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Tariff Authority for Major Ports

G No. 255 **New Delhi,** **30 September 2013**

NOTIFICATION

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

(T.S. Balasubramanian)
Member (Finance)

Tariff Authority for Major Ports
Case No. TAMP/39/2013-KOPT

Kolkata Port Trust **- - -** **Applicant**

QUORUM:

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

O R D E R
(Passed on 10th day of September 2013)

This case relates to a proposal dated 23 August 2013 received from the Kolkata Port Trust (KOPT) for notification of reference tariff for Container Terminal project of Kolkata Port Trust, under the Guidelines for Determination of Tariff for Port Projects at Major Ports, 2013.

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

2.2. Clause 2.2 and Clause 2.4 of the said Tariff Guidelines of 2013, which would be relevant in respect of the KOPT case in reference, are reproduced below:

> **"**2.2. *The Reference Tariff ("the Reference Tariff") for each commodity/ category of commodities and each service/ category of service or combination of service or services, as the case may be, shall be determined by TAMP for each Port based on a proposal from the concerned major Port. Such proposal shall contain the proposed Reference Tariff and "Performance Standards". The Reference Tariff will be the highest tariff fixed for that commodity in the concerned major Port Trust under the 2008 Tariff Guidelines. While adopting the highest tariff, the base rate set under the Tariff Guidelines, 2008 shall be escalated to the extent of 60% of WPI per annum, as provided in the said guidelines for the period between 1st January of the year in which the said tariff was originally notified and 1stJanuary of the subsequent relevant year when the Reference Tariff for the particular project in question is being notified. On receipt of the proposal, TAMP shall notify the Reference Tariff and Performance Standards within 15 days of receipt.*
>
> *2.4. In case no tariff has been fixed for a particular commodity in a particular Major Port Trust under the 2008 Guidelines, then TAMP will notify the highest Tariff under the 2008 Guidelines available for that commodity in the nearest Major Port Trust.***"**

3.1. The KOPT under cover of its letter dated 23 August 2013 has submitted a proposal for notification of reference tariff for Container Terminal project of KOPT, under the Guidelines for Determination of Tariff for Port Projects at Major Ports, 2013.

3.2. The main points made by the KOPT, in its proposal are summarized below:

(i). The Authority has issued 'Guidelines for Determination of Tariff for Projects at Major Ports, 2013' vide Gazette No. 214 dated 8 August 2013. As per Clause 1.4 of the said Guidelines, the new Guidelines would come into effect from the date of its issue and would be applicable to all projects to be awarded by any Major Port Trust to which the provisions of MPT Act apply under BOT/ BOOT or any other arrangement for private sector participation (PPP Projects) for which RFPs are issued after the date of issue of these guidelines.

(ii). The KOPT has taken up a project under PPP for Development of Container Terminal at Diamond Harbour. The RFQ for the said project has already been processed and qualified bidders are shortlisted. Now the port is in the process of preparation of RFP. Therefore, the new guidelines 2013 will apply for determination of tariff for this project.

(iii). The proposed tariff along with Performance Standards is enclosed for consideration of this Authority as per Clause 2.2 and 2.3 of the new Guidelines.

(iv). As no upfront tariff under the 2008 Guidelines has been set for container handling services/ facilities in KOPT, the KOPT, following Clause 2.4 of the 'Guidelines for Determination of Tariff for Projects at Major Ports, 2013', has considered the Upfront Tariff Schedule for Container Terminal notified by this Authority on 19.02.2013 in respect of Visakhapatnam Port Trust (VPT), being the nearest port.

(v). The proposed Reference Tariff is computed by applying the escalation factor of 4.53% on the upfront tariff notified for Visakhapatnam Port Trust with base WPI as on 01.01.2012.

(vi). It is observed that the VPT in the rates for Handling of Transhipment Containers apparently have not considered 1.5 times ratio of the normal container. This has resulted in a fallacy, as in the case of combination of foreign and coastal leg, in-spite of additional handling services, the total amount for transhipment container, as per Note 2 of Section 3.1.(B) of the Upfront Tariff are less than the rates for normal foreign container. In consideration of the said position, the reference tariff for handling Transhipment containers is proposed at 1.5 times of the respective normal container rates.

