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Tariff Authority for Major Ports

G.No. 164 **New Delhi,** **12 April 2021**

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 from the Deendayal Port Trust for notification of Reference tariff for development of Container Terminal at Tuna-Tekra on Build, Operate and Transfer (BOT) basis under Public Private Participation (PPP) mode at Deendayal Port as in the Order appended hereto.

(T.S. Balasubramanian)
Member (Finance)

Tariff Authority for Major Ports
Case No. TAMP/16/2021-DPT

Deendayal Port Trust ------ Applicant

QUORUM

(i). Shri. T.S. Balasubramanian, Member (Finance)
(ii). Shri. Sunil Kumar Singh, Member (Economic)

O R D E R

(Passed on this 16th day of March 2021)

This case relates to the proposal received from Deendayal Port Trust (DPT) for fixation of Reference tariff for development of Container Terminal at Tuna-Tekra on Build, Operate and Transfer (BOT) basis under Public Private Participation (PPP) mode at Deendayal Port under the Revised Reference Tariff Guidelines of 2013.

1.2. The then Ministry of Shipping (MOS), vide its letter No.PR-14019/16/2012-PG dated 31 July 2013 has issued 'Guidelines for Determination of Tariff for Projects at Major Ports, 2013' under Section 111 of the Major Port Trusts (MPT) Act, 1963 on 09 and 12 September 2013. The said Guidelines were notified in the Gazette of India on 30 September 2013 vide Gazette no.254 and made effective from 9 September 2013 and valid for five years. The validity of the said Guidelines has been subsequently extended by the MoPSW beyond its expiry from time to time and the validity of the said Guidelines last extended by the MoPSW is till 8 March 2021. The Order extending the validity of the Reference Tariff Guidelines till 8 March 2021 is notified by this Authority vide Gazette No.373 dated 24 September 2020. Subsequently, the MoPSW vide its email dated 01 March 2021 has conveyed the approval of the competent authority to extend the validity of the said Guidelines for a further period of six months i.e. till 08 September 2021 or till further orders, whichever is earlier.

2.1. Following the said Reference Tariff Guidelines of 2013, the DPT has filed its proposal vide its letter No.EG/WK/4870/TAMP/CT/Tariff dated 04 March 2021. Main submissions made by the DPT in its proposal are as follows:

(i). Considering the vast hinterland that is dependent on DPT for seaborne trade and currently prevailing traffic congestion at existing facilities of DPT and in order to tap into the container market growth, Kandla needs better infrastructure and a state-of-art world class container facility.

(ii). The Key Performance Indicator (KPI) of Kandla container berth indicate that it has a high turnaround time of 1.5-2 days while at most container terminals it is 0.5-1 day. DPT requires modern, well equipped and a deep draft container terminal. A separate terminal away from the current port will help in better performance in container cargo throughput. There will also be an overall reduction in congestion in Kandla creek.

(iii). In order to cater to the future growth in Container Cargo, the DPT has decided to undertake Development of Container Terminal Berth off Tuna Tekra outside Kandla Creek at Kandla, through Public Private Participation (PPP) mode on Build, Operate and Transfer (BOT) basis. [DPT has attached Layout of the Project]**.**

(iv). The proposed facility is planned for handling vessels up to 6000 TEU with Optimal Capacity of 2.19 Million TEUs assessed as per TAMP Guidelines 2008.

(v). The total estimated cost of the project is ₹4698.26 Crores. The Concessioning Authority to carry out the Capital and the maintenance dredging in the access channel of the proposed project. Capital and maintenance dredging at the approach, Berth Pocket and turning circle shall be the obligation of the concessionaire.

(vi). As per Feasibility Report, total backup area requirement is 54.20 Ha including Container stack yard of 33.43 Ha along with gate area, rail yard area and admin area.

(vii). The optimal capacity of the terminal is reckoned as 70% of the maximum capacity. The optimal capacity of the terminal is the lower value of the optimum quay capacity and optimal stack yard capacity.

(viii). The Optimal Capacity for the proposed Container Terminal is assessed at 2.19 million TEUs being lower of optimal quay capacity at 2.19 million TEUs and optimal yard capacity at 2.20 million TEUs.

(ix). DPT has got approved tariff for Container Terminal vide Order No.TAMP/43/2013-KPT dated 4 October 2013 notified vide G.No 275 dated 21 October 2013 and its subsequent amendment Orders relating to the proposal from the Kandla Port Trust (KPT) for notification of Reference Tariff for Mega Container Terminal Project at Tuna-Tekra at DPT.
Hence for this proposed project, the said reference tariff has been considered for Container Terminal as per the Guidelines for determination of Tariff for projects at Major Ports, 2013 in line with TAMP guidelines 2008.

(x). Approved tariff in the aforesaid notification has been escalated by 13.73% i.e. approved escalation by TAMP till March 2021 for the tariffs approved with base WPI as on 1st January 2013.

(xi). The DPT has furnished proposed Scale of Rates after applying the applicable indexation factor for the years 2014-15 to 2020-21 aggregating to 13.73% to the base year of the adopted Reference Tariff prescribed as January 2013 .

