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Tariff Authority for Major Ports

G.No. 63

New Delhi,

21 February 2017

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 approves upfront tariff for Stevedoring and Shore Handling Operations on an adhoc basis at the Haldia Dock Complex at Kolkata Port Trust, as an interim arrangement, as in the Order appended hereto.

(T.S. Balasubramanian)
Member (Finance)

Tariff Authority for Major Ports
Case No. TAMP/79/2016-KOPT

Kolkata Port Trust

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QUORUM

Applicant

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

ORDER

(Passed on this 8th day of February 2017)

This case relates to a proposal received from the Kolkata Port Trust (KOPT) for fixation of upfront tariff for Stevedoring and Shore Handling Operations at Haldia Dock Complex (HDC).

2.1. The Ministry of Shipping (MOS) vide its letter No.PD-11033/73/2013-PT (pt) dated 14 June 2016 has forwarded a copy of Stevedoring and Shore Handling Policy for Major Ports, 2016. Subsequently, the MOS vide its letter No.PD-11033/73/2013-PT (pt) dated 7 October 2016 and 17 October 2016 has, under Section 111 of the Major Port Trusts Act, 1963, issued the Guidelines for determination of Upfront Tariff for Stevedoring and Shore Handling Operations authorized by Major Ports under Section 42(3) of the Major Port Trusts Act, 1963. The MOS has issued the guidelines as policy direction to this Authority advising to treat it as most immediate.

2.2. In compliance with the direction issued by the MOS, this Authority has notified the Guidelines for Determination of Upfront Tariff for Stevedoring and Shore Handling Operations on 15 November 2016 vide Gazette No.407 and intimated to all the Major Port Trusts on 21 November 2016.

3. In this backdrop, the KOPT has, vide its letter dated 18 November 2016 filed a proposal for fixation of upfront tariff for Stevedoring and Shore Handling Operations at HDC. At our request, the KOPT has vide its letter dated 20 December 2016 has furnished copy of the approval of its board, draft scale of Rates and the Performance Standards.

4. In accordance with the consultative procedure prescribed, a copy each of the KOPT proposal dated 18 November 2016 and subsequent letter dated 20 December 2016 was forwarded to the concerned users/ user organisations including Stevedores Associations vide our letter dated 22 December 2016 seeking their comments by 6 January 2017. Till date we have not received comments from any of the user organisations. A joint hearing on the case in reference is yet to be set up. There may be some points of action from the side of the port arising out of the joint hearing proceedings. That being so, it will take some more time for this case to mature for final consideration of this Authority.

5. Therefore, and keeping in view that the MOS has directed this Authority for immediate action, this Authority decides to approve upfront tariff for stevedoring and shore handling operations and Performance Standards as proposed by the port as interim rate on an ad hoc basis pending final rates to be approved by this Authority after completion of the consultation process. The final rates to be approved by this Authority will have prospective effect. The interim rate adopted in an ad hoc basis will be recognized as such. There will not be any question of refund/ recovery, if any, in case of variation between the adhoc rate and final rate.

6.1. In the result, and for the reasons explained above, and based on collective application of the mind, this Authority approves upfront tariff for Stevedoring and Shore Handling Operations alongwith the Performance Standards for the KOPT-HDC attached as **Annex – I**, purely on ad hoc basis pending fixation of final rates. The final rates to be approved by this Authority will have prospective effect.

6.2. 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. As per Clause 2.3 of the Stevedoring and Shore Handling Guidelines, 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.

6.3. In this regard, it is relevant to state 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. In view of the above position and keeping in view Clause 2.3. of the Stevedoring and Shore Handling Guidelines, this Authority advises the port 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.

6.4. The port is requested to take necessary action for implementation of the adhoc upfront tariff for Stevedoring and Shore Handling operations along with Performance Standards.

