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TARIFF AUTHORITY FOR MAJOR PORTS

G No. 12

New Delhi, 14 January 2013

NOTIFICATION

In exercise of the powers conferred under Section 48 of the Major Port Trusts Act, 1963 (38 of 1963), the Tariff Authority for Major Ports hereby extends the validity of the existing composite rate for on-board labour in lieu of levy and Other charges of Cargo Handling Division of Kandla Port Trust (KDLB) as in the Order appended hereto.

(Rani Jadhav)
Chairperson

TARIFF AUTHORITY FOR MAJOR PORTS
Case No. TAMP/37/2007-KPT

Kandla Port Trust

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Applicant

QUORUM:

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

ORDER

(Passed on 17th day of December 2012)

This case deals with the extension of the validity of the existing composite rate for on-board labour in lieu of levy & other charges of Cargo Handling Division of Kandla Port Trust (KDLB).

2.1. This Authority had passed an Order No. TAMP/37/2007-KPT dated 25 March 2011 approving the proposal of Kandla Port Trust (KPT) to fix the composite rate for on-board labour in lieu of levy of other charges of its cargo handling division on a commodity wise per tonne basis for a period of one year i.e. upto 31 March 2012. The charges were incorporated as clause 3 in Chapter III of the KPT's Scale of Rates. This Order was notified in the Gazette of India Extraordinary (Part III Section 4) on 5 May 2011 vide Gazette No. 94.

2.2. Thereafter, based on the request of KPT, this Authority has passed an Order dated 9 April 2012 extending the validity of composite rate for on-board labour beyond 31 March 2012 upto 30 June 2012. This Order was notified in the Gazette of India Extraordinary (Part III Section 4) on 25 April 2012 vide Gazette No.107. Again, based on the request made by KPT, this Authority vide its Order dated 8 August 2012 has extended the validity of composite rate for on-board labour beyond 30 June 2012 upto 31 October 2012. This Order was notified in the Gazette of India Extraordinary (Part III Section 4) on 29 August 2012 vide Gazette No.182. The extension of validity of composite rate for on-board labour beyond 31 March 2012 has been granted subject to the condition that the additional surplus, if any, that may accrue to KPT beyond 31 March 2012 will be adjusted fully in the tariff to be fixed.

3.1. The KPT vide its letter dated 6 June 2012 has submitted the proposal for fixation of composite rate for on-board labour in lieu of levy and other charges of Cargo Handling Division. The proposal of KPT has been taken on consultation with the relevant users. The proposal of the KPT was subjected to scrutiny and we have vide our letter no.TAMP/41/2012-KPT dated 8 October 2012 sought additional information/ clarification from KPT. The response of KPT is awaited.

3.2. On account of the upcoming General Elections for the Legislative Assembly of Gujarat State Code of Conduct has come into force. KPT has stated that it would approach the Election Commission (EC) seeking permission from EC for holding the joint hearing and communicate the same to us. Therefore, the joint hearing scheduled on 19 October 2012 was called off. The response of the KPT in this regard is awaited.

4. In this backdrop, the KPT vide its letter no.FA/COST/1021-CHD/254 dated 31 October 2012 by referring to the code of conduct of forthcoming Assembly Election in Gujarat, has stated that since it will take some time for approval of rates, it has requested to allow it to collect the existing composite rate for on-board labour for a further period till the rates are approved by this Authority.

5. Considering that the extended validity of the rates has already expired on 31 October 2012 and that the joint hearing on the proposal of fixation of composite rate for on-board labour is yet to be re-fixed and taking into account the position that thereafter, it may take some more time for the case to mature for final consideration of this Authority, it is necessary to extend the validity of the composite rate for on-board labour in lieu of levy and other charges of Cargo Handling Division of Kandla Port Trust beyond 31 October 2012.

6. This Authority, therefore, extends the validity of the rates for on-board labour beyond 31 October 2012 up to 28 February 2013 or till the effective date of implementation of the revised composite rate for on board labour in lieu of levy and other charges of Cargo Handling Division, whichever is earlier. However, the extension of validity of rates is subject to the condition that the additional surplus, if any, that may accrue to KPT during the extended period of validity will be adjusted fully in the tariff to be fixed, as stipulated at the time of extension of validity of the rates beyond 31 March 2012.

(Rani Jadhav)
Chairperson