

(Published in Part - III Section 4 of the Gazette of India, Extraordinary)
TARIFF AUTHORITY FOR MAJOR PORTS

G.No. 207

New Delhi,

18 May 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 disposes of the proposal received from V.O. Chidambaranar Port Trust (VOCPT) for amendments to its existing Scale of Rates approved vide Order No.TAMP/29/2016-VOCPT dated 17 September 2016 as in the Order appended hereto.

(T.S. Balasubramanian)

Member (Finance)

Tariff Authority for Major Ports
Case No. TAMP/82/2016-VOCPT

V.O. Chidambaranar Port Trust

- - -

Applicant

QUORUM

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

ORDER

(Passed on this 29th day of March 2017)

This case relates to a proposal received from the V.O. Chidambaranar Port Trust (VOCPT) dated 3 November 2016 for amendments to its existing Scale of Rates approved vide Order No.TAMP/29/2016-VOCPT dated 17 September 2016.

2.1. This Authority has passed an Order No.TAMP/29/2016-VOCPT dated 17 September 2016, approving the revised Scale of Rates and Performance Standards on the proposal received from the VOCPT for general revision of its Scale of Rates (SOR).

2.2. The revised Scale of Rates along with Performance Standards approved by this Authority was notified in the Gazette of India vide Gazette No.370 dated 10 October 2016 and the detailed speaking Order pertaining to the revised Scale of Rates of VOCPT has been notified in the Gazette of India on 28 November 2016 vide Gazette No.427.

3.1. With reference to the notification dated 10 October 2016, the VOCPT has submitted that on comparison with the SOR proposed by the port with the notified SOR, there are few issues which are erroneously included by the VOCPT in the revised draft SOR sent vide letter dated 9 August 2016. The port has given the comparison of items notified in the SOR and modifications required for each item in the statement which is furnished below:

Sl. No.	Tariff as proposed by VOCPT vide its revised proposal dated 9 August 2016 and tariff as per SoR approved by the Authority vide Order dated 17.09.2016						To be modified as (Suggested by VOCPT vide its letter dated 3 November 2016																																																																																																																			
1	<u>Proposed by VOCPT vide its revised proposal dated 9 August 2016</u> Schedule 3.1 Schedule of Wharfage Dues – Sl.No.3 COAL & COKE <table><tr><th rowspan="2">S. No.</th><th rowspan="2">Particulars</th><th rowspan="2">Unit</th><th colspan="2">Zone A</th><th colspan="2">Zone B</th></tr><tr><th>Foreign</th><th>Coastal</th><th>Foreign</th><th>Coastal</th></tr><tr><td>3</td><td>(a). Charcoal in bags/bulk.</td><td>1 M.T.</td><td>35.76</td><td>21.45</td><td>15.32</td><td>9.19</td></tr><tr><td></td><td>(b). Coal by whatever name described in Customs Document and used for Thermal Power Plants</td><td>1 M.T.</td><td>48.53</td><td>29.12</td><td>-</td><td>-</td></tr><tr><td></td><td>(c). Coal by whatever name described in Customs Document other than sl.no.3(b) above.</td><td>1 M.T.</td><td>48.53</td><td>29.12</td><td>29.12</td><td>17.47</td></tr><tr><td></td><td>(d). Coal and Coke handled through Coal Jetty (other than thermal coal).</td><td>1 M.T.</td><td>48.53</td><td>29.12</td><td>-</td><td>-</td></tr><tr><td></td><td>(e). Thermal Coal</td><td>1 M.T.</td><td>48.53</td><td>48.53</td><td>-</td><td>-</td></tr></table> <u>Approved by the Authority vide Order dated 17.09.2016</u> Schedule 3.1 Schedule of Wharfage Dues – Sl.No.3 COAL & COKE <table><tr><th rowspan="2">S. No.</th><th rowspan="2">Particulars</th><th rowspan="2">Unit</th><th colspan="2">Zone A</th><th colspan="2">Zone B</th></tr><tr><th>Foreign</th><th>Coastal</th><th>Foreign</th><th>Coastal</th></tr><tr><td>3</td><td>(a). Charcoal in bags/bulk.</td><td>1 M.T.</td><td>35.76</td><td>21.45</td><td>15.32</td><td>9.19</td></tr><tr><td></td><td>(b). Coal by whatever name described in Customs Document and used for Thermal Power Plants</td><td>1 M.T.</td><td>48.53</td><td>48.53</td><td>-</td><td>-</td></tr><tr><td></td><td>(c) Coal by whatever name described in Customs Document other than sl.no.3(b) above.</td><td>1 M.T.</td><td>48.53</td><td>29.12</td><td>29.12</td><td>17.47</td></tr></table>						S. No.	Particulars	Unit	Zone A		Zone B		Foreign	Coastal	Foreign	Coastal	3	(a). Charcoal in bags/bulk.	1 M.T.	35.76	21.45	15.32	9.19		(b). Coal by whatever name described in Customs Document and used for Thermal Power Plants	1 M.T.	48.53	29.12	-	-		(c). Coal by whatever name described in Customs Document other than sl.no.3(b) above.	1 M.T.	48.53	29.12	29.12	17.47		(d). Coal and Coke handled through Coal Jetty (other than thermal coal).	1 M.T.	48.53	29.12	-	-		(e). Thermal Coal	1 M.T.	48.53	48.53	-	-	S. No.	Particulars	Unit	Zone A		Zone B		Foreign	Coastal	Foreign	Coastal	3	(a). Charcoal in bags/bulk.	1 M.T.	35.76	21.45	15.32	9.19		(b). Coal by whatever name described in Customs Document and used for Thermal Power Plants	1 M.T.	48.53	48.53	-	-		(c) Coal by whatever name described in Customs Document other than sl.no.3(b) above.	1 M.T.	48.53	29.12	29.12	17.47	Schedule 3.1 Schedule of Wharfage Dues – Sl.No.3 <table><tr><th rowspan="2">S. No</th><th rowspan="2">Particulars</th><th rowspan="2">Unit</th><th colspan="2">Zone A</th><th colspan="2">Zone B</th></tr><tr><th>Foreign</th><th>Coastal</th><th>Foreign</th><th>Coastal</th></tr><tr><td>1</td><td>(a). Charcoal in bags/bulk.</td><td>1 M.T.</td><td>35.76</td><td>21.45</td><td>15.32</td><td>9.19</td></tr><tr><td></td><td>(b) Coal by whatever name described in Customs Document and used for Thermal Power Plants</td><td>1 M.T.</td><td>48.53</td><td>48.53</td><td>-</td><td>-</td></tr><tr><td></td><td>(c) Coal by whatever name described in Customs Document other than sl.no.3(b) above.</td><td>1 M.T.</td><td>48.53</td><td>29.12</td><td>29.12</td><td>17.47</td></tr></table> Erroneously covered in original proposal and hence to be deleted now.						S. No	Particulars	Unit	Zone A		Zone B		Foreign	Coastal	Foreign	Coastal	1	(a). Charcoal in bags/bulk.	1 M.T.	35.76	21.45	15.32	9.19		(b) Coal by whatever name described in Customs Document and used for Thermal Power Plants	1 M.T.	48.53	48.53	-	-		(c) Coal by whatever name described in Customs Document other than sl.no.3(b) above.	1 M.T.	48.53	29.12	29.12	17.47
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		Customs Document and used for Thermal Power Plants							
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		(d). Coal and Coke handled through Coal Jetty (other than thermal coal).	1 M.T.	48.53	29.12	-	-		
		(e). Thermal Coal	1 M.T.	48.53	48.53	-	-		
2	As proposed by VOCPT vide its letter dated 9 August 2016 and as in the SOR approved by the Authority. <u>Schedule 2.4.2 Schedule of Berth Hire Charges for Other Vessels – Note (5)</u> (5). All Tankers carrying oil, petroleum products, chemicals in bulk, lube base stock in bulk shall be charged berth hire charges at 125% of the charges applicable to relative classification.							<u>Schedule 2.4.2 Schedule of Berth Hire Charges for Other Vessels – Note (5)</u> (5). All Tankers carrying oil, petroleum products, chemicals in bulk, lube base stock in bulk shall be charged berth hire charges at 125% of the charges applicable to relative classification. For calculating priority or outstanding priority charges as per Note-6, the berth hire charges shall be reckoned as 100% of charges applicable as per relative classification.	
3	As proposed by VOCPT vide its letter dated 9 August 2016 and as in the SOR approved by the Authority. <u>Schedule 2.4.2 Schedule of Berth Hire Charges for Other Vessels – Note (3)</u> (3). Vessel berthed at additional berths (other than Berth No.I,II,III and IV of VOC Wharf, finger jetty and shallow water berth and any other berth where wharf crane facility is not made available by the VOCPT, a rebate of 20% of the applicable berth hire charges will be allowed.							<u>Schedule 2.4.2 Schedule of Berth Hire Charges for Other Vessels – Note (3)</u> (3). Vessel berthed at additional berths (other than Berth No.I,II,III and IV of VOC Wharf), finger jetty and shallow water berth and any other berth where Port's own wharf crane facility is not made available, a rebate of 20% of the applicable berth hire charges will be allowed.	
4	As proposed by VOCPT vide its letter dated 9 August 2016 and as in the SOR approved by the Authority. <u>Schedule 2.4.2 Schedule of Berth Hire Charges for Other Vessels – Note (4)</u> (4). The berth occupancy for each vessel will be determined based on the output norms as given below for levy of penal berth hire charges:							<u>Schedule 2.4.2 Schedule of Berth Hire Charges for Other Vessels – Note (4)</u> The berth occupancy for each vessel will be determined based on the output norms as given below for levy of penal berth hire charges as per the New Berthing Norms, 2016.	
	S.No.	Commodity	Output Norms						
	1	Cashew Nuts In Bags	1,125						
	2	Caustic Soda Lye	3,750						
	3	Cement	1,500						
	4	Clinkers	5,250						
	5	Copper Concentrate	6,750						
	6	DAP	4,500						
	7	Diesel Oil	6,000						
	8	Furnace Oil IOC	7,500						
	9	Furnace Oil SPIC	2,250						
	10	Garnet Sand Bulk	6,000						
	11	General Cargo	1,875						
	12	Granite Stone	1,500						
	13	Gypsum In Bulk	9,000						
	14	Coal at III/IV Berth	9,000						
	15	Coal at IX Berth	18,000						
	16	Ilmenite	8,000						
	17	Iron And Steel Materials	3,600						
	18	Iron Ore	9,750						
	19	Lime Stones	7,500						
	20	Liquid Ammonia	3,750						
	21	Logs	3,450						
	<u>NORMS FOR ALL CARGOES - 2016-2017</u>								
	<u>DRY BULK CARGO</u>								
Sl. No.	Commodity	Productivity Norms (Tonnes per Day)							
1	I Coal & T Coal-IX Berth	28,000							
2	I Coal & T Coal-III/IV Berth	12,000							
3	Garnet Sand (Bulk)	12,000							
4	Gypsum In Bulk	12,000							
5	Ilmenite	15,600							
6	Iron Ore	13,000							
7	Lime Stones	10,000							
8	Rock Phosphate	10,000							
9	Petroleum Coke	10,000							
10	Copper Concentrate	9,000							
11	Potassium Sulphate (Mop,Sop)	9,000							
12	Sulphur	8,000							
13	Sugar(Raw)	7,000							
14	Salt In Bulk	7,000							
15	Clinkers	7,000							
16	Wheat In Bulk	6,500							
17	Diammonium Phosphate	6,000							
18	Peas (Yellow)	7,000							