(xii). The DPT has proposed Performance Standards for its proposed Container terminal at Tuna Tekra in line with the adopted tariff Order dated 04 October 2013 as given below:

Sr. No.	Parameter	Performance Standard
1.	**Gross Berth Output**	25 Moves / Crane / hour
2.	**Transit Storage Dwell Time for Containers**	
	Import	2 Days
	Export	4 Days
3.	**Turnaround Time for receipt / delivery operation**	
	Trailer for Containers (Single operation)	2 hours
	Trailer for Containers (Double operation)	4 hours
	Rake for ICD Containers (Single operation)	6 hours
	Rake for ICD Containers (Double operation)	12 hours

2.2. Subsequently, the DPT vide its email dated 05 March 2021 has furnished a copy of Board Resolution dated 19 February 2021 wherein the Board has, inter alia, authorized the Chairman, DPT to approve (a). draft Upfront/Reference Tariff and send the same to TAMP/Appropriate Authority for final approval; (b). Clarification to Queries/observations of TAMP/Appropriate Authority on the Tariff proposal in case of proposed container terminal at Tuna Tekra.

2.3. The DPT, vide its email dated 10 March 2021 has confirmed that the reference tariff of the adopted tariff Order No.TAMP/4302013-KPT dated 04 October 2013 is representative enough for the proposed project for the development of Container Terminal at Tuna-Tekra.

3.1. Clause 2.2 of the Revised Guidelines of 2013 stipulate that the Reference Tariff will be the highest tariff fixed for that commodity in the concerned Major Port Trust under the 2008 Tariff Guidelines. In case no tariff has been fixed for that commodity at that Major Port Trust or if the highest tariff fixed for a particular commodity in the concerned major Port Trust does not represent the project proposed to be developed, then concerned Major Port Trust can propose to

TAMP any other tariff fixed under 2008 Tariff guidelines in any other major Port Trust which is representative enough for that commodity giving detailed and sufficient justification.

3.2. While adopting the Reference tariff, the tariff set under the Tariff Guidelines, 2008 shall be escalated to the extent of 60% of WPI per annum, as provided in the said guidelines for the period between 1st January of the year as prescribed in the relevant tariff order of TAMP under 2008 guidelines and 1st January of the subsequent relevant year when the Reference Tariff for the particular project in question is being notified.

3.3. Further Clause 2.2 of the revised tariff guidelines of 2013 requires this Authority to prescribe the Reference Tariff along with the Performance Standards.

4.1. The DPT has adopted reference tariff notified at its own port vide Order No.TAMP/43/2013-KPT dated 04 October 2013. The port has also confirmed that the adopted tariff is representative enough for its proposed project.

4.2. The DPT has accordingly applied the applicable indexation factor for the years 2014-15 to 2020-21 aggregating to 13.73% to the base year of adopted reference tariff prescribed as January 2013 to arrive at the proposed tariff for its project and furnished the proposed Reference Tariff schedule for approval along with the proposed Performance standards.

5. Since the proposal of DPT is an adoption case adopting the reference tariff fixed for its own project of development of mega container terminal at Tuna Tekra at DPT approved vide DPT Order dated 04 October 2013 which was based on the upfront tariff determined under upfront tariff guidelines of 2008 for container terminal at JNPT wherein the consultation with stakeholders was held and also recognising that the Tariff Guidelines of 2013 require the reference tariff and the Performance Standards to be fixed within 15 days, the said proposal was not taken up for consultation in line with the approach followed in the other reference tariff cases on adoption basis.

6. With reference to the totality of the information collected, the following points emerges:

(i). The proposal of the Deendayal Port Trust (DPT) is for notification of Reference Tariff for development of container terminal at Tuna Tekra on Build, Operate, Transfer (BOT) basis under Public Private Participation (PPP) mode at DPT.

(ii). The DPT has filed a proposal seeking approval of Reference tariff for Development of container terminal at Tuna Tekra on BOT basis under PPP mode at DPT adopting reference tariff notified at its own port for Mega Container Terminal at Tuna-Tekra at DPT by this Authority vide Order No.TAMP/43/2013-KPT dated 04 October 2013 after applying applicable indexation factor.

(iii). As per Clause 2.2 of the Revised Tariff Guidelines of 2013, port has the option to adopt the highest upfront tariff fixed by this Authority for that commodity/ service in the concerned Major Port Trust under the upfront Tariff Guidelines of 2008. In case no tariff has been fixed for that commodity at the concerned Major Port Trust or the highest tariff fixed in the concerned Major Port Trust do not represent the project proposed to be developed, then the port has the option to adopt highest upfront tariff fixed by this Authority in any other Major Port Trust which is representative enough for the commodity/ service envisaged in the project after giving detailed and sufficient justification.

In the current proposal for proposed container terminal, the port has proposed to adopt the reference tariff approved by this Authority in its own port vide Order dated 4 October 2013 under the reference tariff guidelines of 2013 which was then based on adoption of upfront tariff approved for container terminal at JNPT vide Order No.TAMP/40/2008-JNPT dated 25 February 2009. The DPT has confirmed that the reference tariff of the adopted tariff Order No.TAMP/43/2013-KPT dated 04 October 2013 is representative enough for the proposed project for the development of Container Terminal at Tuna-Tekra.