(T.S. Balasubramanian)
Member (Finance)

KOLKATA PORT TRUST – HALDIA DOCK COMPLEX
AD HOC 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). Tariff caps are indexed to inflation but only to an extent of 60% of the variation in the Wholesale Price Index (WPI) occurring between 1st January and 31st December of the relevant year. Such automatic adjustment of the tariff cap will be made every year and the adjusted tariff cap will come into effect from 1st April of the relevant year till 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 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. 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 2.9. 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.
- (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 -
- 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.
 - 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.
 - 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.)

Part - II

- S.1. Stevedoring and Shore Handling Agents working at Haldia Dock Complex, who will be issued license for undertaking such work under Kolkata Port Trust (Stevedoring and Shore Handling) Regulations, 2016 shall not levy charges exceeding the following rates:
- S.2. Charges for Supply & Service of Equipment in hatches on-board ship at berth for discharging cargo by using ship's crane.**
- S.2.1. Charges for Supply & Service of Payloader in hatches on-board ship at berth for discharging Dry Bulk cargo by using ship's crane.**

Sl. No.	Commodity	Rates per Tonne (In ₹)
1.	All Dry Bulk cargo viz Coking Coal, Other Coal (except Thermal Coal), Met. Coke, Lime Stone, Manganese Ore, Iron Ore Fines & Lumps, MOP, Rock Phosphate, Sulphur, Clinker, Gypsum, Sugar etc.	10.00

- S.2.2. Charges for Supply & Service of Equipment in hatches on-board ship at berth for discharging Break Bulk cargo by using ship's crane.**

Sl. No.	Commodity	Rates per Tonne (In ₹)
1.	Project Cargo, Machinery, Spares	49.28
2.	CR Sheets, HR Plates, Steel Sheets, Steel Slabs	50.52
3.	Steel Coils, HR Coils, WR Coils	21.66
4.	Steel billets, Steel blooms, Steel Rails, Pipes and Tubes	37.88

Note to S.2 above:

The rates under S.2 will be applicable uniformly on the entire quantity of cargo discharged from the ship at the berth, irrespective of the actual time of use of the equipment.

S.3 Charges for shore handling operation

S.3.1 Charges for shore handling operation for Dry Bulk cargo discharged by ship's crane and delivered directly from Jetty to consignee premises.

Sl. No.	Commodity	Rates per Tonne (In ₹)
1.	Coking Coal, Other Coal (except Thermal Coal)	35.71
2.	Met. Coke	37.99
3.	Lime Stone	32.45
4.	Manganese Ore	30.24
5.	Iron Ore Fines & Lumps	34.19
6.	MOP, Rock Phosphate, Sulphur	37.04
7.	Clinker, Gypsum	30.45
8.	Sugar	35.71

Note: If any new cargo is handled which is not included in the list, then KOPT will categorize the cargo with any of the aforesaid cargo groups based on the nature, physical characteristics and method of handling of that cargo.

S.3.2 Charges for shore handling operation for Dry Bulk cargo discharged by MHC and delivered directly from Jetty to consignee premises.

Sl. No.	Commodity	Rates per Tonne (In ₹)
1.	All Dry Bulk cargo viz. Coking Coal, Other Coal (except Thermal Coal), Met. Coke, Lime Stone, Manganese Ore, Iron Ore Fines & Lumps, MOP, Rock Phosphate, Sulphur, Clinker, Gypsum, Sugar etc.	35.56

S.3.3 Charges for shore handling operation for Dry Bulk cargo discharged by Ship's Crane and transferred & stored in storage area inside port premises.

Sl. No.	Commodity	Rates per Tonne (In ₹)
1.	Coking Coal, Other Coal (except Thermal Coal)	106.35
2.	Met. Coke	103.65
3.	Lime Stone	104.76
4.	Manganese Ore	90.07
5.	Iron Ore Fines & Lumps	110.40
6.	MOP, Rock Phosphate, Sulphur	101.08
7.	Clinker	88.15
8.	Gypsum	98.30
9.	Sugar	97.42

Note: If any new cargo is handled which is not included in the list, then KOPT will categorize the cargo with any of the aforesaid cargo groups based on the nature, physical characteristics and method of handling of that cargo.

