loader/lifters + ca handling gears

(b). Under the Shore handling Method of unloading the Cargo on to wharf and loaded on to trucks and transported to storage yard

Equipment deployed for handling dry bulk for shore handling – the proposal of master Stevedores' association mentions use for 1 no of pay loader and 1 no. excavator on the berth. It is mentioned that only pay loaders are usually used on the berth. In KDS, average per shift landing of dry bulk cargo varies between 550 MT to 1200 MT per 8 hr. shift. This amount of discharge can be handled by 1 no. of pay loader, and the deployment of an additional pay loader does not seem to be justified.

Equipment deployed for handling break bulk for shore handling – the proposal of Mater Stevedores'' Association mentions Forklift for high-piling of Jumbo bags at yard, a crane at the yard has been considered for such operation which will

	within the port premises or vice versa, the MSA has proposed the following fleet of equipment in addition to the equipment envisaged by the KOPT, for handling break bulk cargo: (i). Jumbo bags - 1 forklift at the wharf + 1 forklift for high piling at yard/ shed + cargo handling gears. (ii). Mixed General Cargo Including Project and Machinery & parts - 1 forklift of 6 T & 1 forklift of 10/15 T required at wharf and yard + cargo handling gears + 1 Reach Stacker for Heavy Duty at the yard. (iii). Coastal Mixed General cargo - 1 forklift of 6 T & 1 forklift of 10/15 T required at wharf and yard + cargo handling gears + 1 Reach Stacker for Heavy Duty at the yard.	take care of the high-piling cost at yard. At berth/ wharf jumbo bags are usually loaded/ unloaded on. from trucks directly with ship's cranes. However, there may be occasions where Fork-lift is needed for operational exigencies. As such it cannot be considered as regular item of cost. For Mixed General Cargo including project cargo, the equipment mentioned and process of handling at berth as mentioned in the Association's letter are not a regular feature and therefore cannot be considered as a regular item of cost. However, a provision has been kept in the proposed upfront tariff as condition for levy of additional charges following the procedure mentioned therein (Part-I, Explanation-iv). In case of Iron and Steel cargo, type of equipment has been considered as per guidelines. Reach Stackers and Front Loaders mentioned by Master Stevedores' Association are basically container handling equipment, therefore may not be considered for fixation of upfront tariff for Iron and Steel cargo.
	Based on the above referred changes suggested, the MSA has made a request to modify/ recast the upfront stevedoring and shore handling tariff for the dry bulk cargo and break bulk cargo as proposed by the KOPT.	-----

1.2. Subsequent to passing of Order granting adhoc approval to the stevedoring and shore handling charges, some of the users/ stevedore associations have given their additional comments. The comments of the users/ stevedore associations and the comments of KOPT thereon are tabulated below:

Sr. no.	Name of the Users or user organization or stevedore association	Reply of KOPT
1. 2.	**Master Stevedore association (MSA) dated 11 March 2017** **T.P Roy Chowdhury & Co. Private Limited (TPRCCPL) dated 11 March 2017**	
(i).	Calcutta Dock Labour Board charges include the cost of wages of workers supplied and notional wages for workers not supplied as per Dock Labour Board (DLB) Manning Scale plus about 300% levy thereon. Thus the DLB cost forms an important input cost to the stevedoring basic cost and as per guidelines, 20% is payable for Operating Overheads, 20% Administrative Overhead plus Margin @ 20%. At Chennai, Vizag and Paradip Ports etc. the labour cost to include the wages and levy of the workers supplied by the Port and aforesaid overheads and margin have been provided to arrive at ceiling rate. This system has not been followed in KDS calculation in contravention of the guidelines notified by TAMP.	
(ii).	Further, as per the revised Stevedoring Policy for Major Ports of the Government, no notional charge is leviable on Stevedores by Port/ DLB for labour not supplied. However, presently the CDLB charges for notional cost of labour and levy thereon through a consolidated charge. Therefore, with the introduction of the revised Stevedoring Policy for Major Ports CDLB too should stop levying such notional charges. If for any reason this cannot be stopped, TAMP present notification implementing the ceiling rate as proposed by the Port cannot be enforced till such time Kolkata Port/DLB is able to implement the revised Stevedoring Policy in toto. This will be major contravention and as quasi judiciary, the present Order cannot be implemented	The issue of CDLB charges has already been submitted to TAMP with the proposal as item no. (ii) under the heading 'Points to be reviewed and clarified by TAMP'. While notifying their Order of approval for implementation of upfront tariff for stevedoring and shore handling operations on adhoc basis, TAMP has not dealt the matter. At Para 10 of the Stevedoring and Shore handling Policy, 2016, it is stated that 'no notional booking or levying of charges should be made and agents shall not be levied any charges for labour, incase the port trust does not supply the labour'. CDLB labour is not port trust labour. Further, the CDLB charges are being levied on per MT basis irrespective of the manning supplied. [The SOR proposed by KOPT prescribes a note to the effect that "The above rates do not include Calcutta Dock Labour Board charges payable by the Stevedores under Calcutta Dock Workers (Regulation of Employment) Scheme, 1970 and Calcutta Dock Clerical and Supervisory (Regulation of Employment) Scheme, 1970.]
(iii).	Apart from the above, various mistakes have been committed by KOPT in manning scale, equipment, their cost etc., which is to be addressed before implementing the Order.	KOPT has already furnished its comments on the manning scale, equipment and their costs earlier, while responding to the comments of MSA earlier.

(iv).	In these circumstances, it is requested to not implement the present Order till the above inconsistencies are resolved.	-----
3.	**Ripley & Co. Stevedoring & Handling Pvt Ltd (RCSHPL) dated 15.03.2017**	
(i).	Stevedoring on-board ship at Anchorage under Part-II, Clause (B) is not a stevedoring operation under Section 42(1) of the Major Port Trust Act and hence the tariff rate should not be applicable.	------
(ii).	TAMP does not account for the difficulties in getting operators and labours necessary for various operation related to unloading of cargo from mother vessel to barge and topping up of cargo from barge to mother vessel.	Regarding barge operation, equipment and labour costs have already been considered and factored in the proposal for ceiling rates.
(ii).	This is a mid-stream operation and hence the rate fixed by the union is quite high compared to the shore handling rates along with complexity in arranging their logistics and food etc.	The labour cost at mid-stream operation has been considered as per verbal information received and this has also been indicated in our proposal.
(iii).	Shore handling operation including loading/ unloading of cargo to/ from Barge at Wharf/ Berth of break-bulk cargo (Clause 2 point D) is also not correct.	No specific comments furnished by the port.
(iv).	The discharge of cargo from the barges require shore cranes – good quality and sufficient numbers of which is not present in the port, because of which the productivity is not good and the entire discharge of food grains etc. takes place through manual bagging which is quite labour intensive and there is a fixed rate settled by the labour union and contractors which makes the entire operation quite expensive.	No specific comments furnished by the port.
(v).	Moreover, there are variation in rates where the cargo is stacked at the shed which is off-site from the barge discharge point as well as the tier of the shed in which the cargo is stored. Hence, it is requested to consider all the above points along with the comments made by RCSHPL before implementing the Order.	No specific comments furnished by the port.

2.1. A joint hearing in this case in reference was held on 25 January 2017 at the KOPT premises in Kolkata. At the joint hearing, the KOPT has made a brief power point presentation of its proposal. The KOPT and the users have made the following submissions at the joint hearing:

Kolkata Port Trust (KOPT)

(i). Our proposal is as per the Guidelines notified by TAMP. However, we had to modify norms keeping in view the local condition. Modification of norms is permitted by the Guidelines.

(ii). Project cargo materials and packages require specialized slings and attachment. Therefore, we have kept provision for separate levy of charge for additional cost involved in the handling of project cargo material and packages. The provision is like this: The Agent may levy additional charge on actual basis as agreed between the agents and consignor/consignee. Agents should confirm this arrangement to the port, disclosing the rates before the actual operations.

(iii). Guidelines do not cover the activity of bagging and stitching of food grains either on board or on shore. So, we have not considered these activities for fixation of normative tariff for stevedoring and shore handling.