(vii). In the instant proposal, some deletion and addition in the definitions as well as in the terms and conditions have been made to suit the local requirements and in compliance of the general guidelines followed by this Authority to prescribe conditionalities in the Scale of Rates. These amendments may not have any significant effect on the revenue.

3.3. In view of above, the KOPT has requested this Authority to approve the proposed Reference Tariff and the Performance Standards at the earliest. The KOPT has also stated that the Reference Tariff and Performance Standards on being notified by this Authority will be mentioned in the bid document and subsequently in the Concession Agreement in respect of envisaged PPP Projects in terms of Clause 2.6 of new 2013 Guidelines.

3.4. The KOPT has furnished the proposed 'Reference Tariff Schedule for Container Terminal' including the conditionalities governing the levy of rates and the 'Performance Standards' along with its proposal.

4. It may be recalled that the Authority has passed an Order No.TAMP/61/2012-VPT dated 11 January 2013 fixing upfront tariff for handling containers at the proposed container terminal of VPT, based on guidelines for upfront tariff setting for PPP Projects at Major Port Trust, 2008. This Order has been notified in the Gazette of India vide Notification No.53 dated 19 February 2013.

5. With regard to the stipulation contained in clause 2.2 and clause 2.4 of the tariff guidelines of 2013, the following points are relevant for consideration:

(i). As stipulated in the Guidelines, the KOPT has filed the proposal for notification of Reference tariff for Container terminal and has furnished the proposed Reference Tariff and the Performance Standards.

(ii). Clause 2.2 of the Guidelines stipulates that the Reference Tariff will be the highest tariff fixed for that commodity in the concerned Major Port Trust under the 2008

Tariff Guidelines. However, if no tariff has been fixed for a particular commodity in a particular Major Port Trust under 2008 Guidelines, then as stipulated in Clause 2.4 of the 2013 Guidelines, TAMP will notify the highest Tariff under the 2008 Guidelines available for that commodity in the nearest Major Port Trust.

(iii). It is relevant to mention here that no upfront tariff has been fixed for container handling services/ facilities in KOPT under the 2008 Guidelines. And, VPT being the nearest port, the KOPT, following Clause 2.4 of the 'Guidelines for Determination of Tariff for Projects at Major Ports, 2013', has considered the upfront tariff fixed for the Container terminal at VPT fixed under the 2008 guidelines as base to determine the Reference Tariff for its proposed Container Terminal.

(iv). The upfront tariff for the VPT container terminal, which forms the basis for Reference tariff of container terminal at KOPT, was notified in February 2013. Para 11.1. of the VPT Order dated 11 January 2013 states that the base year of Wholesale Price Index (WPI) for indexation in the upfront tariff rates approved in the said Order will be 1 January 2012 since the estimation of capital cost and unit rate of operating cost are as of the year 2012. Schedule 4 of the upfront tariff schedule attached to the said Order also specifies that the upfront tariff caps will be indexed to inflation but only to an extent of 60% of the variation in WPI occurring between 1 January 2012 and 1 January of the relevant year. Therefore, in the instant case of KOPT, the upfront tariff fixed for VPT container terminal would have to be indexed with reference to the indexation factor occurring between the year 2012 and the year 2013.

6.1. On scrutiny of KOPT proposal under reference, it is seen that the KOPT has applied an indexation factor of 4.53% on the tariff caps approved for the container terminal at VPT vide Order dated 11 January 2013. This indexation factor is seen to be in line with the indexation factor communicated by us to all the Major Port Trusts vide our letter No.TAMP/12/2009-Misc dated 2 April 2013, to be applicable for tariff with base WPI as on 1 January 2012.

6.2. On a scrutiny of the proposed Reference Tariff Schedule, submitted by the KOPT, it is seen that:

(i). The KOPT has applied the indexation factor of 4.53% on the tariff caps approved for the container terminal at VPT vide Order dated 11 January 2013 and the indexed Reference tariff determined by it, is found to be in order except for the charges determined by KOPT for handling of transshipment containers. The Reference tariff determined by the KOPT for handling of transshipment containers is 1.5 times of the normal container handling charges.