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	22	Lpg	5,000	19	Urea	6,000
	23	Machinaries	900	20	Maize (Bulk)	4,000
	24	Maize	3,000	21	Stone(Rough)	5,200
	25	MOP	6,750	22	Stone Dust	3,300
	26	Naptha IOC	7,500	23	Stone Aggregate	3,200
	27	Naptha SPIC	3,000	24	Oil Cake/Copra	2,500
	28	Oil Cake/Copra	1,875			
	29	Palm Oil	3,000	LIQUID CARGO		
	30	Peas (Yellow)	5,250	Sl. No	Cargo Name	Productivity Norms Average output
	31	Petroleum Coke	7,500	1	Furnace Oil – IOC	10,000
	32	Phosphoric Acid	2,625	2	Naptha – IOC	3,500
	33	Rock Phosphate	7,500	3	Diesel Oil – Jetty / Berth	8,000/3,500
	34	Salt In Bags	1,875	4	LPG	5,000
	35	Salt In Bulk	5,250	5	Liquid Ammonia	5,000
	36	Stone Aggregate	2,400	6	Caustic Soda Lye	5,000
	37	Stone Dust	2,475	7	Naptha – Spic	4,000
	38	Stone Rough	3,900	8	Palm Oil	4,000
	39	Sugar In Bag	1,875	9	Sulphuric Acid	4,000
	40	Sugar(Raw)	5,250	10	Phosphoric Acid	3,500
	41	Sulphur	6,000	11	Furnace Oil – Spic	3,000
	42	Sulphuric Acid	3,000	12	VCM	3,000
	43	Coal at NCBI	18,750	BREAK BULK CARGO		
	44	Coal at Coal Jetty I&II	11,250	SL. No	Cargo Name	Productivity Norms Average output
	45	Urea	4,500	1	Garnet Sand in Bags	8,000
	46	Vcm	2,250	2	Cement in Bags	2,000
	47	Wheat	4,875	3	Iron and Steel Materials	4,800
				4	Logs	4,600
				5	Salt in Bags	2,500
				6	Sugar in Bags	2,500
				7	General Cargo	2,500
				8	Granite	2,000
				9	Cashew Nuts in Bags	1,500
				10	Machinaries	1,200
	Notes:			Notes:		
	The norms proposed as Performance Standards are for normal situation. <u>Penalty and Rebate in Berth hire Charges in respect of Coal vessels handled at Berth No.IX and VOC III &IV</u>			(i) If a ship stays within 5% (higher or lower) of the stipulated time for that commodity as specified above, then no penalty/incentive will be levied/paid.		
	(A). Till commencement of operations of Mechanisation of handling facility through Conveyor System for evacuation of coal at Berth No IX and erection of Two Nos. of HMC cranes at Berth No III & IV respectively, Penalty and Rebate in Berth hire Charges in respect of Coal vessels handled at Berth No.IX and VOC III & IV will be as follows:			(ii) In cases where actual berth stay is more than 5% higher than the stipulated time for that commodity as specified above, number of additional hours spent at berth will be penalised at 3 x berth hire.		
	For Berth No IX:			(iii) In cases where actual berth stay is more than 5% lower than the stipulated time for that commodity as specified above, number of additional hours saved will be incentivised at 1 x berth hire.		
	a) <u>Penalty for Non-achieving the Output of Coal in Berth No IX (Future Output 28,000 MT / day)</u>			The Performance norms will be revised every quarter during the first year until the target norms for commodity are reached. Subsequent revision will be done yearly or upon up-gradation of berth infrastructure and conforming to directions of Ministry of Shipping, G.O.I.		
	• Vessels achieving productivity < 24,000 MT / day: Penalty of 3 X Berth hire (excluding wharf crane element) for stay exceeding stipulated hours.			[The port has now completely proposed revised notes.]		
	• Vessels achieving productivity < 21,000 MT / day: Additional Penalty of 5 X Berth hire (excluding wharf crane element) for berth stay exceeding stipulated hours.					
	b) <u>Rebate for achieving the Output beyond the Norm at Berth No IX:</u>					
	• Vessels achieving productivity > 25,500 MT / day: Discount of 10% on Berth hire					

Sl. No.	Tariff as proposed by VOCPT vide its revised proposal dated 9 August 2016 and tariff as per SoR approved by the Authority vide Order dated 17.09.2016	To be modified as (Suggested by VOCPT vide its letter dated 3 November 2016
	charges (excluding wharf crane element) for number of hours spent at Berth No.IX. • Vessel achieving productivity > 27,000 MT / day : Discount of 20% on Berth hire charges(excluding wharf crane element) for number of hours spent at Berth No.IX <u>For Berth No III and IV:</u> a) <u>Penalty for Non achieving the Output of Coal in Berth No.III and IV: (Future Output 17,000 MT / day)</u> • Vessels achieving productivity < 12,000 MT / day: Penalty of 3 X Berth hire (excluding wharf crane element) for stay exceeding stipulated hours. • Vessels achieving productivity < 10,500 MT / day: Additional Penalty of 5 X Berth hire (excluding wharf crane element) for berth stay exceeding stipulated hours. b) <u>Rebate for achieving the Output beyond the Norm at Berth No.III and IV:</u> • Vessels achieving productivity > 13,500 MT / day: Discount of 10% on Berth hire charges (excluding wharf crane element) for number of hours spent at Berth No.III& IV. • Vessel achieving productivity > 15,000 MT / day: Discount of 20% on Berth hire charges for number of hours spent at Berth No.III& IV. (B) On commencement of commercial operations of Mechanisation of handling facility thro' Conveyor System for evacuation of coal at Berth No IX and erection of Two Nos. of HMC cranes at Berth No.III& IV respectively, Penalty and rebate in respect of coal vessels handled at berth no. III, IV and IX will be as follows: <u>For Berth No IX:</u> a) <u>Penalty for Non achieving the Output of Coal in Berth No.IX (Future Output 28,000 MT / day)</u> • Vessels achieving productivity < 28,000 MT / day: Penalty of 3 X Berth hire (excluding wharf crane element) for stay exceeding stipulated hours. • Vessels achieving productivity < 25,000 MT / day: Additional Penalty of 5 X Berth hire for berth stay exceeding stipulated hours. b) <u>Rebate for achieving the Output beyond the Norm at Berth No.IX:</u> • Vessels achieving productivity > 30,000 MT / day: Discount of 10% on Berth hire	

Sl. No.	Tariff as proposed by VOCPT vide its revised proposal dated 9 August 2016 and tariff as per SoR approved by the Authority vide Order dated 17.09.2016	To be modified as (Suggested by VOCPT vide its letter dated 3 November 2016
	charges (excluding wharf crane element) for number of hours spent at Berth No.IX. • Vessel achieving productivity > 32,000 MT / day: Discount of 20% on Berth hire charges for number of hours spent at Berth No.IX. <u>For Berth No III and IV:</u> a) <u>Penalty for Non achieving the Output of Coal in Berth No.III and IV: (Future Output 17,000 MT / day)</u> • Vessels achieving productivity < 17,000 MT / day: Penalty of 3 X Berth hire (excluding wharf crane element) for stay exceeding stipulated hours. • Vessels achieving productivity < 15,000 MT / day: Additional Penalty of 5 X Berth hire (excluding wharf crane element) for berth stay exceeding stipulated hours. b) <u>Rebate for achieving the Output beyond the Norm at Berth No.III and IV:</u> • Vessels achieving productivity > 19,000 MT / day: Discount of 10% on Berth hire charges (excluding wharf crane element) for number of hours spent at Berth No.III & IV. • Vessels achieving productivity > 21,000 MT / day: Discount of 20% on Berth hire charges (excluding wharf crane element) for number of hours spent at Berth No.III & IV. <u>(C). For the remaining cargoes except coal handled at Berth No.III & IV and Berth No.IX the following is the Penalty and Rebate in Berth hire Charges</u> a) <u>Penalty for Non achieving the Output</u> • Vessels achieving productivity less than the output per day stipulated above will attract penalty of 50% additional Berth hire for stay exceeding stipulated hours. • Vessels achieving productivity less than 66.66% of output per day stipulated above will attract penalty of 75% additional Berth hire for stay exceeding stipulated hours. b) <u>Rebate for achieving the Output beyond the Norms specified above:</u> • Vessels achieving productivity more than 125% of output norms per day as stipulated: Discount of 10% on Berth hire charges (excluding wharf crane element) for the total Berth hours. • Vessels achieving productivity more than 150% of output norms per day as stipulated: Discount of 20% on Berth hire charges (excluding wharf crane element) for the total Berth hours.	

Sl. No.	Tariff as proposed by VOCPT vide its revised proposal dated 9 August 2016 and tariff as per SoR approved by the Authority vide Order dated 17.09.2016	To be modified as (Suggested by VOCPT vide its letter dated 3 November 2016																																		
5	As proposed by VOCPT in its Original Proposal vide its letter dated 7 May 2016 and as in the SOR approved by the Authority. 3.5. <u>CESS FOR POLLUTION MITIGATING MEASURES:</u> Cess for Pollution mitigating measures shall be levied at Rs.5/- per M.T in respect of dusty cargoes discharged at the Port (Excluding cargo handled through closed conveyors).	3.5. <u>CESS FOR POLLUTION MITIGATING MEASURES:</u> Cess for Pollution mitigating measures shall be levied at Rs.5/- per M.T in respect of dusty cargoes discharged at the Port <u>as listed below</u>:- (Excluding cargo handled through closed conveyors). <table><tr><th>Sl. No.</th><th>Dusty cargoes</th></tr><tr><td>1</td><td>Coal</td></tr><tr><td>2</td><td>Gypsum In Bulk</td></tr><tr><td>3</td><td>Ilmenite</td></tr><tr><td>4</td><td>Iron Ore</td></tr><tr><td>5</td><td>Lime Stones</td></tr><tr><td>6</td><td>Rock Phosphate</td></tr><tr><td>7</td><td>Petroleum Coke</td></tr><tr><td>8</td><td>Copper Concentrate</td></tr><tr><td>9</td><td>Potassium Sulphate (Mop,Sop)</td></tr><tr><td>10</td><td>Sulphur</td></tr><tr><td>11</td><td>Clinkers</td></tr><tr><td>12</td><td>Diammoniam Phosphate</td></tr><tr><td>13</td><td>Urea</td></tr><tr><td>14</td><td>Stone Dust</td></tr><tr><td>15</td><td>Stone Aggregate</td></tr><tr><td>16</td><td>Oil Cake/Copra</td></tr></table>	Sl. No.	Dusty cargoes	1	Coal	2	Gypsum In Bulk	3	Ilmenite	4	Iron Ore	5	Lime Stones	6	Rock Phosphate	7	Petroleum Coke	8	Copper Concentrate	9	Potassium Sulphate (Mop,Sop)	10	Sulphur	11	Clinkers	12	Diammoniam Phosphate	13	Urea	14	Stone Dust	15	Stone Aggregate	16	Oil Cake/Copra
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15	Stone Aggregate																																			
16	Oil Cake/Copra																																			

(ii). The tariff items under which variations noticed are tabulated below:

Sl. No.	Tariff as proposed by VOCPT vide its revised proposal dated 9 August 2016 and tariff as per SoR approved by the Authority vide Order dated 17.09.2016	Tariff proposed by the Port vide Port's letter dated 09.8.2016 and to be retained												
6	<u>Proposed by VOCPT vide its revised proposal dated 9 August 2016</u> <u>Schedule 2.4.2 Schedule of Berth Hire Charges for Other Vessels - Note 4 sub Note (1)</u> The norms proposed as Performance Standards are for normal situation. In case of abnormal situations such as Labour Gang not supplied by the Port, Force Majeure – rain, heavy wind etc., The Port reserves the right to Revise the norms as per the field condition. <u>Approved by the Authority vide Order dated 17.09.2016</u> <u>Schedule 2.4.2 Schedule of Berth Hire Charges for Other Vessels - Note 4 sub Note (1)</u> The norms proposed as Performance Standards are for normal situation.	<u>Schedule 2.4.2 Schedule of Berth Hire Charges for Other Vessels - Note 4 sub Note (1)</u> The norms proposed as Performance Standards are for normal situation. In case of abnormal situations such as Labour Gang not supplied by the Port, Force Majeure – rain, heavy wind etc., The Port reserves the right to Revise the norms as per the field condition. Productivity norms will be with reference to 100% availability of Port's own/hired equipment at all berths or the conveyor system at IX Berth. If the same is not available, the norms will be proportionately reduced.												
7	<u>Proposed by VOCPT vide its revised proposal dated 9 August 2016</u> <u>Performance Standard (P.S.)</u> <table border="1"> <thead> <tr> <th>S. No.</th><th>Performance Stds.</th><th>Proposed Performance 2016-17</th></tr> </thead> <tbody> <tr> <td>(i)</td><td>Coal –Mechanized at CJI & CJI</td><td>12,630</td></tr> <tr> <td>(ii)</td><td>Gross Productivity (Gross MT/day) Coal –Conventional at IX Berth</td><td>24,470</td></tr> <tr> <td>(iii)</td><td>Coal –Conventional at III & IV Berth</td><td>11,606</td></tr> </tbody> </table>	S. No.	Performance Stds.	Proposed Performance 2016-17	(i)	Coal –Mechanized at CJI & CJI	12,630	(ii)	Gross Productivity (Gross MT/day) Coal –Conventional at IX Berth	24,470	(iii)	Coal –Conventional at III & IV Berth	11,606	
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3.2. The VOCPT has requested to consider to incorporate the corrections proposed in the Scale of Rates by means of a corrigendum.