As brought out in Para 2.2 above, the DPT Board vide resolution dated 19 February 2021 has, inter alia, authorised the Chairman, DPT to approve draft Upfront/ Reference Tariff, furnish clarification to queries/ observation of TAMP and forward the same to the TAMP in case of proposed container terminal.

In view of the above position and recognising that the reference tariff approved by this Authority vide Order No.TAMP/43/2013-KPT dated 04 October 2013 is based on the JNPT Order dated 25 February 2009 following norms and principles of the Upfront Tariff Guidelines of 2008 and the current proposal of the DPT is for adoption of the rates notified in the said DPT Order after indexation in line with stipulation in the reference tariff guidelines 2013, and based on the confirmation of the DPT that the adopted tariff Order is representative of the proposed project, this Authority is inclined to approve the proposal of the DPT for fixation of reference tariff for Container Terminal at Tuna Tekra at DPT.

(iv). The Reference Tariff schedule for Container Terminal approved by this Authority vide Order No.TAMP/43/2013-KPT dated 04 October 2013, prescribes that the tariff caps will be indexed to inflation but only to an extent of 60% of the variation in Wholesale Price Index (WPI) occurring between 1 January 2013 and 1 January of the relevant year.

Since the base year of WPI for indexation in the DPT Order dated 04 October 2013 is prescribed as 1 January 2013, the DPT has proposed indexed rate after cumulatively applying indexation factor at 3.78%, 2.29%, Nil, 1.20%, 2.07%, 2.56% and 1.13% for the years 2014-15 to 2020-21 respectively aggregating to 13.73%. The indexed rate proposed by DPT after applying the applicable indexation over the rates approved by this Authority with base year January 2013 is found to be in order and in line with clause 2.2 of the Tariff Guidelines, 2013. Therefore, the indexed rate proposed by DPT as Reference tariff is approved.

(v). The note proposed by DPT governing the indexation of reference tariff for future period is with reference to 1 January 2021. Since the reference tariff is to be notified in the year 2021 and indexation factor announced as on 1 January 2020 is captured while arriving at the indexed rate, indexation for future period will be with reference to 1 January 2021. Therefore, the said general note as proposed by DPT is approved.

(vi). (a). The DPT has included the clauses approved by this Authority vide Addendum dated 05 December 2013 to the DPT Order dated 04 October 2013 relating to incorporation of relevant clauses on performance linked indexation in tariff stipulated in Revised Guidelines of 2013 and Addendum dated 09 October 2014 relating to omission/correction in sub-headings. The said amendments incorporated in the proposed SOR are found to be in order.

(b). The DPT has proposed to incorporate definition of Per Day as “Per Day means per calendar day unless otherwise stated”. Further, the DPT has proposed to incorporate definition of “TEU” as “TEU shall mean twenty-foot equivalent unit (TEU)”. Since the proposed definitions are to give clarity and avoid ambiguity, the same is prescribed as proposed by the port.

(c). The DPT has included general conditionalities relating to System of Classification of vessel for levy of Vessel Related Charges (VRC), Criteria for levy of vessel related charges and Cargo Related Charges (CRC) at concessional coastal rate proposed by the DPT which are found to be in line with the common adoption Order passed by this Authority vide Order No No.TAMP/53/2015-VOCPT dated 26 November 2015 along with amended Order dated 10 June 2016 for all the Major Ports and BOT operators. That being so, the proposed general conditionalities as proposed by the DPT are approved.

(vii). Clause 2.2 of the revised tariff guidelines of 2013 requires this Authority to prescribe the Reference Tariff along with the Performance Standards.

The proposed performance standards for container terminal are in line with the performance standards approved in the DPT Order dated 04 October 2013. The proposed performance standards for container terminal at Tuna Tekra are, therefore, approved.

(viii). **If there is any error apparent on the face of records considered or for any other justifiable reasons, the DPT may approach this Authority for review of the reference tariff fixed, prior to completion of bidding process of the project giving adequate justification/ reasoning within 30 days from the date of notification of the Order in the Gazette of India.**

7.1. Subject to above, the Reference Tariff Schedule and the Performance Standards for Container Terminal at Tuna Tekra at DPT as proposed by the port are attached as **Annex - I** and **Annex - II** respectively.

7.2. In the result, and for the reasons given above, the proposed Reference Tariff Schedule for Development of Container Terminal at Tuna Tekra at DPT is approved and notified along with the Performance Standards, which is attached as **Annex - I** and **Annex - II**.

7.3. As per clause 2.5 of the Revised Tariff Guidelines 2013, the Reference Tariff and Performance Standards notified by this Authority shall be mentioned in the bid document and subsequently in the Concession Agreement in respect of PPP Projects. Accordingly, the DPT is advised to incorporate the Reference Tariff and Performance Standards, in the bid document and subsequently in the Concession Agreement in respect of PPP Projects.