In this regard, it is relevant here to mention that clause 2.6 of the Upfront Tariff Guidelines of 2008 stipulates that TAMP should comply with the policy directions issued by the Central Government from time to time, like concessions to coastal cargo/containers, concessions to transshipment containers etc. In this regard, Clause 5.5.1 of the tariff guidelines of 2005, interalia, stipulates that the handling charges for transshipment containers shall not exceed 1.5 times the handling charges for the normal handling operation in loading or unloading cycle.

In the case of fixation of upfront tariff for the VPT container terminal, the rate for the transhipment container is seen to be around 1.18 times of the rate for the normal container, as proposed by the VPT. As the tariff guidelines of 2005 prescribe a cap upto 1.5 times the rate of normal container to determine the rate for transhipment container, the ratio between the normal and transhipment container, as proposed by the VPT then, was considered.

In the case in reference, the KOPT has proposed the rate for transhipment containers at 1.5 times the rate for normal container. Though this position is not as per the upfront tariff schedule of VPT, it is in line with the stipulation contained in Clause 5.5.1 of the 2005 guidelines and hence approved.

(ii). As brought out earlier, the KOPT has proposed some amendments to the conditionalities prescribed in the case of the VPT container terminal, to suit its local requirements. It is seen that KOPT has introduced definitions at Sr.No.1.1 (v), (vi) and (ix) relating to 'Free period', 'Hazardous container' and 'Over Dimensional Container' respectively. These definitions are seen to be in line with the definitions prescribed for these terms in the case of Upfront tariff Orders relating to the CHPT Mega Container Terminal, V.O Chidambaranar Port Trust (VOCPT) container terminal case etc., and hence approved.

(iii). In the VPT upfront Order for the Container terminal, under the General conditionalities, a conditionality has been prescribed to the effect that the vessel related charges shall be levied on the ship owners/ steamer agents. However, the KOPT, in its proposed Reference tariff Schedule has not proposed the said conditionality. The KOPT has not furnished any reason for not incorporating the said conditionality in its Reference tariff Schedule. In view of this position and given that a similar conditionality exists in the Scale of Rates of the KOPT, the said conditionality is incorporated in the KOPT Reference tariff Schedule also.

(iv). Further, in the Berth hire Schedule, the KOPT has not incorporated notes viz. the Master / Agent of the vessel shall signal readiness to sail only in accordance with favourable tidal and weather conditions and that the time limit of 4 hours prescribed for cessation of berth hire shall exclude the ship's waiting period for want of favourable tidal conditions, which are prescribed in the VPT Upfront tariff Schedule. In the absence of any justification, these notes as in the VPT upfront tariff schedule are prescribed as it is, in the KOPT Reference tariff Schedule also.

(v). In the Storage charges Schedule, the KOPT has proposed to reduce the free period of the transhipment containers from 30 days prescribed in VPT Order to 10 days and has also reduced the number of intervening days prescribed in the subsequent slabs, when compared with the VPT upfront tariff schedule. The KOPT has not furnished any justification for carrying out such a modification. In the absence of any justification, the free days of 30 days and the slab structure prescribed for the transhipment containers in the VPT upfront tariff schedule is prescribed as it is, for prescribing the storage slab structure for the transhipment containers in the KOPT Reference tariff Schedule.

(vi). In the Storage charges Schedule, the KOPT has added some conditionalities like Storage charge on hazardous container shall be 1.25 times of the respective container storage charge, for Over Dimensional Containers, the storage charges shall be based on the actual number of ground slots the respective container occupies under the respective slab, and Conditionalities governing storage charges on abandoned containers. These conditionalities are seen to be in line with the stipulation contained in the tariff guidelines of 2005 and have also been prescribed in the Scale of Rates of the various container terminals. Hence, the same are approved for incorporation in the Reference tariff Schedule of KOPT.

(vii). In the Storage charges schedule, the KOPT has prescribed a note to the effect that if any loaded container is required to be destuffed in port, the empty container will attract the dwell time charges as empty container from the day following the day of destuffing. Such a conditionality is not seen to have been prescribed either in the VPT Upfront tariff Schedule or in the upfront tariff schedule of container terminals approved for other major port trusts. Nevertheless, since the said conditionality gives clarity on the levy of storage charges on the empty container and helps in the correct interpretation of the Reference tariff Schedule, the same is approved.