(iv). Shore handling operation involves receiving of cargo at stacking point or delivery of cargo at stacking point. But, there are no norms for these activities. We have not proposed tariff for these activities in the absence of norms.

(v). The proposed rates do not include Calcutta Dock Labour Board (CDLB) charges payable by the stevedores as per 1970 Regulation of CDLB.

(vi). Guidelines do not prescribe norms for stevedoring activity at anchorage. It involves on board operation at anchorage. No norms are prescribed for barge handling, which involves unloading of barge and shore handling. Stevedoring at anchorage and barge unloading are not covered by CDLB Regulation. Barge operation is a major activity in KDS. So, we have proposed rates for these activities.

(vii). We have proposed performance norms for stevedoring activity at berth for handling Bulk & Break Bulk cargo. We have also proposed performance norms for shore handling in terms of time limitation to remove the cargo within the prescribed time limit. If cargo is not removed, then there will be penalty. We have not proposed performance norms for vessels working at anchorage. Vessels often work at anchorage during day light only. There are no fixed shift hour.

Master Stevedores Association (MSA)

(i). We have already given our written comments to TAMP.

(ii). We have not received the guidelines. It was not circulated. Port has sought clarification from Government. We are not able to comment on the clarification in the absence of guidelines.

(iii). CDLB charges are not included in the proposed rate and kept as additional levy. The consolidated charges we pay to CDLB includes wages for supply of labour. CDLB is not supplying full complement of labour, but collect charges. Guidelines do not allow notional booking. If CDLB does not supply labour, stevedores should not be charged as per guidelines. If CDLB charge is to continue, please include this charge in the cost as we have to pay upfront to the CDLB.

(iv). Anchorage operation is a minor discharge operation during lean season. Unloading of boat is not a stevedoring operation. No CDLB labour is required to be booked. We recommend not to fix rate for activity at anchorage.

(v). 4 or 5 labour for a cargo ship in shore handling operation is not sufficient. Requirement of labour is more. It is known to port. Labour cost as a small percentage of equipment hire is not realistic. We need to produce result. Existing manning scale for shore operation should be the basis.

(vi). Equipment requirement is negotiated by the Agent with the principals. We have given our report on equipment requirement and cost in Annexure V, VI, VII A & VII B. This must be considered.

(vii). We have given output norms for bulk and break bulk cargo in Annex-III & IV. We want this to be gone into.

(viii). We have given our calculation for shore handling tariff. They may be gone through and workable rates may be considered. We are prepared to assist TAMP/KOPT in this regard.

[KOPT: The MSA has given written comments. We will examine and respond.]
[TAMP: Please respond written 10 days.]

2.2. Subsequent to the joint hearing, the MSA vide its letter dated 04 February 2017 has given its following additional comments. These comments were forwarded to KOPT. We have not received the response of KOPT till finalization of this case.

(i). The Stevedoring Policy is clear that no notional charges will be made on operation for non-supply of labour by CDLB. This should, therefore, be implemented along with the Normative tariff. If, however, this cannot be implemented, the DLB charges are to be included in the cost as prevailing today and unit cost be arrived at the accepted formula.

(ii). The manning scale considered for proposed normative rate cannot be implemented, as this will invite labour unrest and consequent dislocation of port operation in Kolkata. It is suggested that a rational number of workers for different commodities may be taken into account to arrive at the final normative rate.

(iii). Shore handling:

In Kolkata docks, because of river draft restriction and limitation of dock lock gates, deeper vessel or large vessel with large quantity of cargo cannot enter. Therefore, small parcels of cargo, largely containers and break bulk cargo are handled. Bulk cargo is alomost negligible. For containers, shore handling is already arranged by the port. The break bulk cargo including project and mixed general cargo contains smaller parcels for a number of importers. Such vessels do not regularly visit Kolkata. As a result, the free supply of equipment are not available at the cost reckoned for trailers, cranes etc., which is unrealistic. Persons who have invested for equipment do not get regular usage of their equipment and there is a lot of idle time adding to the cost. Therefore, equipment cost should be reckoned on the basis of rates suggested by MSA, so that the trade can be serviced efficiently.