4. The VOCPT has proposed quite a lot of modification/ amendment in rate, condition and performance standards. Out of 9 item given above, 8 are amendment/ modification and one item (Sl.No.9) is clarification in nature.

5.1. In accordance with the consultative procedure prescribed, the proposal of VOCPT dated 3 November 2016 was forwarded to the concerned users/ user organisations seeking their comments. The comments received from users/ user organisations were forwarded to VOCPT as feedback information. The VOCPT vide its e-mail dated 6 March 2017 has furnished comments on the comments of Coastal Mechanised Sail Vessel Owners Association (CMSVOA).

5.2. The DCW Limited has furnished its comments. The VOCPT has not responded to the comments of the DCW Limited.

6.1. A joint hearing in this case was held on 16 February 2016 at the VOCPT premises. The VOCPT made a brief power point presentation of its proposal. The VOCPT and the concerned users/ user organizations have made their submissions at the joint hearing.

6.2. As agreed at the joint hearing, the VOCPT was requested vide our letter dated 24 February 2017 followed by reminder dated 6 March 2017 to take action on the following points:

- (i). At the joint hearing, the Tuticorin Stevedores Association (TSA) and the Tuticorin Ship Agents Association (TSAA) have objected to the prescription of differential wharfage for coal cargo based on the end use of the coal cargo and requested for uniform wharfage rate for all types of coal cargo. As agreed at the joint hearing, the VOCPT was requested to examine the request of TSA and TSAA and furnish its comments.
- (ii). As agreed at the joint hearing, the VOCPT was requested to examine the productivity norm of 28,000 tonnes per day prescribed for coal berth No. (IX).
- (iii). The comments received from DCW Limited, Coastal Mechanised Sail Vessel Owners Association and Tamil Nadu Generation and Distribution Corporation Ltd. (TANGEDCO) were forwarded to VOCPT vide our letter dated 26 December 2016, 13 February 2017 and 27 February 2017 respectively for comments of VOCPT.

6.3. The point of action brought out at para 6.2 (i) and para 6.2 (ii), the VOCPT vide its email dated 10 March 2017 has furnished its submissions.

- (i). The wharfage for the Coal was proposed under the following three categories:-

S. No	Particulars	Unit	Zone A		Zone B	
			Foreign	Coastal	Foreign	Coastal
1	(a). Charcoal in bags/bulk.	1 M.T.	35.76	21.45	15.32	9.19
	(b) Coal by whatever name described in Customs Document and used for Thermal Power Plants	1 M.T.	48.53	48.53	-	-
	(c) Coal by whatever name described in Customs Document other than sl.no.3(b) above.	1 M.T	48.53	29.12	29.12	17.47

- (ii). The Authority vide order dated 17.09.2016, approved the rates of wharfage for coal under the following five classifications including the category of Thermal Coal:-

S.No	Particulars	Unit	Zone A		Zone B	
			Foreign	Coastal	Foreign	Coastal
1	(a). Charcoal in bags/bulk.	1 M.T.	35.76	21.45	15.32	9.19
	(b). Coal by whatever name described in Customs Document and used for Thermal Power Plants	1 M.T.	48.53	48.53	-	-
	(c). Coal by whatever name described in Customs Document other than sl.no.3(b) above.	1 M.T	48.53	29.12	29.12	17.47
	(d). Coal and Coke handled through Coal Jetty (other than thermal coal).	1 M.T.	48.53	29.12	-	-
	(e). Thermal Coal	1 M.T.	48.53	48.53	-	-

- (iii). The Port vide letter dated 03.11.2016 requested the Authority to approve the proposal of reducing the categories of coal into three categories covering (1) (a) to (c) above. To finalise the issue a Joint Hearing was held on 16.02.2017 wherein the Users requested to adopt a single wharfage rate for all types of coal. The Authority also directed to examine the issue and submit a proposal to TAMP.
- (iv). Accordingly, a single rate of wharfage tariff for coal is proposed with respect to the Revenue requirement considered in General Revision proposal submitted by the Port vide letter dated 07.05.2016 as per Form-3 (Port) pertaining to Financial Year 2014-15. The working sheet of arriving the single rate of wharfage under Form-3

(Port) already submitted by the Port vide proposal dated 07.05.2016 is furnished. The Authority is requested to incorporate the following schedule of wharfage for Coal under Sl.No.3 of Schedule 3.1 (Schedule of wharfage dues) as detailed below:-

(In Rupees)						
S.No	Particulars	Unit	Zone A		Zone B	
			Foreign	Coastal	Foreign	Coastal
1	All Types of Coal	1 M.T.	48.34	48.34	29.00	29.00

- (v). It is also submitted to the Authority that as per the order passed by TAMP vide No.TAMP/4/2004-Genl. dated 15.03.2005, in compliance of policy direction issued by the Government, it was directed that 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.
- (vi). In view of the option expressed by the Users at the Joint Hearing and Traffic Department also supplementing the same that it is difficult to classify the coal based on end use, the present proposal considering as a single rate is proposed dispensing with a distinct rate for Foreign and Coastal. Resultantly, there will be no coastal concession for any coal for any purpose. As this is not in line with the Government guidelines, it is requested to take up the issue with the Government for considering the sanction for the above single rate. Alternatively, till the single proposed rate is considered, the approval of the Authority is requested to notify the tariff rate vide Sl.No. 1(b) & (c) vide para-1 above instead of already notified rate stated at (1) (a) to (1) (e).
- (vii). The port has requested to consider the above submissions of the Port and pass appropriate orders to resolve the issue in the classification of coal and the same may please be communicated at the earliest.
7. The VOCPT vide its email dated 17 March 2017 has sent statement showing Performance output as Cargo wise Tonnage (Hookwise) for the period of 2012-13 to 2015-16. As per the statement, the performance output for Naphtha is 10,000 MT. However, Port has considered in its proposal dated 3 November 2016 as 3,500 MT. Subsequently, VOCPT vide its email dated 23 March 2017, has stated that the output norms for Naphtha (IOC) may be considered as 7,500 MT and for SPIC as 3,500 MT. It has further clarified that since the diameter of the Naphtha pipeline erected by M/s.SPIC is lesser compared to the Naphtha pipeline erected by M/s.IOCL, the discharge rate of the cargo is lesser in case of Naphtha (SPIC). The norms also have been fixed based on the discharge rate.
8. 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>.
9. With reference to the totality of information collected during the processing of this case, the following position emerges:
- (i). This case relates to the amendment to the revised Scale of Rates (SOR) of the V.O. Chidambaranar Port Trust (VOCPT) approved by this Authority vide Order No.TAMP/29/2016-VOCPT dated 17 September 2016. With reference to the revised SOR approved by this Authority, the VOCPT has requested to consider a few amendments in its Scale of Rates. The points made by the VOCPT, the relevant extract from the tariff Order dated 17 September 2016 and our analysis thereon are dealt herein below in seriatim.

(a). Schedule 3.1 Schedule of Wharfage Dues – Sl.No.3 COAL & COKE

- (i). **The Schedule Proposed by VOCPT vide its revised proposal dated 9 August 2016 is as under:**

S. No.	Particulars	Unit	Zone A		Zone B	
			Foreign	Coastal	Foreign	Coastal
3	(a). Charcoal in bags/bulk.	1 M.T.	35.76	21.45	15.32	9.19
	(b). Coal by whatever name described in Customs Document and used for Thermal Power Plants	1 M.T.	48.53	29.12	-	-
	(c). Coal by whatever name described in Customs Document other than sl.no.3(b) above.	1 M.T.	48.53	29.12	29.12	17.47
	(d). Coal and Coke handled through Coal Jetty (other than thermal coal).	1 M.T.	48.53	29.12	-	-
	(e). Thermal Coal	1 M.T.	48.53	48.53	-	-

- (ii). **The Schedule Approved by this Authority vide Order dated 17.09.2016 is as under:**

S. No.	Particulars	Unit	Zone A		Zone B	
			Foreign	Coastal	Foreign	Coastal
3	(a). Charcoal in bags/bulk.	1 M.T.	35.76	21.45	15.32	9.19
	(b). Coal by whatever name described in Customs Document and used for Thermal Power Plants	1 M.T.	48.53	48.53	-	-
	(c). Coal by whatever name described in Customs Document other than sl.no.3(b) above.	1 M.T.	48.53	29.12	29.12	17.47
	(d). Coal and Coke handled through Coal Jetty (other than thermal coal).	1 M.T.	48.53	29.12	-	-
	(e). Thermal Coal	1 M.T.	48.53	48.53	-	-

- (iii). **The modification Suggested by VOCPT vide its letter dated 3 November 2016.**

Sr. No	Particulars	Unit	Zone A		Zone B	
			Foreign	Coastal	Foreign	Coastal
3.	(a). Charcoal in bags/bulk.	1 M.T.	35.76	21.45	15.32	9.19
	(b) Coal by whatever name described in Customs Document and used for Thermal Power Plants	1 M.T.	48.53	48.53	-	-
	(c) Coal by whatever name described in Customs Document other than sl.no.3 (b) above.	1 M.T.	48.53	29.12	29.12	17.47

- (iv). **Submission made by VOCPT:**

The VOCPT has submitted that the rate has been erroneously covered in proposal and requested to delete the approved rate for item (d) & (e) i.e. Coal and Coke handled through Coal Jetty (other than thermal coal) & Thermal Coal. Further at the Joint hearing held

on 16 February 2017, Tuticorin Stevedores Association (TSA) and Tuticorin Ship Agents Association have requested to adopt single wharfage rate for all types of coal. The port has requested to approve single rate and incorporate in the Schedule of Wharfage for Coal under Sl.No.3 of Schedule 3.1(Schedule of Wharfage dues) as under:

Sr. No	Particulars	Unit	Zone A		Zone B	
			Foreign	Coastal	Foreign	Coastal
1	All Types of Coal	1 M.T.	48.34	48.34	29.00	29.00

The VOCPT further stated that the proposed single rate will be in contravention of the Ministry of Shipping (MOS) directions issued vide its communication no.PR-14019/29/2001-PG dated 1 January 2005 that the cargo / container related charges for all the 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. It is difficult to classify the coal based on end use, the present proposal considering as a single rate is proposed dispensing with a distinct rate for Foreign and Coastal. Resultantly, there will be no coastal concession for any coal for any purpose. As this is not in line with the Government guidelines, the VOCPT has requested this Authority to take up the issue with the Government for considering the sanction for the above single rate. In the meantime, till the approval of the MOS the port has requested to approve the wharfage tariff for coal as proposed by VOCPT at serial 9 (iv) (a) (iii) above.