7.1. Accordingly, the Reference Tariff Schedule along with conditionalities governing the Reference Tariff has been modified.

7.2. The modified Reference Tariff Schedule is attached as **Annex - I** and the Performance Standards for the container terminal as proposed by the KOPT is attached as **Annex - II**.

7.3. In the result, and for the reasons given above, and based on a collective application of mind, this Authority approves the modified Reference Tariff Schedule and the Performance Standards for the KOPT container terminal.

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

(T.S. Balasubramanian)
Member (Finance)

Annex-I

REFERENCE TARIFF FOR CONTAINER TERMINAL PROJECTS UNDER PPP

CHAPTER 1 – DEFINITIONS & GENERAL TERMS & CONDITIONS

1.1 Definitions

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

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

(ii) '**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 license issued by the competent authority.

(iii) **'Foreign-Going Vessel'** shall mean any vessel other than Coastal vessel.

(iv) **'FCL'** shall mean a container having cargo of a single importer/Exporter.

(v) **'Free period'** shall mean the period during which cargo/container is allowed storage free of demurrage charges/ground rent and this period shall exclude Customs notified holidays and terminal's non-operating days.

(vi) **'Hazardous container'** shall mean a container containing hazardous goods as classified under International Maritime Organisation (IMO).

(vii) **'LCL'** shall mean a container having cargo of more than one Importer/Exporter.

(viii) **'Normal Container'** shall mean general type containers, not failing under special categories, otherwise, mentioned herein.

(ix) **'Over Dimensional Container'** shall mean a container carrying over dimensional cargo beyond the normal size of standard containers and needing special devices like slings, shackles, lifting beam etc.. Damaged containers (including boxes having corner casting problem) and container requiring special devices for lifting is also classified as Over Dimensional Container.

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

(xi) **'Shut Out Container'** shall mean a container, which enters into the terminal as export intake for a particular vessel as indicated by the Vessel Identification Advice No. (VIAN) and is not shipped into the particular vessel for reasons whatsoever.

(xii) **'Transshipment Container'** shall mean a container, which is discharged from one vessel/barge, stored or not in the yard and transported through other vessel/barge.

(xiii) '**VIAN'** means Vessel Identification Advise Number**.**

1.2 GENEARL TERMS & CONDITIONS:

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

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

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

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

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

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

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

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

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

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

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

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

(vi) Users shall not be required to pay charges for delays beyond a reasonable level attributable to the terminal.

(vii) Interest on delayed payments / refunds

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

(b) The rate of penal interest will be 2% above the Prime Lending Rate of State Bank of India (SBI). The penal rate will apply to both the Terminal Operator and the terminal users equally.

(c) The delay in refunds will be counted beyond 20 days from the date of completion of services or on production of all the documents required from the users, whichever is later.

(d) The delay in payments by the users will be counted only 10 days after the date of raising the bills by the Terminal Operator. This provision shall, however, not apply to the cases where payment of charges in advance is prescribed in this Scale of Rates.

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

(b) The Terminal Operator may also, if it so desire, rationalize the prescribed conditionality governing the application of rates prescribed in the Scale of Rates if such rationalization gives relief to the user in rate per unit and the unit rates prescribed in the Scale of Rates do not exceed the ceiling levels. Provided that the Terminal Operator should notify the public such lower rates and/or rationalization of the conditionality governing the application of such rates and continue to notify the public any further changes in such lower rates and/or in the conditionality governing the application of such rates provided the new rates shall not exceed the rates notified.

CHAPTER-II

VESSEL RELATED CHARGES

2. Berth Hire Charge

2.1 The berth hire charges for the vessels occupying berths at the Container Terminal shall be levied at the following rates subject to conditionalities specified at Notes given thereunder;

Description	**Rate per GRT per hour or part thereof (in ₹)**	
	Foreign going vessel	Coastal Vessel /barges or vessel plying between the Terminal and KDS/HDC
All vessel	1.340	0.804

Notes:

(i) Vessels (including barges) shall be permitted to occupy the berth for 2 hours after completion of cargo operation without attracting Penal berth hire charges. Thereafter, penal berth hire shall be levied.