8.1. From the date of Commercial Operation (CoD) till 31st March of the same financial year, the tariff would be limited to the indexed Reference Tariff relevant to that year, which would be the ceiling. The aforesaid Reference Tariff shall be automatically revised every year based on an indexation as provided in para 2.2 of the tariff guidelines of 2013 which will be applicable for the entire concession period.

However, the PPP operator would be free to propose a tariff along with Performance Standards (the "Performance Linked Tariff") from the second year of operation onwards, over and above the indexed Reference Tariff for the relevant financial year, at least 90 days before the 1st April of the ensuing financial year. Such Performance Linked Tariff shall not be higher than 15% over and above the indexed Reference Tariff for that relevant financial year (and this will be the Tariff Cap). The Performance Linked Tariff would come into force from the first day of the following financial year and would be applicable for the entire financial year.

8.2. The proposal shall be submitted to this Authority along with a certificate from the independent engineer appointed under the Concession Agreement of the Project indicating the achievement of Performance Standards in the previous 12 months as incorporated in the Concession Agreement or for the actual number of months of operation in the first year of operation, as the case may be.

8.3. On receipt of the proposal, this Authority will seek the views of the DPT on the achievement of Performance Standards as outlined in para 5 of the tariff guidelines of 2013, within 7 days of receipt.

8.4. In the event of Operator not achieving the Performance Standards as incorporated in the Concession Agreement in previous 12 months, this Authority will not consider the proposal for notifying the Performance Linked Tariff for the ensuing financial year and the Operator shall be entitled to only the indexed Reference Tariff applicable for the ensuing financial year.

8.5. After considering the views of the DPT, if this Authority is satisfied that the Performance Standards as incorporated in the Concession Agreement have been achieved, it shall notify the performance linked tariff by 15th of March to be effective from 1st of April of the ensuing financial year.

8.6. While considering the proposal for Performance Linked Tariff, this Authority will look into the Performance Standards and its adherence by the Operator. This Authority will decide on the acceptance or rejection of the Performance Linked Tariff proposal based on the achievement or otherwise of the Performance Standards by the operator. Determination of indexed Reference Tariff and Performance Linked Tariff will follow the illustration shown in the Appendix attached to the tariff guidelines of 2013.

8.7. From the third year of operation, the Performance Linked Tariff proposal from the PPP operator shall be automatically notified by this Authority subject to the achievement of Performance Standards in the previous 12 months period as certified by the Independent Engineer. The PPP operator, for the Performance Linked Tariff from the third year onwards, will submit the Performance Linked Tariff proposal along with the achievement certificate from the independent engineer by 1st March and this Authority shall notify by 20th March, the Performance Linked Tariff to be effective from the ensuing financial year.

8.8. In the event any user has any grievance regarding non-achievement by the PPP operator of the Performance Standards as notified by this Authority, he may prefer a representation to this Authority which, thereafter, shall conduct an inquiry into the representation and give its finding DPT. The DPT will be bound to take necessary action on the findings as per the provisions of the respective Concession Agreement.

8.9. Within 15 (fifteen) days of the signing of the Concession Agreement, the concerned operator will forward the Concession Agreement to this Authority which will host it on its website.

8.10. The PPP operator shall furnish to this Authority quarterly reports on cargo traffic, ship berth day output, average turnaround time of ships, average pre-berthing waiting time as well as the tariff realized for each berth. The quarterly reports shall be submitted by the PPP operator within a month following the end of each quarter. Any other information which is required by this Authority shall also be furnished to them from time to time.

8.11. This Authority shall publish on its website all such information received from PPP operator. However, this Authority shall consider a request from any PPP operator about not publishing certain data/ information furnished which may be commercially sensitive. Such requests should be accompanied by detailed justification regarding the commercial sensitiveness of the data/information in question and the likely adverse impact on their revenue/ operation of upon publication. The decision of this Authority in this regard would be final.

(T.S. Balasubramanian)
Member (Finance)

Annex - I

DEENDAYAL PORT TRUST

REFERENCE TARIFF SCHEDULE FOR CONTAINER TERMINAL AT TUNA TEKRA

CHAPTER 1 – DEFINITIONS & GENERAL TERMS & CONDITIONS

1.1. DEFINITIONS – GENERAL

(i). **"Coastal vessel"** shall mean any vessel exclusively employed in trading between any port or place in India to any other port or place in India having a valid coastal licence issued by the competent authority/ Director General of Shipping.

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

(iii). **"FCL"** means Containers said to contain Full Container Load.

(iv). **"LCL"** means Containers said to contain Less than full Container Load (Container having cargo of more than one importer/exporter).

(v). **"Hazardous container"** means a Container containing hazardous goods as classified under IMO.

(vi). **"Import container"** means a container discharged from one vessel, stored in container yard and transported out through Road or Train.

(vii). **"Export container"** means a container arrived by road or Train, stored in container yard and loaded on the assigned vessel.

(viii). **"Port area"** means the custom bound area / Port operational Area of the Port.

(ix). **"Normal Container"** shall mean general type containers, not falling under special categories mentioned subsequently.

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

(xi). **"Hazardous Container"** shall mean a container containing hazardous goods as classified under IMO.

(xii). **"Transhipment Container"** shall mean a container, which is discharged from one vessel, stored in the yard and transported through other vessel.