(v). **Analysis:**

- (a). During the processing of the case this point is dealt in Speaking Order at Para No.14 (xxiii). The existing SOR also prescribes separate rate for Thermal Coal. Relying on the submissions made by the VOCPT, the modification in the nomenclature of coal which is reportedly to bring in clarity and the rates proposed by VOCPT was approved in the general revision Order passed on 17 September 2016.
- (b). The VOCPT now requested to delete the approved rate for item (d) & (e) i.e. Coal and Coke handled through Coal Jetty (other than thermal coal) & Thermal Coal as rate has been erroneously covered in the proposal.
- (c). Subsequent to the Joint hearing vide its email dated 10 March 2017 has proposed single wharfage tariff for all types of coal (foreign and coastal). The proposal of approval of single wharfage tariff for all types of coal is in contravention of MOS direction issued on Coastal policy. Hence, the request of port cannot be accepted.
- (d). The existing Sl. No.3(d) & (e) under Schedule 3.1 Schedule of Wharfage Dues – Sl.No.3 COAL & COKE modified by deleting the tariff approved for Sl.No.3 (d) & (e) as proposed by VOCPT.

(b). **Schedule 2.4.2 Schedule of Berth Hire Charges for Other Vessels – Note (5)**

- (i). Conditionality proposed by VOCPT in its letter dated 9 August 2016 and prescribed in the SOR approved by this Authority under Note (5) is as under:

(5). *All Tankers carrying oil, petroleum products, chemicals in bulk, lube base stock in bulk shall be charged berth hire charges at 125% of the charges applicable to relative classification.*

- (ii). **Submission made by VOCPT:**

The VOCPT has proposed the addition of a note namely "For calculating priority or ousting priority charges as per Note-6, the berth hire charges shall be reckoned as 100% of charges applicable as per relative classification".

- (iii). **Analysis:**

The note proposed is as per existing SOR and is based on the note proposed by VOCPT in the revised draft SOR of VOCPT dated 9 August 2016. The proposed note would cover the levy of priority berthing or ousting priority charges.

In view of the above submissions made by VOCPT, the addition proposed by VOCPT in the Note (5) immediately below the table in Schedule 2.4.2- Schedule of Berth Hire Charges for Other Vessels as proposed by VOCPT is approved.

(c). **Schedule 2.4.2 Schedule of Berth Hire Charges for Other Vessels – Note (3)**

- (i). **Conditionality proposed by VOCPT in its letter dated 9 August 2016 and as in the SOR approved by this Authority is as under:**

(3). *Vessel berthed at additional berths (other than Berth No.I, II, III and IV of VOC Wharf), finger jetty and shallow water berth and any other berth where **wharf crane facility** is not made available by the VOCPT, a rebate of 20% of the applicable berth hire charges will be allowed.*

- (ii). **Submission made by VOCPT:**

The VOCPT has proposed the addition of words "port own" before the word wharf crane facility.

- (iii). **Analysis:**

(a). The note prescribed is based on the note proposed by VOCPT in the revised draft SOR of VOCPT dated 9 August 2016.

(b). Now, the proposed addition is clarificatory in nature and VOCPT has requested for addition words "port own".

(c). In view of the above submissions made by VOCPT, the addition of word "port own" in Note (3) immediately below the table in Schedule 2.4.2- Schedule of Berth Hire Charges for Other Vessels is approved.

(d). **Schedule 2.4.2 Schedule of Berth Hire Charges for Other Vessels – Note (4)**

(i). Conditionality proposed by VOCPT under schedule 2.4.2 schedule of berth hire charges for other vessels - Note (4) as proposed by VOCPT in its letter dated 9 August 2016 and as in the SOR approved by this Authority is as under:

(4). The berth occupancy for each vessel will be determined based on the output norms as given below for levy of penal berth hire charges:

S. No.	Commodity	Output Norms
1	Cashew Nuts In Bags	1,125
2	Caustic Soda Lye	3,750
3	Cement	1,500
4	Clinkers	5,250
5	Copper Concentrate	6,750
6	DAP	4,500
7	Diesel Oil	6,000
8	Furnace Oil IOC	7,500
9	Furnace Oil SPIC	2,250
10	Garnet Sand Bulk	6,000
11	General Cargo	1,875
12	Granite Stone	1,500
13	Gypsum In Bulk	9,000
14	Coal at III/IV Berth	9,000
15	Coal at IX Berth	18,000
16	Ilmenite	8,000
17	Iron And Steel Materials	3,600
18	Iron Ore	9,750
19	Lime Stones	7,500
20	Liquid Ammonia	3,750
21	Logs	3,450
22	Lpg	5,000
23	Machinaries	900
24	Maize	3,000
25	MOP	6,750
26	Naptha IOC	7,500
27	Naptha SPIC	3,000
28	Oil Cake/Copra	1,875
29	Palm Oil	3,000
30	Peas (Yellow)	5,250
31	Petroleum Coke	7,500
32	Phosphoric Acid	2,625
33	Rock Phosphate	7,500
34	Salt In Bags	1,875
35	Salt In Bulk	5,250
36	Stone Aggregate	2,400
37	Stone Dust	2,475
38	Stone Rough	3,900
39	Sugar In Bag	1,875
40	Sugar (Raw)	5,250
41	Sulphur	6,000
42	Sulphuric Acid	3,000
43	Coal at NCBI	18,750
44	Coal at Coal Jetty I&II	11,250
45	Urea	4,500
46	Vcm	2,250

Note:

The norms proposed as Performance Standards are for normal situation.

Penalty and Rebate in Berth hire Charges in respect of Coal vessels handled at Berth No.IX and VOC III & IV

- (A). Till commencement of operations of Mechanisation of handling facility through Conveyor System for evacuation of coal at Berth No IX and erection of Two Nos. of HMC cranes at Berth No III & IV respectively, Penalty and Rebate in Berth hire Charges in respect of Coal vessels handled at Berth No.IX and VOC III & IV will be as follows:

For Berth No IX:

- (a). Penalty for Non-achieving the Output of Coal in Berth No IX (Future Output 28,000 MT / day)
- Vessels achieving productivity < 24,000 MT / day: Penalty of 3 X Berth hire (excluding wharf crane element) for stay exceeding stipulated hours.
 - Vessels achieving productivity < 21,000 MT / day: Additional Penalty of 5 X Berth hire (excluding wharf crane element) for berth stay exceeding stipulated hours.
- (b). Rebate for achieving the Output beyond the Norm at Berth No IX:
- Vessels achieving productivity > 25,500 MT / day: Discount of 10% on Berth hire charges (excluding wharf crane element) for number of hours spent at Berth No.IX.
 - Vessel achieving productivity > 27,000 MT / day : Discount of 20% on Berth hire charges(excluding wharf crane element) for number of hours spent at Berth No.IX

For Berth No III and IV:

- (a). Penalty for Non achieving the Output of Coal in Berth No.III and IV: (Future Output 17,000 MT / day)
- Vessels achieving productivity < 12,000 MT / day: Penalty of 3 X Berth hire (excluding wharf crane element) for stay exceeding stipulated hours.
 - Vessels achieving productivity < 10,500 MT / day: Additional Penalty of 5 X Berth hire (excluding wharf crane element) for berth stay exceeding stipulated hours.
- (b). Rebate for achieving the Output beyond the Norm at Berth No.III and IV:

- Vessels achieving productivity > 13,500 MT / day:
Discount of 10% on Berth hire charges (excluding wharf crane element) for number of hours spent at Berth No.III & IV.
- Vessel achieving productivity > 15,000 MT / day:
Discount of 20% on Berth hire charges for number of hours spent at Berth No.III & IV.

(B). On commencement of commercial operations of Mechanisation of handling facility thro' Conveyor System for evacuation of coal at Berth No IX and erection of Two Nos. of HMC cranes at Berth No.III & IV respectively, Penalty and rebate in respect of coal vessels handled at berth no. III, IV and IX will be as follows:

For Berth No IX:

- (a). Penalty for Non achieving the Output of Coal in Berth No.IX (Future Output 28,000 MT / day)
- Vessels achieving productivity < 28,000 MT / day:
Penalty of 3 X Berth hire (excluding wharf crane element) for stay exceeding stipulated hours.
 - Vessels achieving productivity < 25,000 MT / day:
Additional Penalty of 5 X Berth hire for berth stay exceeding stipulated hours.
- (b). Rebate for achieving the Output beyond the Norm at Berth No.IX:
- Vessels achieving productivity > 30,000 MT / day:
Discount of 10% on Berth hire charges (excluding wharf crane element) for number of hours spent at Berth No.IX.
 - Vessel achieving productivity > 32,000 MT / day:
Discount of 20% on Berth hire charges for number of hours spent at Berth No.IX.

For Berth No III and IV:

- (a). Penalty for Non achieving the Output of Coal in Berth No.III and IV: (Future Output 17,000 MT / day)
- Vessels achieving productivity < 17,000 MT / day:
Penalty of 3 X Berth hire (excluding wharf crane element) for stay exceeding stipulated hours.
 - Vessels achieving productivity < 15,000 MT / day:
Additional Penalty of 5 X Berth hire (excluding wharf crane element) for berth stay exceeding stipulated hours.
- (b). Rebate for achieving the Output beyond the Norm at Berth No.III and IV:

- Vessels achieving productivity > 19,000 MT / day: Discount of 10% on Berth hire charges (excluding wharf crane element) for number of hours spent at Berth No.III & IV.
- Vessels achieving productivity > 21,000 MT / day: Discount of 20% on Berth hire charges (excluding wharf crane element) for number of hours spent at Berth No.III & IV.

(c). For the remaining cargoes except coal handled at Berth No.III & IV and Berth No.IX the following is the Penalty and Rebate in Berth hire Charges

(a). Penalty for Non achieving the Output

- Vessels achieving productivity less than the output per day stipulated above will attract penalty of 50% additional Berth hire for stay exceeding stipulated hours.
- Vessels achieving productivity less than 66.66% of output per day stipulated above will attract penalty of 75% additional Berth hire for stay exceeding stipulated hours.

(b). Rebate for achieving the Output beyond the Norms specified above:

- Vessels achieving productivity more than 125% of output norms per day as stipulated: Discount of 10% on Berth hire charges (excluding wharf crane element) for the total Berth hours.
- Vessels achieving productivity more than 150% of output norms per day as stipulated: Discount of 20% on Berth hire charges (excluding wharf crane element) for the total Berth hours.

(ii). **The modification Suggested by VOCPT vide its letter dated 3 November 2016 and email dated 23 March 2017.**

Schedule 2.4.2 Schedule of Berth Hire Charges for Other Vessels – Note (4)

The berth occupancy for each vessel will be determined based on the output norms as given below for levy of penal berth hire charges as per the New Berthing Norms, 2016.