(ii) All the vessels (including barges) shall commence cargo operations within 1 hour from the time the same is brought alongside the berth failing which penal berth hire charges shall be levied as prescribed in (iv) below.

(iii) Vessels (including barges) idling the Terminal facilities due to not being ready to work even though the terminal is ready for its operation shall attract penal berth hire charges as prescribed in (iv) below. For the purpose of levy of penal berth hire charges, idling shall mean suspension/ stoppage for any reason of cargo handling operation continuously for more than 2(two) hours.

(iv) Penal berth hire charges shall be levied in addition to berth hire charges at the following rates for the period vessel (including barges) fails to commence work or idling as specified at (i), (ii) and (iii) above, as the case may be.

Sl. No.	**Description**	**Rate per GRT (in ₹)**
1.	Upto 6 hrs.	10.453
2.	Above 6 hrs. but upto 12 hrs.	15.680
3.	Above 12 hrs.	31.359

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

(vi) (a) Berth hire shall stop 4 hours after the time of the vessel (including barge) signaling its readiness to sail. The time limit of 4 hours prescribed for cessation of berth hire shall exclude the ship's waiting time for want of favorable tidal conditions or on account of inclement weather or due to absence of night navigation facilities.

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

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

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

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

CHAPTER-III

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

3. GENERAL TERMS AND CONDITIONS:

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

(ii). Containers less than and up to 20' will be reckoned as one TEU (Twenty Equivalent Unit) and more then 20' and up to 40' will be reckoned as one FEU (Forty Equivalent Unit) for the purpose of tariff.

3.1. CHARGES FOR HANDLING AND MOVEMENT OF CONTAINERS:

The following consolidated charges for handling and movement of container shall be payable by the Shipping Lines or Agents of vessels or cargo agents for services rendered in respect of containers and containerised cargo passing through the port.

A. COMPOSITE RATE FOR HANDLING IMPORT AND EXPORT CONTAINERS:

(in ₹)

Sl. No.	Particulars	Container not exceeding 20 feet in length		Container exceeding 20 feet in length and upto 40 feet length		Container exceeding 40 feet in length	
		Foreign-going	Coastal	Foreign-going	Coastal	Foreign-going	Coastal
(a).	Laden Containers - Import / Export	3530.90	2118.73	5296.35	3177.81	7061.80	4237.46
(b).	Empty Containers - Import / Export	2472.48	1483.30	3708.72	2225.89	4944.96	2966.98
(c).	Transport to Rail Flat from CY or Vice Versa and Lift on/Lift off						
	- Loaded	1378.97	1378.97	2068.46	2068.46	2757.95	2757.95
	- Empty	1268.96	1268.96	1903.44	1903.44	2537.92	2537.92

Notes:

(1). Services in the case of item no. (a) and (b) above include handling by quay crane and lashing/unlashing, transport between CY and quayside, lift on or off at CY, landing and loading the container from or to the trailer, stowage planning on vessel and yard, data handling, processing and wharfage.

(2). Services in the case of item no. (c) above includes transportation from CY to rail siding and loading the container on rail flat or vice versa.

B. HANDLING OF TRANSHIPMENT CONTAINERS:

(in ₹)

Particulars	Container not exceeding 20 feet in length		Container exceeding 20 feet in length and upto 40 feet length		Container exceeding 40 feet in length	
	Foreign-going	Coastal	Foreign-going	Coastal	Foreign-going	Coastal
Laden	5296.35	3177.81	7944.52	4766.72	10592.70	6355.62
Empty	3708.72	2225.23	5563.08	3337.85	7417.44	4450.46

Notes:

(1). The above charges apply to the complete cycle of transhipment i.e. discharge from the first carrier(vessel/barge) to the loading onto the second carrier(vessel/barge), including lashing/unlashing charges. Services include handling by quay crane (discharge and loading), transport between CY and quayside, lift on and off, stowage planning on vessel and yard, data handling, processing and wharfage.

(2). A container from foreign port handed at the terminal for subsequent transhipment to an Indian Port on a coastal voyage or for transshipment to Kolkata Dock System/Haldia Dock Complex under Kolkata Port Trust or vice versa would be charged 50% of the transhipment charge prescribed for foreign-going vessel and 50% of that prescribed for the coastal category.

