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Tariff Authority for Major Ports

G No. 15 **New Delhi,** **22 January 2013**

NOTIFICATION

In exercise of the powers conferred by Section 49 of the Major Port Trusts Act, 1963 (38 of 1963), the Tariff Authority for Major Ports hereby disposes of the proposal dated 13 September 2012 received from the Kolkata Port Trust (KOPT) with regard to the date of effect of some provisions in the existing Rent Schedule for Land and Building of KOPT at Haldia as in the Order appended hereto.

(Rani Jadhav)
Chairperson

Tariff Authority for Major Ports

Case No. TAMP/62/2011-KOPT

Kolkata Port Trust - - - **Applicant**

QUORUM:

(i). Smt. Rani Jadhav, Chairperson
(ii). Shri. T.S. Balasubramanian, Member (Finance)

O R D E R

(Passed on this 17th day of December 2012)

This Authority has passed an Order No.TAMP/7/2010-KOPT dated 19 January 2011 on the proposal received from Kolkata Port Trust (KOPT) for revision of the Schedule of Rent for Land and Buildings at Kolkata and at Haldia.

2.1. Subsequently, based on a proposal filed by the KOPT, this Authority has passed an Order No.TAMP/62/2011-KOPT dated 14 February 2012 approving the following:

(a). Inclusion of the following provisions at the end of Clause (I) LANDS of Annex-II forming part of the Order dated 19 January 2011.

"Note:

(1) If land is taken in a zone other than Commercial Zone for the purposes as mentioned in (e), (f) & (g) above, 50% of the difference in rent between that applicable for the respective zone and commercial zone depending upon the usage, shall be charged extra over the land rent for the respective zone as per approved Rent Schedule.

(2) In the event of utilisation of land for mixed purpose i.e. office-cum residential, the rent chargeable shall be simple average of applicable rents for the specific usage.

(3) The rates prescribed for Dock Interior Zone (Inside custom bonded area) (bare land) and Dock Interior Zone (Inside custom bonded area) (Hard Stand Land) at Serial No. c (i) and (ii) respectively are not applicable in case of allotment on ship-to-ship basis for storage of import/export goods inside Dock Interior Zone.**"**

(b). Inclusion of the following new entry suitably at Serial No.(a)(v) after the existing Serial No.(a)(iv) under Clause (II) (BUILDINGS) of Annex-II forming part of Order dated 19 January 2011:

"Commercial Zone 87.86"

(c). Inclusion of the following new entry suitably at Serial No.(b)(v) after the existing Serial No.(b)(iv) under Clause (II) (BUILDINGS) of Annex-II forming part of Order dated 19 January 2011:

"Commercial Zone 72.86"

2.2. With reference to the prescription of conditionalities as mentioned at para 2.1(a) above, as brought out in the said Order, the prescription of the said conditionalities in the Rent Schedule in the Order dated 19 January 2011 was only restoration of the conditionalities already approved in the earlier Order of December 1999, which, however, were missed out inadvertently while framing the Rent Schedule forming part of the Order dated 19 January 2011.

2.3. With regard to prescription of rates as mentioned at para 2.1(b) and (c) above, rates for use of buildings in the Commercial Zone were prescribed for the first time in the Rent Schedule of KOPT, in the order dated 14 February 2012.

3. In this backdrop, the KOPT vide its letter dated 13 September 2012 has made following submissions:-

(i). The schedule of Rent for land and buildings of KOPT at Kolkata and Haldia was revised vide order No.TAMP/7/2010-KOPT dated 19 January 2011. This order was notified on 8 March 2011 vide Gazette No. 47.

(ii). The revised rent schedule as per Order dated 19 January 2011 are effective from 07 April 2011.

(iii). Subsequently an Order No.TAMP/62/2011-KOPT dated 14 February 2012 approved inclusion of some provisions which should form part of the earlier order dated 19 January 2011.

(iv). In the Order dated 14 February 2012, any specific date from which the new rates and conditions should be made effective is not given.

(v). Hence, the date from which the approved rates and conditions should be implemented may be indicated.

4. With regard to the conditionalities, as stated at para 2.2 above, the said conditionalities previously existed in the Rent Schedule of Haldia in the year 1999 and were inadvertently missed out while framing the Rent Schedule of Haldia in 2011. These conditionalities were restored vide Order of February 2012. Hence, the conditionalities are to be presumed to have been prescribed in the Rent Schedule of 2011 also. Thus, the conditionalities should be deemed to have come in to force from the effective date of implementation of Rent Schedule approved vide tariff Order of January 2011.

5.1. With regard to prescription of rates for use of buildings in the Commercial Zone for the first time in the Rent Schedule of KOPT as mentioned at para 2.3 above, the date from which the new rates should have come into effect ought to have been prescribed in the Order of February 2012. However, inadvertently, it was not mentioned in the Order passed in February 2012.

5.2. In this regard, it may be recalled that while approving the revised Rent Schedule for the lands and buildings of KOPT at Haldia and Kolkata in January 2011, this Authority has prescribed a lead time of 30 days from the date of notification of the Order in the Gazette of India, for the revised Rent Schedule to come into effect. Since the rates for use of buildings in the Commercial Zone form part of the said Rent Schedule, the same lead time of 30 days from the date of notification of the Order in the Gazette of India is to be prescribed for the rates to come into effect.

5.3. Further, as stated earlier, the rates for use of buildings in the Commercial Zone form part of the said Rent Schedule. Therefore, it is necessary to prescribe the validity of the said rates, so as to make it co-terminus with the validity of the Rent Schedule approved in January 2011.

6. In the result, and for the reasons given above, and based on a collective application of mind, this Authority approves the following:

(i). The conditionalities as approved at para 7(v)(a)(1) to 7(v)(a)(3) vide Order No.TAMP/62/2011-KOPT dated 14 February 2012 are deemed to have come into force from the effective date of implementation of Rent Schedule approved vide tariff Order dated 19 January 2011.

(ii). The rates for use of buildings in the Commercial Zone prescribed for the first time in the Rent Schedule of KOPT as approved at para 7(v)(b) and 7(v)(c) are deemed to have come into force after expiry of 30 days from the date of notification of the Order no.TAMP/62/2011-KOPT dated 14 February 2012 in the Gazette of India and the validity of these rates shall be co-terminus with the validity of the Rent Schedule of Haldia approved in January 2011.

(Rani Jadhav)
Chairperson