S.3.4 Charges for shore handling operation for Dry Bulk cargo discharged by MHC and transferred & storage stored in area inside port premises.

Sl. No.	Commodity	Rates per Tonne (In ₹)
1.	All Dry Bulk cargo viz Coking Coal, Other Coal (except Thermal Coal), Met. Coke, Lime Stone, Manganese Ore, Iron Ore Fines & Lumps, MOP,	91.57

	Rock Phosphate, Sulphur, Clinker, Gypsum, Sugar etc.	
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S.3.5 Charges for shore handling operation for Break Bulk cargo discharged by Ship's Crane and transferred & storage stored in area inside port premises.

Sl. No.	Commodity	Rates per Tonne (In ₹)
1.	All Bag cargo containing Fertiliser, Food grain, Sugar, Cement and other commodities having unit weight upto 50 kg.	167.33
2.	CR Sheets, HR Plates, Steel Sheets, Steel Slabs	129.91
3.	Steel Coils, HR Coils, WR Coils	55.70
4.	Steel billets, Steel blooms, Steel Rails, Pipes and Tubes	138.89
5.	Project Cargo, Machinery, Spares	172.48

Note: If any new cargo is handled which is not included in the list, then KoPT will categorize the cargo with any of the aforesaid cargo groups based on the nature, physical characteristics and method of handling of that cargo.

Note to S.3

- (i). For transfer/delivery of cargo from Jetty direct to consignee's premises, the above rate does not include supply of transport (for delivery) by the Handling Agent. The same shall be arranged by the concerned importer/exporter/receiver of cargo, at their own cost.
- (ii). In case of Bag cargo (unit bag weight upto 50kg), the shore handling charge includes supply of trucks by the Handling Agent for transportation of cargo between the jetty and the storage yard including loading & unloading on and from truck in such operation.

Part – III

S.4. Stevedoring and Shore Handling Agents working at Haldia Dock Complex, who will be issued license for undertaking such work under Kolkata Port Trust (Stevedoring and Shore Handling) Regulations, 2016 shall comply with the following productivity norms and the ceiling rate proposed in Part II is subject to fulfillment of productivity norms.

S.4.1. Productivity Norms - For the purpose of levy of rates under this Scale of Rates, achievement of the following productivity levels will be applicable.

S.4.1.1 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.

S.4.1.2 Break Bulk Cargo handled by ship's crane

Sl. No.	Commodity	Productivity Norms in Tonnes per Hook per Shift
1.	All Bag Cargo, Project Cargo, Machinery, Spares	150
2.	CR Sheets, HR Plates, Steel Sheets, Steel Slabs	256
3.	Steel Coils, HR Coils, WR Coils	597
4.	Steel billets, Steel blooms, Steel Rails, Pipes and Tubes	195

S.4.3. Norms for Clearance of Cargo from Jetty and Penalty for Non-Achievement of the same.

- S.4.3.1.** The shore handling agent will be allowed 6 hours' time in case of dry bulk cargo and 2 hours' time in case of break bulk cargo from the time of completion of vessel's discharge/loading to clear the cargo from the jetty either by way of removal to the stack yard or by way of direct delivery from the jetty.
- S.4.3.2.** If the agent fails to achieve the above said norms as per S.4.3.1, then for every additional hour or part thereof taken by the Handling Agent to clear the cargo he will pay penalty @ two times the berth hire charges after expiry of initial 6 hours / 2 hours' time as the case may be.
- S.4.3.3.** If the Shore Handling Agent fails to clear the cargo from the jetty within 6 hours / 2 hours as the case may be for 3 consecutive vessels, then Chairman may at any time suspend the license for such period as he may deem fit or cancel the license or refuse to renew the license.

Note: In case of MHC Berth, the time of the last MHC cycle/unloading of last pay loader from the vessel as the case may be as certified by HDC will be considered as the completion time in case of unloading of cargo.

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