<u>NORMS FOR ALL CARGOES - 2016-2017</u>			
<u>DRY BULK CARGO</u>			
Sl. No.	Commodity	Productivity Norms (Tonnes per Day)	
1	I Coal & T Coal-IX Berth	28,000	
2	I Coal & T Coal-III/IV Berth	12,000	17,000 After installation of proposed HMC.
3	Garnet Sand (Bulk)	12,000	
4	Gypsum In Bulk	12,000	
5	Ilmenite	15,600	

6	Iron Ore	13,000	
7	Lime Stones	10,000	
8	Rock Phosphate	10,000	
9	Petroleum Coke	10,000	
10	Copper Concentrate	9,000	
11	Potassium Sulphate (Mop,Sop)	9,000	
12	Sulphur	8,000	
13	Sugar(Raw)	7,000	
14	Salt In Bulk	7,000	
15	Clinkers	7,000	
16	Wheat in Bulk	6,500	
17	Diammoniam Phosphate	6,000	
18	Peas (Yellow)	7,000	
19	Urea	6,000	
20	Maize (Bulk)	4,000	
21	Stone(Rough)	5,200	
22	Stone Dust	3,300	
23	Stone Aggregate	3,200	
24	Oil Cake/Copra	2,500	

LIQUID CARGO		
Sl. No.	Cargo Name	Productivity Norms
		Average output
1	Furnace Oil – IOC	10,000
2	Naptha – IOC	7,500
3	Naptha -SPIC	3,500
4	Diesel Oil – Jetty / Berth	8,000/3,500
5	LPG	5,000
6	Liquid Ammonia	5,000
7	Caustic Soda Lye	5,000
8	Palm Oil	4,000
9	Sulphuric Acid	4,000
10	Phosphoric Acid	3,500
11	Furnace Oil – Spic	3,000
12	VCM	3,000
BREAK BULK CARGO		
Sl. No.	Cargo Name	Productivity Norms
		Average output
1	Garnet Sand in Bags	8,000
2	Cement in Bags	2,000
3	Iron and Steel Materials	4,800
4	Logs	4,600
5	Salt in Bags	2,500
6	Sugar in Bags	2,500
7	General Cargo	2,500
8	Granite	2,000
9	Cashew Nuts in Bags	1,500
10	Machineries	1,200

Notes:

- (i). If a ship stays within 5% (higher or lower) of the stipulated time for that commodity as specified above, then no penalty/incentive will be levied/paid.
- (ii). In cases where actual berth stay is more than 5% **higher**

than the stipulated time for that commodity as specified above, number of additional hours spent at berth will be penalised at 3 x berth hire.

- (iii). In cases where actual berth stay is more than 5% **lower** than the stipulated time for that commodity as specified above, number of additional hours saved will be incentivised at 1 x berth hire.

The Performance norms will be revised every quarter during the first year until the target norms for commodity are reached. Subsequent revision will be done yearly or upon up-gradation of berth infrastructure and conforming to directions of Ministry of Shipping, G.O.I.

(iii). **Submission made by VOCPT:**

The VOCPT has proposed the berth occupancy for each vessel based on the output norms for levy of penal berth hire charges as per the New Berthing Norms, 2016 and based on BCG recommendations. Further, the VOCPT has furnished the actual tonnage handled by the port in the year 2013-14, 2014-15 and 2015-16 for various cargos.

(iv). **Analysis:**

- (a). The note prescribed is based on the note proposed by VOCPT in the revised draft SOR of VOCPT dated 9 August 2016.
- (b). The note no.4 alongwith conditions has been approved as proposed by VOCPT. (Refer Para No.14 (xxi)). The port has now proposed to modify the norms as well as the conditions.
- (c). The Indian Chamber of Commerce and Industry (ICC & I) has requested to examine the productive norms of 28,000 tonnes per day prescribed for coal berth no.IX. The port has stated that based on BCG recommendations, the productivity norm at 28,000 tonnes per day has been prescribed for coal at berth no.IX. VOCPT has achieved the coal handling at IX Berth from 22,271 M.T. per day during 3rd Quarter of 2016-17 to 26,968 M.T. per day during 4th Quarter of 2016-17. Hence, based on the actual achievement of past period, the productivity norms of 28,000 tonnes per day prescribed at IX Berth can be achievable as recommended by BCG, according to VOCPT.
- (d). It is relevant here to state that the port has proposed the performance norms for levy of penal berth hire charges as per the Berthing Policy for Dry Bulk Cargo for Major Ports, 2016. Further, the port has clarified that for some of the cargo port has derived the productivity from the actual tonnage handled in the last three years after taking into account the existing infrastructure facilities available in the port.
- (e). Among the various performance norms for various cargo items, the port has proposed the performance norms as

3500 for Naptha of IOC. The port has further clarified that Naptha is also handled by SPIC and the performance norm for Naptha handled by IOC to be considered as 7500 instead of 3500 reported in its proposal 3 November 2016. The performance norm of 3500 is for Naptha handled by SPIC and not for IOC and the port has requested to incorporate the above changes. Further, the difference in performance norms for IOC and SPIC is due to the diameter of the Naptha pipeline erected by the SPIC being lesser compared to the Naptha pipeline erected by the IOCL. Hence, the discharge rate of the cargo is lesser in case of Naptha (SPIC). The norms are fixed based of the discharge rate, as reported by the VOCPT. The port stated that now a days the Naptha is handled by SPIC only.

- (f). In view of the above submissions made by VOCPT, the Note (4) immediately below the table in Schedule 2.4.2- Schedule of Berth Hire Charges for Other Vessels alongwith notes is approved.

(e). Schedule 3.5 CESS FOR POLLUTION MITIGATING MEASURES:

- (i). **Schedule 3.5 as proposed by VOCPT in its original proposal dated 7 May 2016 and as in the SOR approved by this Authority is as under:**

3.5. CESS FOR POLLUTION MITIGATING MEASURES:

Cess for Pollution mitigating measures shall be levied at ₹5/- per M.T in respect of dusty cargoes discharged at the Port (Excluding cargo handled through closed conveyors).

- (ii). **Submission made by VOCPT:**
The port has proposed to list down the dusty cargo. The list of dusty cargo as furnished by VOCPT is as under:

Sl. No.	Dusty cargoes
1	Coal
2	Gypsum In Bulk
3	Ilmenite
4	Iron Ore
5	Lime Stones
6	Rock Phosphate
7	Petroleum Coke
8	Copper Concentrate
9	Potassium Sulphate (Mop,Sop)
10	Sulphur
11	Clinkers
12	Diammoniam Phosphate
13	Urea
14	Stone Dust
15	Stone Aggregate
16	Oil Cake/Copra

- (iii). **Analysis:**

- (a). The rate approved is as per the original proposal submitted by VOCPT in its letter dated 7 May 2016.
- (b). The port has now proposed to list down the Dusty Cargo, which will attract the cess for pollution mitigation measures.

- (c). Listing down specifically the cargo items which will attract pollution levy will avoid ambiguity and disputes. Therefore, the proposal to list down the cargo items are approved.

(f). **Schedule 2.4.2 Schedule of Berth Hire Charges for Other Vessels - Note 4 sub Note (1)**

- (i). **Conditionality Proposed by VOCPT under Schedule 2.4.2 Schedule of Berth Hire Charges for Other Vessels - Note 4 sub Note (1) in its revised proposal dated 9 August 2016.**

The norms proposed as Performance Standards are for normal situation. In case of abnormal situations such as Labour Gang not supplied by the Port, Force Majeure – rain, heavy wind etc., the Port reserves the right to revise the norms as per the field condition.

- (ii). **Conditionality Approved by this Authority vide Order dated 17.09.2016**

“The norms proposed as Performance Standards are for normal situation.”

- (iii). **Submission made by VOCPT:**

The VOCPT has requested to retain the proposed note as per their revised proposal dated 9 August 2016 and has also requested for additional amendment stating that

“In case of abnormal situations such as Labour Gang not supplied by the Port, Force Majeure – rain, heavy wind etc., the Port reserves the right to revise the norms as per the field condition.

Productivity norms will be with reference to 100% availability of Port's own/ hired equipment at all berths or the conveyor system at IX Berth. If the same is not available, the norms will be proportionately reduced.”

- (iv). **Analysis:**

- (a). The modification in the note proposed by VOCPT has been explained in Para 14 (xxi) (a) of Speaking Order.

- (b). The abnormal situations cited by the port are labour gang not supplied by the port, Force Majeure (rain, heavy wind, etc.). As per clause 8.4. of the Berthing Policy, in computing actual performance achieved by each ship for the purpose of calculating penalty/ incentive, any stoppage of operations on account of port related (or weather related) issues will be discounted. The said clause lists down the exclusions. The Force Majeure (rain, heavy wind, etc.) falls within the list as weather related stoppages. Therefore, the Force Majeure clause is approved. Likewise, the non-availability of port's own/ hired equipment at all berths on the conveyor system at berth no.9 falls within the exclusion listed down under clause 8.4. as breakdown/ non-availability of port provided equipment at berth. Therefore, this condition is also be approved. The another exclusion cited by the port as non-supply of labour

gang is not covered under clause 8.4. Therefore, this Authority is not in a position to include this exclusion. However, the port has the option to consider the reason of non-supply of labour gang with the specific approval of the Board, as provided for in clause 8.4.

(g). Performance Standard (P.S.) 3(i) and (ii):

- (i). **Proposed by VOCPT in its revised proposal dated 9 August 2016.**

S. No.	Performance Stds.		Proposed Performance 2016-17
(i)	Gross Productivity (Gross MT/day)	Coal –Mechanized at CJI & CJII	12,630
(ii)		Coal –Conventional at IX Berth	24,470
(iii)		Coal –Conventional at III & IV Berth	11,606

- (ii). Approved by this Authority vide Order dated 17.09.2016
Performance Standards by VOCPT:

Sl. No.	Performance Stds.		Performance Achieved 2015-16	Proposed performance Stds. 2016-17
(i).	Gross Productivity (Gross MT/day)	Coal – Mechanized at CJI & CJII	12,030	12,630
(ii).	Evacuation Yard throughput (MT per Sq.m)	Coal Conventional	15.35	16.00

- (iii). **Submission made by VOCPT:**

The VOCPT has requested to retain the proposed Performance Standard in respect of Gross Productivity for 3 categories namely Coal –Mechanized at CJI & CJII, Coal –Conventional at IX Berth and Coal –Conventional at III & IV Berth, as per their revised proposal dated 9 August 2016.

- (iv). **Analysis:**

- (a). The modification in the Performance Standard proposed by VOCPT has been explained in Para 14 (xxxiv) of Speaking Order. As recorded therein, the Performance Standards committed by the port are to be considered for the operations carried out exclusively by the port within the port premises, with its equipment and will not be applicable to the BOT operators rendering the services at the port with his equipment for whom separate performance standards have already been prescribed in the relevant Order for berth no.III, IV and IX handling coal operated by private parties. The VOCPT has not brought out the extraordinary circumstances warranting deviation in the said berths. Therefore, this Authority is not in a position to prescribe Performance Standards for the berths III, IV and IX operated by private parties.

- (b). An error in the performance standards notified by this Authority has crept in while mentioning the performance standard. The two performance standards, one achieved 2015-16 and the other Performance Standard have been erroneously notified.
- (c). Therefore, the error observed in notified Performance Standard is rectified.

(h). **Schedule 3.1. Schedule of Wharfage dues:**

(i). **Proposed by VOCPT under Schedule 3.1 Schedule of Wharfage dues in its revised proposal dated 9 August 2016:**

Sr. No.	Particulars	Unit	Zone A		Zone B	
			Foreign	Coastal	Foreign	Coastal
24	Automobiles through Ro Ro vessels for handling below 1,600 CC	Nos.	500	300	--	--
25	Automobiles through Ro Ro vessels for handling above 1,600 CC	Nos.	1,000	600	--	--
Note to Sl.No.24 & 25: For vehicle with laden containers with trailer, the tariff will be collected at composite rate covering both vehicle as prescribed above and container separately collecting the rate of container as per prevailing Scale of Rates vide Sl.No.6 of this Schedule.						

(ii). **Schedule 3.1 Schedule of Wharfage dues Approved by this Authority vide Order dated 17.09.2016**

Sl. No	Particulars	Unit	Zone A		Zone B	
			Foreign	Coastal	Foreign	Coastal
24	Automobiles through Ro Ro vessels for handling upto 1,400 CC	Nos.	500	300	--	--
	(a). Import	Each	4,200	2,520	--	--
	(b). Export	Each	2,200	1,320	--	--
25	Automobiles through Ro Ro vessels for handling above 1,400 CC – Import and Export	Each	8,400	5,040	--	--
Note to Sl.No.24 & 25: For vehicle with laden containers with trailer, the tariff will be collected at composite rate covering both vehicle as prescribed above and container separately collecting the rate of container as per prevailing Scale of Rates vide Sl.No.6 of this Schedule.						