(3). Any transhipment container delivered out of TERMINAL by road or rail shall be charged the import/ export container rate.

(4). Shut out charge as per Schedule shall apply:

(i). if the carrier is changed after berthing of the originally nominated carrier; or

(ii). if the nomination is changed from a later carrier to an earlier carrier after the earlier carrier is berthed.

(5). The vessel/barge on which the transhipment container is to be loaded shall be declared at time of submission of the Import advance list of the vessel on which the said transhipment container is imported or else the transhipment container shall be treated as normal container for the purpose of fixing tariff.

3.2 CHARGES FOR STORAGE OF CONTAINERS

(a). Import - Laden and empty containers

(**Rate in ₹ per container per day or part thereof**)

Sl. No.	Particulars	Container not exceeding 20 feet in length	Container exceeding 20 feet in length and upto 40 feet length	Container exceeding 40 feet in length
(i).	First 1 day	Free	Free	Free
(ii).	On 2nd day	195.37	390.73	586.10
(iii).	from 3 to 15 days	390.73	781.47	1172.20
(iv).	Beyond 15 days	781.47	1562.93	2344.40

(b). Export - Laden and empty containers

(**Rate in ₹ per container per day or part thereof**)

Sl. No.	Particulars	Container not exceeding 20 feet in length	Container exceeding 20 feet in length and upto 40 feet length	Container exceeding 40 feet in length
(i).	First 2 days	Free	Free	Free
(ii).	from 3 to 4 days	195.37	390.73	586.10
(iii).	from 4 to 15 days	390.73	781.47	1172.20
(iv).	Beyond 15 days	781.47	1562.93	2344.40

(c). Transhipment Containers - Laden & Empty Containers

(**Rate in ₹ per container per day or part thereof**)

Sl. No.	Particulars	Container not exceeding 20 feet in length	Container exceeding 20 feet in length and upto 40 feet length	Container exceeding 40 feet in length
(i).	First 30 days	Free	Free	Free
(ii).	from 31 to 45 days	195.37	390.73	586.10
(iii).	from 46 to 60 days	390.73	781.47	1172.20
(iv).	Beyond 60 days	781.47	1562.93	2344.40

(d). Shut out Containers - Laden & Empty Containers

(**Rate in ₹ per container per day or part thereof**)

Sl. No.	Particulars	Container not exceeding 20 feet in length	Container exceeding 20 feet in length and upto 40 feet length	Container exceeding 40 feet in length
(i).	From 1 to 15 Days	195.37	390.73	586.10
(ii).	From 16 to 30 days	390.73	781.47	1172.20
(iii).	Beyond 30 days	781.47	1562.93	2344.40

Notes:

(1). Free dwell-time (storage) period for import containers shall commence from the day after the day of landing of the container and for export containers the free period shall commence from the time container enters the terminal.

(2). For the purpose of calculation of free time, Sundays, Customs notified holidays and the Terminal's non-operating days shall be excluded.

(3). Transhipment containers whose status is subsequently changed to local FCL/LCL or ICD container shall be levied storage charges at par with the relevant import containers.

(4) Storage charge on hazardous container shall be 1.25 times of the respective container storage charge.

(5) For Over Dimensional Containers, the storage charges shall be based on the actual number of ground slots the respective container occupies under the respective slab as prescribed above.

(6). Total storage period for shut out container shall be calculated from the day following the day when the container has become shut out till the day of shipment / delivery.

(7) If any loaded container is required to be destuffed in port, the empty container will attract the dwell time charges as empty container from the day following the day of destuffing.

(8) The storage charges on abandoned FCL containers/shipper owned containers shall be levied upto the date of receipt of intimation of abandonment in writing or 75 days from the day of landing of the container, whichever is earlier subject to the following conditions:

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

(ii) If the consignee chooses not to issue such letter of abandonment, the container Agent/MLO can also issue abandonment letter subject to the conditions that

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

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

(b) The container Agent/MLO shall observe the necessary formalities and bear the cost of transportation and de-stuffing. In case of their failure to take such action within the stipulated period, the storage charge on container shall be continued to be levied till such time all the necessary actions are taken by the shipping lines/MLO for destuffing the cargo or removal of load container from the Terminal.