(xiii). **"Over dimensional Container"** shall mean a container carrying over dimensional cargo beyond the normal size of standard container and needing special devices like slings, shackles, lifting beam etc. They also include damaged containers and other types which require special devices.

(xiv). **"Shut out Container"** shall mean a container which enters into the port as an export intake for a particular vessel (as indicated by the Vessel Identification Advice Number, i.e. VIA No.) and is not connected to the particular vessel for reasons whatsoever, then the container is termed to be a shutout container.

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

(xvi). "**VIAN**" means Vessel Identification Advise Number**.**

(xvii). **"Per Day "**means per calendar day unless otherwise stated**.**

(xviii). **“TEU”** shall mean twenty-foot equivalent unit (TEU).

1.2. GENERAL TERMS & CONDITIONS

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

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

(a). A foreign going vessel of Indian flag having a General Trading Licence can convert to coastal run on the basis of a Customs Conversion Order. Such vessel that converts into coastal run based on the Customs Conversion Order at her first port of call in Indian Port, no further custom conversion is required, so long as it moves on the Indian Coast.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e). The charges for coastal containers / vessels shall be denominated and collected in Indian Rupee.

(vii). Interest on delayed payments / refunds:

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

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

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

(d). The delay in payments by the users will be counted only 10 days after the date of raising the bills by the operator. This provision shall, however, not apply to the cases where payment is to be made before availing the services / use of Port Trust's properties as stipulated in the Major Port Trust Act and / or where payment of charges in advance is prescribed as a condition in this Scale of Rates.

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

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

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

(x). The users will not be required to pay charges for delays beyond a reasonable level attributable to the operator.

CHAPTER 2 – VESSEL RELATED CHARGES

2. Schedule of Berth Hire Charges

S. No.	Description	Rate per GRT per hour or part thereof (₹)	
		Foreign Vessel	Coastal Vessel
1	For Occupying the Berth	1.767	1.06

Notes:

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

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

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

(iv). Penal berth hire charges shall be levied as follows in addition to berth hire charges beyond 2 hours:

S. No.	Description	Rate Per GRT
1	Upto 6 hrs	₹ 14.35
2	above 6 hours but upto 12 hours	₹ 21.52
3	Above 12 hrs	₹ 43.05

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

(vi). (a). There shall be a time limit beyond which berth hire shall not apply; berth hire shall stop 4 hours after the time of vessel signalling its readiness to sail. The time limit of 4 hours prescribed for cessation of berth hire shall exclude the ship's waiting period for want of favourable tidal conditions or on account of inclement weather or due to absence of night navigation facilities.

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

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

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

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

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

GENERAL TERMS AND CONDITIONS:

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

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

(iii). All charges for containers more than 20' in length and upto 40' in length will be 150 per cent of the applicable charges prescribed.

(iv). Containers other than that of standard size requiring special devices/slings/handling will be charged twice the applicable rates. Such containers will also include damaged containers and any other type requiring special devices.

3.1. CHARGES FOR HANDLING AND MOVEMENT OF CONTAINERS:

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

A. Normal Containers

S. No.	Description	Rate per TEU (in ₹)			
		Foreign Container		Coastal Container	
		Loaded	Empty	Loaded	Empty
1	From Ship to container yard or vice versa	4270.61	3449.34	2562.37	2069.60
2	From container yard to Railway flat or vice versa (ICD Container Rail only)	2135.30	2135.30	2135.30	2135.30
3	From Container yard to Truck or vice versa (direct delivery and export intake)	657.02	657.02	657.02	657.02

B. Reefer Containers

S.No.	Description	Rate per TEU (in ₹)			
		Foreign Container		Coastal Container	
		Loaded	Empty	Loaded	Empty
1	From Ship to container yard or vice versa	4270.61	3449.34	2562.37	2069.60
2	From container yard to Railway flat or vice versa (ICD Container Rail only)	2135.30	2135.30	2135.30	2135.30
3	From Container yard to Truck or vice versa (direct delivery and export intake)	657.02	657.02	657.02	657.02

C. Hazardous Containers

S. No.	Description	Rate per TEU (in ₹)	
		Foreign Container	Coastal Container
		Loaded	Loaded
1	From Ship to container yard or vice versa	5339.23	3203.92
2	From Container yard to Railway flat or vice versa (ICD Container Rail only)	2668.65	2668.65
3	From Container yard to Truck or vice versa (direct delivery and export intake).	821.27	821.27

D. Transhipment Containers

S.No.	Description	Rate per TEU (in ₹)			
		Foreign Container		Coastal Container	
		Loaded	Empty	Loaded	Empty

1	1 – 3000 TEUs	4927.63	4270.61	2956.57	2562.37
2	3001 – 6000 TEUs	4599.12	3942.11	2759.47	2365.27
3	6001 – 9000 TEUs	4270.61	3613.59	2562.37	2168.15
4	Thereafter.	3942.11	3285.08	2365.27	1971.05

Notes

(1). Rate is based on total TEUs brought by the Shipping Lines or agents in the same financial year.