(iii). **Submission by VOCPT:**

The VOCPT has requested to retain the tariff as proposed in the revised proposal dated 09 August 2016.

(iv). **Analysis:**

- (a). The port had proposed the tariff based on the proposal of Chennai Port Trust (CHPT) to fix the rate for handling automobile through RO RO vessels.
- (b). The approved rate prescribed in the SOR of CHPT was, therefore, prescribed in SOR of VOCPT. [Para 14 (xxv) of Speaking Order.]
- (c). The port has now requested to approved the tariff rate proposed by port in its revised proposal dated 09 August 2016 as the rates approved in SOR of CHPT are for the Automobiles through Ro Ro vessels for handling upto and above 1,400 CC whereas the VOCPT has proposed the rates for Automobiles through Ro Ro vessels for handling below and above 1,600 CC. The port has not proposed any tariff rate for import and export.
- (d). In view of submissions made by VOCPT the Schedule 3.1. Schedule of Wharfage dues at Sl. No.24 and 25 is approved as proposed by VOCPT.

(i). **Schedule – 3.1 Schedule of Wharfage dues: Note No.13:**

(i). **Conditionality approved by this Authority vide Order dated 17.09.2016:**

Vessels which call at the port, for which IGMs and/or EGMs are filed for the purposes of Customs Act, 1962 cannot be treated as 'cargo' and they are conveyance only, and the port shall not charge wharfage on such vessels.

(ii). **Submission by VOCPT:**

The Port has requested to clarify for the inclusion of the Note No. 13 under 3.1 Schedule of Wharfage dues in the approved SOR.

(iii). **Analysis:**

- (a). The Port did not propose the Note No. 13 under 3.1 Schedule of Wharfage dues in the revised draft SOR.
- (b). This note prescribed in SOR of VOCPT was based on our letter No.TAMP/53/2002-Misc dated 25 March 2015 to all the Major Port Trusts including VOCPT in pursuance of the MOS letter No.PD-25021/7/2015-PD.1 dated 16 April 2015 of MOS directing to all Major Port Trusts to follow regarding wharfage charges on vessel manifested as cargo in the Import General Manifest (IGM) or Export General Manifest (EGM). The VOCPT is advised to refer to the para no.14(xxvi)(a) of the Order dated 17 September 2016 for clarification.

10. The date of effect of the amendments to the Scale of Rates will be the date the revised SOR has come into effect i.e. with effect from 9 November 2016.

11.1. In the result, and for the reasons given above, and based on a collective application of mind, this Authority approves the amendments to the existing Scale of Rates of VOCPT approved by this Authority vide Order No.TAMP/29/2016-VOCPT dated 17 September 2016 which is attached as **Annex**.

11.2. The amendments approved to the existing SOR should be deemed to have come into effect from the date the revised SOR notified vide Order No.TAMP/29/2016-VOCPT dated 17 September 2016 has come into effect i.e. with effect from 9 November 2016.

(T.S. Balasubramanian)
Member (Finance)

CORRIGENDUM TO THE SCALE OF RATES APPROVED IN ORDER NO.TAMP/29/2016-VOCPT DATED 17 SEPTEMBER 2016, NOTIFIED IN THE GAZETTE OF INDIA EXTRAORDINARY (PART III SECTION 4) ON 10 OCTOBER 2016 VIDE GAZETTE NO.370.

As appeared in the Order No. Sl. No. TAMP/29/2016-VOCPT dated 17 September 2016 vide Gazette No.370 notified on 10 October 2016		To be read as follows																																																																														
1.	<u>Schedule 3.1 Schedule of Wharfage Dues – Sl.No.3 COAL & COKE</u> <table><tr><th rowspan="2">S. No.</th><th rowspan="2">Particulars</th><th rowspan="2">Unit</th><th colspan="2">Zone A</th><th colspan="2">Zone B</th></tr><tr><th>Foreign</th><th>Coastal</th><th>Foreign</th><th>Coastal</th></tr><tr><td>3</td><td>(a). Charcoal in bags/bulk.</td><td>1 M.T.</td><td>35.76</td><td>21.45</td><td>15.32</td><td>9.19</td></tr><tr><td></td><td>(b). Coal by whatever name described in Customs Document and used for Thermal Power Plants</td><td>1 M.T.</td><td>48.53</td><td>48.53</td><td>-</td><td>-</td></tr><tr><td></td><td>(c). Coal by whatever name described in Customs Document other than sl.no.3(b) above.</td><td>1 M.T</td><td>48.53</td><td>29.12</td><td>29.12</td><td>17.47</td></tr><tr><td></td><td>(d). Coal and Coke handled through Coal Jetty (other than thermal coal).</td><td>1 M.T.</td><td>48.53</td><td>29.12</td><td>-</td><td>-</td></tr><tr><td></td><td>(e). Thermal Coal</td><td>1 M.T.</td><td>48.53</td><td>48.53</td><td>-</td><td>-</td></tr></table>	S. No.	Particulars	Unit	Zone A		Zone B		Foreign	Coastal	Foreign	Coastal	3	(a). Charcoal in bags/bulk.	1 M.T.	35.76	21.45	15.32	9.19		(b). Coal by whatever name described in Customs Document and used for Thermal Power Plants	1 M.T.	48.53	48.53	-	-		(c). Coal by whatever name described in Customs Document other than sl.no.3(b) above.	1 M.T	48.53	29.12	29.12	17.47		(d). Coal and Coke handled through Coal Jetty (other than thermal coal).	1 M.T.	48.53	29.12	-	-		(e). Thermal Coal	1 M.T.	48.53	48.53	-	-	<u>Schedule 3.1 Schedule of Wharfage Dues – Sl.No.3 COAL & COKE</u> <table><tr><th rowspan="2">S. No</th><th rowspan="2">Particulars</th><th rowspan="2">Unit</th><th colspan="2">Zone A</th><th colspan="2">Zone B</th></tr><tr><th>Foreign</th><th>Coastal</th><th>Foreign</th><th>Coastal</th></tr><tr><td>3.</td><td>(a). Charcoal in bags/bulk.</td><td>1 M.T.</td><td>35.76</td><td>21.45</td><td>15.32</td><td>9.19</td></tr><tr><td></td><td>(b) Coal by whatever name described in Customs Document and used for Thermal Power Plants</td><td>1 M.T.</td><td>48.53</td><td>48.53</td><td>-</td><td>-</td></tr><tr><td></td><td>(c) Coal by whatever name described in Customs Document other than sl.no.3(b) above.</td><td>1 M.T</td><td>48.53</td><td>29.12</td><td>29.12</td><td>17.47</td></tr></table>	S. No	Particulars	Unit	Zone A		Zone B		Foreign	Coastal	Foreign	Coastal	3.	(a). Charcoal in bags/bulk.	1 M.T.	35.76	21.45	15.32	9.19		(b) Coal by whatever name described in Customs Document and used for Thermal Power Plants	1 M.T.	48.53	48.53	-	-		(c) Coal by whatever name described in Customs Document other than sl.no.3(b) above.	1 M.T	48.53	29.12	29.12	17.47
S. No.	Particulars				Unit	Zone A		Zone B																																																																								
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	(d). Coal and Coke handled through Coal Jetty (other than thermal coal).	1 M.T.	48.53	29.12	-	-																																																																										
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	(c) Coal by whatever name described in Customs Document other than sl.no.3(b) above.	1 M.T	48.53	29.12	29.12	17.47																																																																										
2.	<u>Schedule 2.4.2 Schedule of Berth Hire Charges for Other Vessels – Note (5)</u> (5). All Tankers carrying oil, petroleum products, chemicals in bulk, lube base stock in bulk shall be charged berth hire charges at 125% of the charges applicable to relative classification.	<u>Schedule 2.4.2 Schedule of Berth Hire Charges for Other Vessels – Note (5)</u> (5). All Tankers carrying oil, petroleum products, chemicals in bulk, lube base stock in bulk shall be charged berth hire charges at 125% of the charges applicable to relative classification. For calculating priority or ousting priority charges as per Note-6, the berth hire charges shall be reckoned as 100% of charges applicable as per relative classification.																																																																														
3.	<u>Schedule 2.4.2 Schedule of Berth Hire Charges for Other Vessels – Note (3)</u> (3). Vessel berthed at additional berths (other than Berth No.I,II,III and IV of VOC Wharf, finger jetty and shallow water berth and any other berth where wharf crane facility is not made available by the VOCPT, a rebate of 20% of the applicable berth hire charges will be allowed.	<u>Schedule 2.4.2 Schedule of Berth Hire Charges for Other Vessels – Note (3)</u> (3). Vessel berthed at additional berths (other than Berth No.I,II,III and IV of VOC Wharf), finger jetty and shallow water berth and any other berth where Port's own wharf crane facility is not made available, a rebate of 20% of the applicable berth hire charges will be allowed.																																																																														
4.	<u>Schedule 2.4.2 Schedule of Berth Hire Charges for Other Vessels – Note (4)</u> (4). The berth occupancy for each vessel will be determined based on the output norms as given below for levy of penal berth hire charges: <table><tr><th>S.No.</th><th>Commodity</th><th>Output Norms</th></tr><tr><td>1</td><td>Cashew Nuts In Bags</td><td>1,125</td></tr><tr><td>2</td><td>Caustic Soda Lye</td><td>3,750</td></tr><tr><td>3</td><td>Cement</td><td>1,500</td></tr><tr><td>4</td><td>Clinkers</td><td>5,250</td></tr><tr><td>5</td><td>Copper Concentrate</td><td>6,750</td></tr><tr><td>6</td><td>DAP</td><td>4,500</td></tr><tr><td>7</td><td>Diesel Oil</td><td>6,000</td></tr><tr><td>8</td><td>Furnace Oil IOC</td><td>7,500</td></tr><tr><td>9</td><td>Furnace Oil SPIC</td><td>2,250</td></tr><tr><td>10</td><td>Garnet Sand Bulk</td><td>6,000</td></tr></table>	S.No.	Commodity	Output Norms	1	Cashew Nuts In Bags	1,125	2	Caustic Soda Lye	3,750	3	Cement	1,500	4	Clinkers	5,250	5	Copper Concentrate	6,750	6	DAP	4,500	7	Diesel Oil	6,000	8	Furnace Oil IOC	7,500	9	Furnace Oil SPIC	2,250	10	Garnet Sand Bulk	6,000	<u>Schedule 2.4.2 Schedule of Berth Hire Charges for Other Vessels – Note (4)</u> The berth occupancy for each vessel will be determined based on the output norms as given below for levy of penal berth hire charges as per the New Berthing Norms, 2016. <table><tr><th colspan="3">NORMS FOR ALL CARGOES - 2016-2017</th><th></th></tr><tr><th colspan="3">DRY BULK CARGO</th><th></th></tr><tr><th>Sl. No.</th><th>Commodity</th><th>Productivity Norms (Tonnes per Day)</th><th></th></tr><tr><td>1</td><td>I Coal & T Coal-IX Berth</td><td>28,000</td><td rowspan="9">17,000 After installation of proposed HMC.</td></tr><tr><td>2</td><td>I Coal & T Coal-III/IV Berth</td><td>12,000</td></tr><tr><td>3</td><td>Garnet Sand (Bulk)</td><td>12,000</td></tr><tr><td>4</td><td>Gypsum In Bulk</td><td>12,000</td></tr><tr><td>5</td><td>Ilmenite</td><td>15,600</td></tr><tr><td>6</td><td>Iron Ore</td><td>13,000</td></tr><tr><td>7</td><td>Lime Stones</td><td>10,000</td></tr><tr><td>8</td><td>Rock Phosphate</td><td>10,000</td></tr><tr><td>9</td><td>Petroleum Coke</td><td>10,000</td></tr></table>	NORMS FOR ALL CARGOES - 2016-2017				DRY BULK CARGO				Sl. No.	Commodity	Productivity Norms (Tonnes per Day)		1	I Coal & T Coal-IX Berth	28,000	17,000 After installation of proposed HMC.	2	I Coal & T Coal-III/IV Berth	12,000	3	Garnet Sand (Bulk)	12,000	4	Gypsum In Bulk	12,000	5	Ilmenite	15,600	6	Iron Ore	13,000	7	Lime Stones	10,000	8	Rock Phosphate	10,000	9	Petroleum Coke	10,000					
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As appeared in the Order No.				To be read as follows			
SI. No.	TAMP/29/2016-VOCPT dated 17 September 2016 vide Gazette No.370 notified on 10 October 2016						
	11	General Cargo	1,875	10	Copper Concentrate	9,000	
	12	Granite Stone	1,500	11	Potassium Sulphate (Mop,Sop)	9,000	
	13	Gypsum In Bulk	9,000	12	Sulphur	8,000	
	14	Coal at III/IV Berth	9,000	13	Sugar(Raw)	7,000	
	15	Coal at IX Berth	18,000	14	Salt In Bulk	7,000	
	16	Ilmenite	8,000	15	Clinkers	7,000	
	17	Iron And Steel Materials	3,600	16	Wheat in Bulk	6,500	
	18	Iron Ore	9,750	17	Diammoniam Phosphate	6,000	
	19	Lime Stones	7,500	18	Peas (Yellow)	7,000	
	20	Liquid Ammonia	3,750	19	Urea	6,000	
	21	Logs	3,450	20	Maize (Bulk)	4,000	
	22	Lpg	5,000	21	Stone(Rough)	5,200	
	23	Machinaries	900	22	Stone Dust	3,300	
	24	Maize	3,000	23	Stone Aggregate	3,200	
	25	MOP	6,750	24	Oil Cake/Copra	2,500	
	26	Naptha IOC	7,500				
	27	Naptha SPIC	3,000				
	28	Oil Cake/Copra	1,875				
	29	Palm Oil	3,000				
	30	Peas (Yellow)	5,250				
	31	Petroleum Coke	7,500				
	32	Phosphoric Acid	2,625				
	33	Rock Phosphate	7,500				
	34	Salt In Bags	1,875				
	35	Salt In Bulk	5,250				
	36	Stone Aggregate	2,400				
	37	Stone Dust	2,475				
	38	Stone Rough	3,900				
	39	Sugar In Bag	1,875				
	40	Sugar(Raw)	5,250				
	41	Sulphur	6,000				
	42	Sulphuric Acid	3,000				
	43	Coal at NCBI	18,750				
	44	Coal at Coal Jetty I&II	11,250				
	45	Urea	4,500				
	46	Vcm	2,250				
	47	Wheat	4,875				