(c) Where the container is seized/confiscated by Customs Authorities and the same cannot be destuffed within the prescribed time limit of 75 days, the storage charges will cease to apply from the day the Customs order release of the cargo, subject to the line's observing the necessary formalities and bearing the cost of transportation and destuffing. Otherwise, seized/confiscated containers should be removed by the line/consignee from the port premises to the Customs' bonded area and in that case the storage charge shall cease to apply from the day of such removal.

(9). Storage charge on container shall not accrue for the period when the Terminal is not in a position to deliver/ shift the container when required by the user due to reasons attributable to the operator.

3.3. A. Charges to miscellaneous services

(**Rate in ₹ per container**)

Sl. No.	Particulars	Container not exceeding 20 feet in length	Container exceeding 20 feet in length and upto 40 feet length	Container exceeding 40 feet in length
(a).	Pre Trip Inspection (PTI) (Excluding the electricity charges)	330.04	495.06	660.09
(b).	Reefer Run Test (Excluding the electricity charges)	330.04	495.06	660.09
(c).	Charges for supply of electricity (including connecting and disconnecting, monitoring at Reefer yard) per 4 hours or part thereof-	204.86	307.29	409.67

Notes:

(1). Services include only plugging/ unplugging and monitoring of the temperature. No maintenance will be performed on malfunctioning reefers.

(2). PTI and Run Test of the reefer containers are optional services and shall be rendered when requested. This excludes charges for supply of power and monitoring of the reefer during the PTI / Run test. The PTI/ Run test includes checking of the working condition of reefer machinery and reporting of the condition to the customer.

(3). These charges will be applicable for restow reefer containers also.

B. CHARGES FOR A SHUT OUT CONTAINER

Where an Export container or a Transhipment container is shut out or/and in the case of Back to Town container, the following rates shall apply:

(in ₹)

Sl. No.	Particulars	Container not exceeding 20 feet in length	Container exceeding 20 feet in length and upto 40 feet length	Container exceeding 40 feet in length
(a).	Laden	1925.25	2887.88	3850.51
(b).	Empty	1705.23	2557.84	3410.45

Notes:

(i). Shut out charges apply when a container is shut out by one vessel and subsequently shipped by another vessel.

(ii). The storage charges shall be levied in terms of Schedule 3.2.

C. Additional Charges

(in ₹)

Sl. No.	Particulars	Container not exceeding 20 feet in length	Container exceeding 20 feet in length and upto 40 feet length	Container exceeding 40 feet in length
1	Shifting of containers within the terminal including Lift on, Transportation , Lift off			
	- Laden	1925.25	2887.88	3850.51
	- Empty	1705.23	2557.84	3410.45
2	Container Cleaning Charges (High pressure water wash)	550.07	825.07	1100.15
3	Cancellation of Document - (Per EIR)	82.52		
4	One Door Open Charge (Per container)	550.07		
5	Fixing / Removal of Seal (per seal)	220.03		
6	Customs inspection within the terminal (per container)	440.06		
7	Plugging/unplugging of reefer container (per container)	55.00		
8	Issuance of documents per document or part thereof (maximum of 5 pages)	165.02		
9	VIA cancellation	1100.15		
10	Delay in submission of the relevant documents beyond the prescribed time (Charges are per document)	550.07		
11	Charges for providing gangway to vessel per calendar day	47.43 per hour per gangway subject to maximum of 1000 per day per gangway. Note: This is an optional service provided at the request of the user.		

D. HATCH COVER HANDLING FOR ONE OPERATION (both opening and closing):

(in ₹)

Sl. No.	Particulars	Foreign-going	Coastal
(a).	Without landing Hatch Cover on the quay	1386.56	831.75
(b).	With landing Hatch Cover on the quay	2772.18	1663.49

Notes:

(1). Half the rate shall be applicable if there is only one activity, i.e. either an opening or closing operation.