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

E. Over Dimensional Cargo Containers

S. No.	Description	Rate per TEU (in ₹)			
		Foreign Container		Coastal Container	
		Loaded	Empty	Loaded	Empty
1	From Ship to container yard or vice versa	8541.23	6898.67	5124.73	4139.20
2	From container yard to Railway flat or vice versa (ICD Container Rail only)	4270.61	4270.61	4270.61	4270.61
3	From Container yard to Truck or vice versa (direct delivery and export intake)	1314.04	1314.04	1314.04	1314.04

Note: The consolidated charges as above include the following elements, viz. stevedoring, use of Gantry crane, use of transfer crane, wharfage on tare weight of containers, wharfage on containerized cargo, transportation and contribution towards railway infrastructure.

3.2. DWELL TIME CHARGES FOR CONTAINER, STORED IN THE PORT PREMISES:

Sl. No.	Particulars	Rate per container per day or part thereof (in ₹)		
		Upto 20' in length	Over 20' to upto 40' in length	Above 40' in length
1	Non-ICD/ CFS Import - loaded			
	First 2 days	Free	Free	Free
	3-6 days	522.24	1044.46	1566.70
	7-9 days	621.23	1242.45	1863.68
	10-12 days	738.87	1477.75	2216.62
	13-15 days	878.04	1756.08	2634.11
	16-18 days	1043.03	2086.06	3129.09
	19-22 days	1241.02	2482.04	3723.05
	23-26 days	1476.31	2952.62	4428.93
	27-30 days	1754.64	3509.29	5263.92
	Thereafter	2087.49	4174.99	6262.49
2	Non-ICD/ CFS Import - Empty			
	First 2 days	Free	Free	Free
	3-6 days	522.24	1044.46	1566.70
	7-9 days	621.23	1242.45	1863.68
	10-12 days	738.87	1477.75	2216.62
	13-15 days	878.04	1756.08	2634.11
	16-18 days	1043.03	2086.06	3129.09
	19-22 days	1241.02	2482.04	3723.05

	23-26 days	1476.31	2952.62	4428.93
	27-30 days	1754.64	3509.29	5263.92
	Thereafter	2087.49	4174.99	6262.49
3	Non-ICD/ CFS Export - Loaded			
	First 3 days	Free	Free	Free
	4-6 days	522.24	1044.46	1566.70
	7-9 days	621.23	1242.45	1863.68
	10-12 days	738.87	1477.75	2216.62
	13-15 days	878.04	1756.08	2634.11
	16-18 days	1043.03	2086.06	3129.09
	19-22 days	1241.02	2482.04	3723.05
	23-26 days	1476.31	2952.62	4428.93
	27-30 days	1754.64	3509.29	5263.92
	Thereafter	2087.49	4174.99	6262.49
4	Non-ICD/ CFS Export - Empty			
	First 3 days	Free	Free	Free
	4-6 days	522.24	1044.46	1566.70
	7-9 days	621.23	1242.45	1863.68
	10-12 days	738.87	1477.75	2216.62
	13-15 days	878.04	1756.08	2634.11
	16-18 days	1043.03	2086.06	3129.09
	19-22 days	1241.02	2482.04	3723.05
	23-26 days	1476.31	2952.62	4428.93
	27-30 days	1754.64	3509.29	5263.92
	Thereafter	2087.49	4174.99	6262.49
5	CFS Import loaded - moved by road			
	First 2 days	Free	Free	Free
	3-6 days	522.24	1044.46	1566.70
	7-9 days	621.23	1242.45	1863.68
	10-12 days	738.87	1477.75	2216.62
	13-15 days	878.04	1756.08	2634.11
	16-18 days	1043.03	2086.06	3129.09
	19-22 days	1241.02	2482.04	3723.05
	23-26 days	1476.31	2952.62	4428.93
	27-30 days	1754.64	3509.29	5263.92
	Thereafter	2087.49	4174.99	6262.49
6	CFS Import empty - moved by road			
	First 2 days	Free	Free	Free
	3-6 days	522.24	1044.46	1566.70
	7-9 days	621.23	1242.45	1863.68
	10-12 days	738.87	1477.75	2216.62
	13-15 days	878.04	1756.08	2634.11
	16-18 days	1043.03	2086.06	3129.09
	19-22 days	1241.02	2482.04	3723.05
	23-26 days	1476.31	2952.62	4428.93
	27-30 days	1754.64	3509.29	5263.92
	Thereafter	2087.49	4174.99	6262.49
7	CFS Export loaded - moved by road			
	First 3 days	Free	Free	Free
	4-6 days	522.24	1044.46	1566.70
	7-9 days	621.23	1242.45	1863.68
	10-12 days	738.87	1477.75	2216.62
	13-15 days	878.04	1756.08	2634.11
	16-18 days	1043.03	2086.06	3129.09
	19-22 days	1241.02	2482.04	3723.05
	23-26 days	1476.31	2952.62	4428.93
	27-30 days	1754.64	3509.29	5263.92
	Thereafter	2087.49	4174.99	6262.49