Sl. No.	As appeared in the Order No. TAMP/29/2016-VOCPT dated 17 September 2016 vide Gazette No.370 notified on 10 October 2016	To be read as follows
	b) <u>Rebate for achieving the Output beyond the Norm at Berth No IX:</u> • Vessels achieving productivity > 25,500 MT / day: Discount of 10% on Berth hire charges (excluding wharf crane element) for number of hours spent at Berth No.IX. • Vessel achieving productivity > 27,000 MT / day : Discount of 20% on Berth hire charges(excluding wharf crane element) for number of hours spent at Berth No.IX <u>For Berth No III and IV:</u> a) <u>Penalty for Non achieving the Output of Coal in Berth No.III and IV: (Future Output 17,000 MT / day)</u> • Vessels achieving productivity < 12,000 MT / day: Penalty of 3 X Berth hire (excluding wharf crane element) for stay exceeding stipulated hours. • Vessels achieving productivity < 10,500 MT / day: Additional Penalty of 5 X Berth hire (excluding wharf crane element) for berth stay exceeding stipulated hours. b) <u>Rebate for achieving the Output beyond the Norm at Berth No.III and IV:</u> • Vessels achieving productivity > 13,500 MT / day: Discount of 10% on Berth hire charges (excluding wharf crane element) for number of hours spent at Berth No.III& IV. • Vessel achieving productivity > 15,000 MT / day: Discount of 20% on Berth hire charges for number of hours spent at Berth No.III& IV. (B) On commencement of commercial operations of Mechanisation of handling facility thro' Conveyor System for evacuation of coal at Berth No IX and erection of Two Nos. of HMC cranes at Berth No.III& IV respectively, Penalty and rebate in respect of coal vessels handled at berth no. III, IV and IX will be as follows: <u>For Berth No IX:</u> a) <u>Penalty for Non achieving the Output of Coal in Berth No.IX (Future Output 28,000 MT / day)</u> • Vessels achieving productivity < 28,000 MT / day: Penalty of 3 X Berth hire (excluding wharf crane element) for stay exceeding stipulated hours. • Vessels achieving productivity < 25,000 MT / day: Additional Penalty of 5 X Berth hire for berth stay exceeding stipulated hours. b) <u>Rebate for achieving the Output beyond the Norm at Berth No.IX:</u>	

Sl. No.	As appeared in the Order No. TAMP/29/2016-VOCPT dated 17 September 2016 vide Gazette No.370 notified on 10 October 2016	To be read as follows
	• Vessels achieving productivity > 30,000 MT / day: Discount of 10% on Berth hire charges (excluding wharf crane element) for number of hours spent at Berth No.IX. • Vessel achieving productivity > 32,000 MT / day: Discount of 20% on Berth hire charges for number of hours spent at Berth No.IX. <u>For Berth No III and IV:</u> a) <u>Penalty for Non achieving the Output of Coal in Berth No.III and IV: (Future Output 17,000 MT / day)</u> • Vessels achieving productivity < 17,000 MT / day: Penalty of 3 X Berth hire (excluding wharf crane element) for stay exceeding stipulated hours. • Vessels achieving productivity < 15,000 MT / day: Additional Penalty of 5 X Berth hire (excluding wharf crane element) for berth stay exceeding stipulated hours. b) <u>Rebate for achieving the Output beyond the Norm at Berth No.III and IV:</u> • Vessels achieving productivity > 19,000 MT / day: Discount of 10% on Berth hire charges (excluding wharf crane element) for number of hours spent at Berth No.III& IV. • Vessels achieving productivity > 21,000 MT / day: Discount of 20% on Berth hire charges (excluding wharf crane element) for number of hours spent at Berth No.III& IV. <u>(C). For the remaining cargoes except coal handled at Berth No.III& IV and Berth No.IX the following is the Penalty and Rebate in Berth hire Charges</u> a) <u>Penalty for Non achieving the Output</u> • Vessels achieving productivity less than the output per day stipulated above will attract penalty of 50% additional Berth hire for stay exceeding stipulated hours. • Vessels achieving productivity less than 66.66% of output per day stipulated above will attract penalty of 75% additional Berth hire for stay exceeding stipulated hours. b) <u>Rebate for achieving the Output beyond the Norms specified above:</u> • Vessels achieving productivity more than 125% of output norms per day as stipulated: Discount of 10% on Berth hire charges (excluding wharf crane element) for the total Berth hours. • Vessels achieving productivity more than 150% of output norms per day as stipulated: Discount of 20% on Berth	

SI. No.	As appeared in the Order No. TAMP/29/2016-VOCPT dated 17 September 2016 vide Gazette No.370 notified on 10 October 2016				To be read as follows																																																																			
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5.	Schedule 3.5 CESS FOR POLLUTION MITIGATING MEASURES: Cess for Pollution mitigating measures shall be levied at ₹5/- per M.T in respect of dusty cargoes discharged at the Port (Excluding cargo handled through closed conveyors).				Schedule 3.5. CESS FOR POLLUTION MITIGATING MEASURES: Cess for Pollution mitigating measures shall be levied at ₹5/- per M.T in respect of dusty cargoes discharged at the Port as listed below :- (Excluding cargo handled through closed conveyors).																																																																			
					<table><tr><th>Sl. No.</th><th>Dusty cargoes</th></tr><tr><td>1</td><td>Coal</td></tr><tr><td>2</td><td>Gypsum In Bulk</td></tr><tr><td>3</td><td>Ilmenite</td></tr><tr><td>4</td><td>Iron Ore</td></tr><tr><td>5</td><td>Lime Stones</td></tr><tr><td>6</td><td>Rock Phosphate</td></tr><tr><td>7</td><td>Petroleum Coke</td></tr><tr><td>8</td><td>Copper Concentrate</td></tr><tr><td>9</td><td>Potassium Sulphate (Mop,Sop)</td></tr><tr><td>10</td><td>Sulphur</td></tr><tr><td>11</td><td>Clinkers</td></tr><tr><td>12</td><td>Diammonium Phosphate</td></tr><tr><td>13</td><td>Urea</td></tr><tr><td>14</td><td>Stone Dust</td></tr><tr><td>15</td><td>Stone Aggregate</td></tr><tr><td>16</td><td>Oil Cake/Copra</td></tr></table>				Sl. No.	Dusty cargoes	1	Coal	2	Gypsum In Bulk	3	Ilmenite	4	Iron Ore	5	Lime Stones	6	Rock Phosphate	7	Petroleum Coke	8	Copper Concentrate	9	Potassium Sulphate (Mop,Sop)	10	Sulphur	11	Clinkers	12	Diammonium Phosphate	13	Urea	14	Stone Dust	15	Stone Aggregate	16	Oil Cake/Copra																														
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6.	Schedule 2.4.2 Schedule of Berth Hire Charges for Other Vessels - Note 4 sub Note (1) The norms proposed as Performance Standards are for normal situation.				Schedule 2.4.2 Schedule of Berth Hire Charges for Other Vessels - Note 4 sub Note (1) The norms proposed as Performance Standards are for normal situation. In computing actual performance achieved by each ship, any stoppage of operations on account of Force Majeure-rain, heavy wind etc., will be discounted. Productivity norms will be with reference to 100% availability of Port's own/hired equipment at all berths or the conveyor system at IX Berth. If the same is not available, the norms will be proportionately reduced.																																																																			
7.	Schedule 3.1. Schedule of Wharfage dues <table><tr><th rowspan="2">S. No</th><th rowspan="2">Particulars</th><th rowspan="2">Unit</th><th colspan="2">Zone A</th><th colspan="2">Zone B</th></tr><tr><th>Foreign</th><th>Coastal</th><th>Foreign</th><th>Coastal</th></tr><tr><td>24</td><td>Automobiles through Ro Ro vessels for handling upto 1,400 CC</td><td>Nos.</td><td>500</td><td>300</td><td>--</td><td>--</td></tr><tr><td></td><td>(a). Import</td><td>Each</td><td>4,200</td><td>2,520</td><td>--</td><td>--</td></tr><tr><td></td><td>(b). Export</td><td>Each</td><td>2,200</td><td>1,320</td><td>--</td><td>--</td></tr><tr><td>25</td><td>Automobiles through Ro Ro vessels for handling above 1,400 CC – Import and Export</td><td>Each</td><td>8,400</td><td>5,040</td><td>--</td><td>--</td></tr></table> Note to Sl.No.24 & 25: For vehicle with laden containers with trailer, the tariff will be collected at composite rate covering both vehicle as prescribed above and container separately collecting the rate of container as per prevailing Scale of Rates vide Sl.No.6 of this Schedule.				S. No	Particulars	Unit	Zone A		Zone B		Foreign	Coastal	Foreign	Coastal	24	Automobiles through Ro Ro vessels for handling upto 1,400 CC	Nos.	500	300	--	--		(a). Import	Each	4,200	2,520	--	--		(b). Export	Each	2,200	1,320	--	--	25	Automobiles through Ro Ro vessels for handling above 1,400 CC – Import and Export	Each	8,400	5,040	--	--	Schedule 3.1. Schedule of Wharfage dues <table><tr><th rowspan="2">S. No</th><th rowspan="2">Particulars</th><th rowspan="2">Unit</th><th colspan="2">Zone A</th><th colspan="2">Zone B</th></tr><tr><th>Foreign</th><th>Coastal</th><th>Foreign</th><th>Coastal</th></tr><tr><td>24</td><td>Automobiles through Ro Ro vessels for handling below 1,600 CC</td><td>Nos.</td><td>500</td><td>300</td><td>--</td><td>--</td></tr><tr><td>25</td><td>Automobiles through Ro Ro vessels for handling above 1,600 CC</td><td>Nos.</td><td>1,000</td><td>600</td><td>--</td><td>--</td></tr></table> Note to Sl.No.24 & 25: For vehicle with laden containers with trailer, the tariff will be collected at composite rate covering both vehicle as prescribed above and container separately collecting the rate of container as per prevailing Scale of Rates vide Sl.No.6 of this Schedule.				S. No	Particulars	Unit	Zone A		Zone B		Foreign	Coastal	Foreign	Coastal	24	Automobiles through Ro Ro vessels for handling below 1,600 CC	Nos.	500	300	--	--	25	Automobiles through Ro Ro vessels for handling above 1,600 CC	Nos.	1,000	600	--	--
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8.	Performance Standards: Sl.No.3 Any other parameters found relevant by the port. <table><tr><th>S. No.</th><th colspan="2">Performance Parameters</th><th>Performance Achieved 2015-16</th><th>Performance Standard</th></tr><tr><td>(i)</td><td>Gross Productivity (Gross MT/day)</td><td>Coal – Mechanized at C.JI & C.JII</td><td>12,030</td><td>12,630</td></tr></table>				S. No.	Performance Parameters		Performance Achieved 2015-16	Performance Standard	(i)	Gross Productivity (Gross MT/day)	Coal – Mechanized at C.JI & C.JII	12,030	12,630	Performance Standards: Sl.No.3 Any other parameters found relevant by the port. <table><tr><th>S. No.</th><th colspan="2">Performance Parameters</th><th>Performance Standard</th></tr><tr><td>(i)</td><td>Gross Productivity (Gross MT/day)</td><td>Coal –Mechanized at CJI & CJII</td><td>12,630</td></tr></table>				S. No.	Performance Parameters		Performance Standard	(i)	Gross Productivity (Gross MT/day)	Coal –Mechanized at CJI & CJII	12,630																																														
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SUMMARY OF THE COMMENTS RECEIVED FROM THE PORT USERS / USER ORGANISATIONS / PROSPECTIVE BIDDERS AND ARGUMENTS MADE IN THIS CASE DURING THE JOINT HEARING BEFORE THE AUTHORITY.