(2). '**Shifting of container'** charges shall be applicable whenever there is a change in shipment status or container status involving actual shifting of the container or any shifting done at customer's request for any purpose including shifting for availing any other service provided by terminal. Shifting is a consolidated charge levied for lift on, transportation and lift off. **Change of shipment status** applies when:

(i). A transhipment container in TERMINAL premises is changed to an import container;

(ii). An import container in TERMINAL premise is re-exported;

(iii). An export container is delivered out of TERMINAL premise;

(iv). A local delivery container is changed to an ICD Container after landing or vice-versa.

(v). A transhipment container whose outbound VIAN is not declared prior to berthing of the inbound carrier;

(vi). An Export container arriving by Rail whose outbound VIAN is not declared at least 6 hrs prior to the arrival of the Train at Rail Siding in the terminal.

Change of container status applies each time the detail of an import or export container whose POD, Size, Status or weight (varying by +/- 2 ton) is changed after processing by TERMINAL.

(3). **Container Cleaning Charges:** These services are optional and the relevant charge is applicable when the containers are cleaned with water.

(4). **Cancellation charge for EIR** applies when EIR is cancelled at the request of customer.

(5). **"One Door Open" Charge** is applicable for handling container which requires only one door to be kept open (e.g. Onions) and when door opening and securing is carried by the terminal.

(6). **Fixing / Removal of seal**
Bottle seals shall be fixed on every container arriving at the terminal - by rail / road / sea - without a proper bottle seal on it, prior to allowing its entry. The terminal staff shall be at liberty to do this without having to obtain prior consent of the shipping lines. The list of such containers on which a seal is affixed by the terminal shall be intimated to the lines.

(7). **Customs Inspection**
The inspection of a container shall be allowed at a nominated point only, on the written request of the customer. The container doors can be opened only under customs supervision.

4. GENERAL NOTE TO SECTION- 2 & SECTION- 3 ABOVE:

The tariff caps will be indexed to inflation but only to an extent of 60% of the variation in Wholesale Price Index (WPI) occurring between 1 January 2013 and 1 January of the relevant year. Such automatic adjustment of tariff caps will be made every year and the adjusted tariff caps will come into force from 1 April of the relevant year to 31 March of the following year.

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Annex-II

PERFORMANCE STANDARDS

Performance Standards

1. Gross Berth Output

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

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

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

Cargo Category	Indicative Norms
Container	
(Mainline Vessel) (Feeder Vessel)	[25 moves per hour] [22 moves per hour]

Weightage in case of a shortfall in meeting the prescribed performance standard – [0.6]

2. Transit Storage Dwell Time:

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

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

Transit Storage Dwell Time **-Import** Container (at terminal) **-Export** Container (at terminal)	 3 days by road and 7 days by rail / barge 4 days by road and 7 days by rail / barge

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

3. Turn around Time for receipt / delivery operation:

The Turn around Time for receipt / delivery operation shall be the sum of time taken for loading / unloading of cargo divided by the number of trucks / trailers / rakes deployed, as the case may be, in a month. Further, in case the truck / trailer / rake does both unloading and loading operations on a single entry into the terminal, the time allocated shall be doubled for those trucks / trailers / rakes.

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

Weightage in case of a shortfall in meeting the prescribed performance standard [0.1]

Performance Evaluation and calculation of liquidated damages:

Performance evaluation shall be made on a quarterly review of the reports furnished by the Concessionaire and/or the records of the Concessionaire and/or by an enquiry by the Concessioning Authority. The Concessionaire shall be liable to pay liquidated damages determined at the rate of 1% (one per cent) of the Gross Revenue of the respective quarter for every shortfall of 10% (ten per cent) in the average performance which shall be assessed in the following manner.

Each Performance Standard is calculated as an average in the manner indicated above. The actual average performance vis-à-vis a standard will be evaluated against the prescribed standard. The shortfall will be computed as a percentage of the prescribed standard. The shortfall in respect of each performance standard will have a weightage assigned to it. The overall shortfall in average performance shall be assessed as the aggregate of the weighted shortfalls in respect of each of the performance standards. For example, if there is a shortfall in Gross Berth Output by x%, Transit Storage Dwell Time by y% and Turn round time for receipt / delivery operations by z% and the weightage assigned to such shortfalls is 0.6, 0.3 and 0.1 respectively, then the overall shortfall in average performance will be $(0.6x + 0.3 y + 0.1 z)$%.