8	CFS Export empty - moved by road			
	First 3 days	Free	Free	Free
	4-6 days	522.24	1044.46	1566.70
	7-9 days	621.23	1242.45	1863.68
	10-12 days	738.87	1477.75	2216.62
	13-15 days	878.04	1756.08	2634.11
	16-18 days	1043.03	2086.06	3129.09
	19-22 days	1241.02	2482.04	3723.05
	23-26 days	1476.31	2952.62	4428.93
	27-30 days	1754.64	3509.29	5263.92
	Thereafter	2087.49	4174.99	6262.49
9	ICD Import and Export loaded or empty - moved by rail			
	First 5 days	Free	Free	Free
	6-15 days	1043.03	2086.06	3129.09
	16-30 days	2087.49	4174.99	6262.49
	Thereafter	4174.99	8349.98	12524.97
10	Transhipment – Loaded			
	First 15 days	Free	Free	Free
	16-30 days	2087.49	4174.99	6262.49
	Thereafter	4174.99	8349.98	12524.97
11	Transhipment - Empty			
	First 7 days	Free	Free	Free
	8-15 days	1241.02	2482.04	3723.05
	Thereafter	4174.99	8349.98	12524.97

Notes:

(1). The total storage period for a container shall be reckoned from the day following the day of landing upto the day of shipment/delivery/date of removal of the container and includes Sundays and Holidays but excludes Custom notified holidays and port non working days.

(2). Transhipment containers subsequently changing the mode of dispatch locally or to the container freight station for destuffing/stuffing shall loose the concessional dwell time as prescribed in Item (4) above. Dwell time charges for such containers shall be recovered at par with import containers as prescribed in item no. 1 or 2 as applicable.

(3). Transhipment containers subsequently changing the mode of dispatch by rail to ICD shall be treated as other ICD containers for the purpose of levy of Dwell time charges fees and shall be charged at the rates in item (4) above. In such cases additional shifting charge will be applicable for movement of container to container yard to ICD yard.

(4). A container from foreign port landing at the container terminal for subsequent transhipment to an Indian Port on a coastal voyage or vice versa would be charged at 50% of the transhipment charges prescribed for foreign going vessels and 50% of that prescribed for coastal category.

(5). Normal import containers subsequently changing the mode of dispatch by rail to ICD will enjoy the free period applicable to normal import container only. In such cases additional shifting charges will be applicable for movement of container from container yard to ICD yard.

(6). The total storage period for a shutout container shall be calculated from the day following the day when the container has become shutout till the day of Shipment/ delivery.

(7). Over high and over dimensional containers shall attract thrice the normal applicable charges.

(8). Hazardous containers shall attract 1.25 times the normal applicable charges.

(9). In case of stuffing the containers inside the port, the dwell time charges will be applicable as follows:

- (i). Prior to stuffing, dwell time charges as applicable to empty containers will be charged.
- (ii). Free period and dwell time charges as applicable to loaded export containers will be charged from the day following the day of completion of stuffing and intimation to Port.

(10). In the case of auction containers, after the auction is over, the empty containers will attract the dwell time charges as empty containers from the following day the destuffing is completed.

(11). The storage charges shall not accrue for the period during which the Terminal is not in a position to deliver containers for reasons attributable to it when requested by the user.

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

- (i). The consignee can issue a letter of abandonment at any time.
- (ii). If the consignee chooses not to issue such letter of abandonment, the container Agent/MLO can also issue abandonment letter subject to the condition that,
  - (a) the Line shall resume custody of container along with cargo and either take back it or remove it from the port premises; and
  - (b) the line shall pay all port charges accrued on the cargo and container before resuming custody of the container.
- (iii). The container Agent / MLO shall observe the necessary formalities and bear the cost of transportation and destuffing. In case of their failure to take such action within the stipulated period, the storage charge on container shall be continued to be levied till such time all the necessary actions are taken by the shipping lines for destuffing of cargo.
- (iv). Where the container is seized/confiscated by the Custom Authorities and the same cannot be destuffed within the prescribed time limit of 75 days, the storage charges will cease to apply from the day the Custom order release of the cargo subject to lines observing the necessary formalities and bearing the cost of transportation and de-stuffing. Otherwise, seized/confiscated containers should be removed by the line/consignee from the port premises to the Customs bonded area and in that case the storage charge shall cease to apply from the day of such removal.

3.3 CHARGES FOR MISCELLANEOUS SERVICES RENDERED TO THE CONTAINER VESSELS:

A. Reefer Monitoring and Connection

Sl No	Description	Rate Per TEU (in ₹)			
		Foreign Going Vessel		Coastal Vessel (in ₹)	
		Loaded	Empty	Loaded	Empty
1	Additional charges per 4 hours or part thereof for electricity consumption and monitoring of reefer containers	320.33	320.33	320.33	320.33

Note:
Additional electricity charge at the prescribed rates will be applicable in case of Reefer Containers also.