F.No. TAMP/82/2016-VOCPT - Proposal received from the V.O. Chidambaranar Port Trust (VOCPT) dated 3 November 2016 for amendments to its existing Scale of Rates approved vide Order No.TAMP/29/2016-VOCPT dated 17 September 2016.

The summary of the comments received from CMSVOA and the response of VOCPT thereon is tabulated below:

The following information is tabulated below:

Sl. No.	Comments received from users / user organisations	Reply of VOCPT																																								
1.	Coastal Mechanised Sail Vessel Owners Association (Page Nos.200-202/c)	(Page Nos.314-315/c)																																								
(i).	The Sailing Vessel Industry is a Traditional Industry and the sailing vessels operate from the Minor Port (Zone-B) of V.O. Chidambaranar Port Trust at Tuticorin.	Based on the discussion had with the representative of the Sailing Vessels Owners Association during the year 2012, a proposal was sent to TAMP proposing a reduction of berth hire charges for sailing vessels at Zone-B at the rates indicated at Coloumn-4 against the rate vide col.3 and the same was approved by TAMP vide order dated 1 April 2013. The tariff of regular rate and reduced rate are furnished below: <table> <tr> <th>Description</th> <th>Unit</th> <th>Regular Rate</th> <th>Reduced Rate</th> </tr> <tr> <th>(1)</th> <th>(2)</th> <th>(3)</th> <th>(4)</th> </tr> <tr> <td colspan="4">During Operation Period (November to April)</td> </tr> <tr> <td>Foreign (\$)</td> <td>Per GRT</td> <td>0.004</td> <td>0.0010</td> </tr> <tr> <td>Coastal (Re.)</td> <td>Per hour</td> <td>0.10</td> <td>0.0333</td> </tr> <tr> <td></td> <td>-do-</td> <td></td> <td></td> </tr> <tr> <td colspan="4">During lean Period (May to October)</td> </tr> <tr> <td>Foreign (\$)</td> <td>Per GRT</td> <td>0.004</td> <td>0.0002</td> </tr> <tr> <td>Coastal (Re.)</td> <td>Per hour</td> <td>0.10</td> <td>0.0062</td> </tr> <tr> <td></td> <td>-do-</td> <td></td> <td></td> </tr> </table>	Description	Unit	Regular Rate	Reduced Rate	(1)	(2)	(3)	(4)	During Operation Period (November to April)				Foreign (\$)	Per GRT	0.004	0.0010	Coastal (Re.)	Per hour	0.10	0.0333		-do-			During lean Period (May to October)				Foreign (\$)	Per GRT	0.004	0.0002	Coastal (Re.)	Per hour	0.10	0.0062		-do-		
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(ii).	The sailing vessels are operated only for 8 months in a year and the earnings are sufficient for paying the crew salary, maintenance and a meagre amount is enjoyed by the owners and the owners and the crew belong to the weaker section of the society.																																									
(iii).	The industry is facing a rough weather due to depletion of cargo. Nowhere in India, sailing vessels are charged with such an exorbitant port dues and berth hire charges. The Sailing Vessel all over India does not operate from major ports and these vessels berth only in Minor Ports.																																									
(iv).	In view of the above, we request you to remove sailing vessels from VOCPT scale of rates fixed by TAMP under chapter-II, Vessel related charges 2.1 Schedule of Port dues Serial No.1 and 2.4.2 Schedule of Berth hire charges for other Vessels, Serial No.6 Sailing Vessel other than lighters.																																									
(v).	The Sailing Vessel will operate from the Minor Port of VOCPT with the charges fixed earlier which was one time payment of Berth Hire Charges and Port Dues on arrival and the State and the Central Government supported the Industry because this traditional business is in existence only in India. We once again humbly request you to withdraw Sailing Vessels from TAMP fixed Scale of Rates.																																									

As the reduction was already provided in the year 2013 and the port shall have to recover the cost incurred towards the service provided to the sailing vessel owners Association, the consideration of further reduction is not possible.

2. The DCW Limited has furnished its comments which are brought out below. The VOCPT has not responded to the comments of the DCW Limited.

- (i). As a long term port user for decades, we also appreciate the steps initiated on productivity angle and performance based consideration. The procedure adopted by the TAMP (i.e. productivity norms output for the liquid cargoes such as VCM and Caustic Soda Lye) seems to be taken on par with other general cargo for increased output. The above cargo being handled by us are taking utmost care and following all safety measures as per the requirements laid down on such cargo in operation. Hence,

we fear that a steep increase in handling volume (33% increase) should not pave way for comprising safety norms, which you may also agree.

- (ii). Also, for the cargo limonite Ore the increase has been projected with 95% from the existing volume of handling. Here we would request to consider a basic increase of 25% which can be definitely achieved and being met by us.
- (iii). Hence, kindly allow us to follow the old procedures (i.e. old productivity norms output) based on the safety reasons. However, we shall improve the volume to achieve maximum productivity. Also we assure that we would abide by the conditions mentioned by the Port Trust.

3. A joint hearing in this case was held on 16 February 2016 at the VOCPT premises. The VOCPT made a brief power point presentation of its proposal. The VOCPT and the concerned users/ user organizations have made the following submissions:

V.O. Chidambaranar Port Trust (VOCPT)

- (i). Our proposal is not to increase or decrease any rates. It is to amend the notes, conditions, tariff categories etc.
- (ii). There are berths where BOT operator provides HMC. We want to give 20% rebate in Berth hire charges where our own crane is not provided. "Our own wharf crane" words are not there in the existing provision.
- (iii). We want to revise the output norms as per the Berthing Policy of the Ministry.
[Traffic Manager, VOCPT : Productivity norms calculated as per Berthing Policy works out very high. Therefore, we have proposed revised productivity norms based on 100% average of last 3 year. We have communicated to MOS also.]
- (iv). We also want to list down the cargo items which will attract pollution control cess of ₹5 per tonne. It will provide clarity. Existing provision does not list out the cargo items which will attract the cess.
- (v). The existing provision giving norms for performance standards are for normal situation. We want to give relaxation in the productivity norms not achieved due to abnormal situation like non-supply of labour gang, force Majeure, heavy wind etc.
- (vi). Rates proposed by port for automobiles may be retained.
- (vii). We want separate classification of performance norms for conventional handling of coal.

Tuticorin Stevedoes Association (TSA)

Separate rates of wharfage are prescribed for charcoal, coal used for thermal power plants and coal described in customs documents. Why port is worried whether coal is used for thermal plant or not ? End use of coal is not in our hand. Why the port wants to trace the end use. Please charge for coal cargo.

Tuticorin Ship Agents Association

Please have uniform rate for coal and coke.
[Dy. Chairman, VOCPT : We will examine the issue.]

Indian Chamber of Commerce and Industry (ICC & I)

- (i). 100% average of the last 3 years is not the correct method to arrive at the productivity norms. All cannot achieve the norms. Those who performed below the average will suffer. The BCG did not discuss with users on Performance norms.

[VOCPT : Those who achieve the average will get incentive. Those who do not achieve will be penalized].

- (ii). Productivity norm of 28,000 Tonnes per day for coal berth No. (IX) not achievable.
[Dy. Chairman, VOCPT : We will review the performance norms for Berth No. (IX)]

4. The summary of the objection of TSA and TSAA made at the joint hearing and reply furnished by VOCPT thereon is tabulated below:

Sl. No.	Objection of TSA and TSAA	Reply furnished by VOCPT						
(i).	At the Joint Hearing, the M/s.Tuticorin Stevedores Association (TSA) and Tuticorin Shsip Agents Association (TSAA) have objected to the prescription of differential wharfage for coal cargo based on the end use of the coal cargo and requested for uniform wharfage rate for all types of coal cargo. As agreed at the Joint Hearing, the VOCPT to examine the request of TSA and TSAA and furnish its comments by 2 March 2017.	Considering the request made by M/s. Tuticorin Stevedores Association (TSA) and Tuticorin Shsip Agents Association (TSAA) at the Joint Hearing held on 16.02.2017, a revised proposal proposing a single rate of wharfage for all types of coal is proposed to the Authority as detailed below vide Annexure-II for consideration and approval.						
		Sl. No.	Name of Cargo	Unit	Zone A		Zone B	
					Foreign	Coastal	Foreign	Coastal
		1	All Types of Coal	1 M.T.	48.34	48.34	29.00	29.00

Sl. No.	Objection of ICCI	Reply furnished by VOCPT					
(ii).	As agreed at the Joint Hearing, the VOCPT to examine the productivity norms of 28,000 tonnes per day prescribed for coal berth No.IX by 2 nd March, 2017.	Based on the BCG recommendations, the productivity norms at 28,000 tonnes per day has been prescribed for coal at berth No.IX. VOCPT has improved the coal handling at IX Berth from 22,271 M.T per day during 3 rd Quarter of 2016-17 to 26,968 M.T per day during 4 th Quarter of 2016-17. Hence based on the actual achievement of past period, the productivity norms of 28,000 tonnes per day prescribed at IX Berth can be achievable as recommended by BCG.					