B. Other Services Rendered

Sl No	Description	Rate Per TEU (In ₹)	
		Foreign Going Vessel	Coastal Vessel

		Loaded	Empty	Loaded	Empty
1	Shifting of containers from one yard to another yard within the terminal for customs inspection or any other purpose and subsequent loading of containers for delivery.	2766.44	2766.44	2766.44	2766.44
2	Additional service charges for stacking containers in designated yard for custom examination or for any other purpose by prior arrangement.	325.38	325.38	325.38	325.38

C. Opening of Hatch Cover and Replacing it

Sl No	Description	Rate per Hatch Cover (in ₹)	
		Foreign Going Vessels	Coastal Vessels
1	When placing it on the Quay	4805.64	2883.39
2	Without placing it on the Quay	1921.97	1153.19

Note: If only one operation is carried out, half of the hatch cover handling charges as above shall be levied.

D. One Hatch to Another Hatch or within the Same Hatch

Sl No	Description	Rate per TEU (in ₹)			
		Foreign Going Vessels		Coastal Vessels	
		Loaded	Empty	Loaded	Empty
(a)	Hatch to hatch shifting (involving 1 move only)	1601.66	1601.66	961.00	961.00
(b)	Other than (a) mentioned above	6407.29	6407.29	3844.37	3844.37

4. GENERAL NOTES:

(a). From the date of Commercial Operation (CoD) till 31st March of the same financial year, the tariff would be limited to the indexed Reference Tariff relevant to that year, which would be the ceiling. The aforesaid Reference Tariff shall be automatically revised every year based on an indexation as provided in para 2.2 of the revised guidelines of 2013 which will be applicable for the entire concession period.

However, the PPP operator would be free to propose a tariff along with Performance Standards (the "**Performance Linked Tariff**") from the second year of operation onwards, over and above the indexed Reference Tariff for the relevant financial year, at least 90 days before the 1st April of the ensuing financial year. Such **Performance Linked Tariff** shall not be higher than 15% over and above the indexed Reference Tariff for that relevant financial year (and this will be the **Tariff Cap**). The Performance Linked Tariff would come into force from the first day of the following financial year and would be applicable for the entire financial year.

(b). The proposal shall be submitted to TAMP along with a certificate from the independent engineer appointed under the Concession Agreement of the Project indicating the achievement of Performance Standards in the previous 12 months as incorporated in the Concession Agreement or for the actual number of months of operation in the first year of operation as the case may be.

(c). On receipt of the proposal, TAMP will seek the views of the Major Port Trust on the achievement of Performance Standards as outlined in para 5 of the Tariff Guidelines of 2013, within 7 days of receipt.

(d). In the event of Operator not achieving the Performance Standards as incorporated in the Concession Agreement in previous 12 months, TAMP will not consider the proposal for notifying the Performance Linked Tariff for the ensuing financial year and the Operator shall be entitled to only the indexed Reference Tariff applicable for the ensuing financial year.

(e). After considering the views of the Major Port Trust, if TAMP is satisfied that the Performance Standards as incorporated in the Concession Agreement have been achieved, it shall notify the performance linked tariff by 15th of March to be effective from 1st of April of the ensuing financial year.

(f). While considering the proposal for Performance Linked Tariff, TAMP will look into the Performance Standards and its adherence by the Operator. TAMP will decide on the acceptance or rejection of the Performance Linked Tariff proposal based on the achievement or otherwise of the Performance Standards by the operator. Determination of indexed Reference Tariff and Performance Linked Tariff will follow the illustration shown in the Appendix attached to the Tariff Guidelines of 2013.

(g). From the third year of operation, the Performance Linked Tariff proposal from the PPP operator shall be automatically notified by TAMP subject to the achievement of Performance Standards in the previous 12 months period as certified by the Independent Engineer. The PPP operator, for the Performance Linked Tariff from the third year onwards, will submit the Performance Linked Tariff proposal along with the achievement certificate from the independent engineer by 1st March and TAMP shall notify by 20th March, the Performance Linked Tariff to be effective from the ensuing financial year.

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

(i). Within 15 (fifteen) days of the signing of the Concession Agreement, the concerned operator will forward the Concession Agreement to TAMP which will host it on its website.

(j). The PPP operator shall furnish to TAMP quarterly reports on cargo traffic, ship berth day output, average turnaround time of ships, average pre-berthing waiting time as well as the tariff realized for each berth. In addition, for the container berths, quarterly reports shall also be provided on average moves per crane hour and average dwell time for containers. The quarterly reports shall be submitted by the PPP operator within a month following the end of each quarter. Any other information which may be required by TAMP shall also be furnished to them from time to time.

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

(l). The tariff caps will be indexed to inflation but only to an extent of 60% of the variation in Wholesale Price Index (WPI) occurring between 1 January 2021 and 1 January of the relevant year. Such automatic adjustment of tariff caps will be made every year and the adjusted tariff caps will come into force from 1 April of the relevant year to 31 March of the following year.

Annex – II

PERFORMANCE STANDARDS

Sr. No.	Parameter	Performance Standard
1.	**Gross Berth Output**	25 Moves / Crane / hour
2.	**Transit Storage Dwell Time for Containers**	
	Import	2 Days
	Export	4 Days
3.	**Turnaround Time for receipt / delivery operation**	
	Trailer for Containers (Single operation)	2 hours
	Trailer for Containers (Double operation)	4 hours
	Rake for ICD Containers (Single operation)	6 hours
	Rake for ICD Containers (Double operation)	12 hours
