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TARIFF AUTHORITY FOR MAJOR PORTS

G.No. 49

New Delhi,

10 February 2015

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 extends the validity of the existing Scale of Rates of Vizag Seaport Private Limited as in the Order appended hereto.

(T.S. Balasubramanian)
Member (Finance)

Tariff Authority for Major Ports
Case No.TAMP/5/2011-VSPL

QUORUM

- (i). Shri. T.S. Balasubramanian, Member (Finance)
- (ii). Shri. Chandra Bhan Singh, Member (Economic)

ORDER

(Passed on this 2nd day of January 2015)

This case relates to the extension of the validity of the existing Scale of Rates of the Vizag Seaport Private Limited (VSPL) for the vessels handled by it at berth EQ-8 and EQ-9 at the Visakhapatnam Port Trust (VPT).

2.1. The existing Scale of Rates (SOR) of VSPL was last approved by this Authority vide Order No.TAMP/5/2011-VSPL dated 11 October 2011 which was notified in the Gazette of India on 22 November 2011. The Order prescribed the validity of the SOR till 31 March 2014.

2.2. The VSPL has challenged the said Order dated 11 October 2011 in the Hon'ble High Court of Andhra Pradesh to the extent of the tariff fixed for the Harbour Mobile Crane. The Hon'ble High Court has permitted the VSPL to levy the pre-revised rate of ₹72.75 per tonne instead of ₹36.70 per tonne approved by this Authority for the Harbour Mobile Crane until further orders.

2.3. The validity of the existing SOR (except the validity for the rate of Harbour Mobile Crane which is subjudice), of the VSPL has been extended on couple of occasions; the last extension being till 31 December 2014 vide Order dated 30 September 2014.

3. The proposal filed by the VSPL vide its letter dated 10 March 2014 has been taken on consultation with relevant users/user Associations.

4. Joint hearing, as part of the consultative process, was held on 7 October 2014. As decided at the joint hearing, VSPL was requested vide our letter dated 16 October 2014 to furnish its comments on the written submission made by the one of the users, VSAA at the joint hearing. Both the VSPL and VPT were also reminded vide our letter dated 16 October 2014 to furnish their respective reply to the queries raised by us vide our letter dated 29 September 2014. Reminders to VPT issued on 31 October 2014 and 26 November 2014. VSPL vide its letter dated 20 November 2014 has furnished its reply. Since the VPT has furnished reply only on a few points vide its letter dated 17 December 2014, the VPT has been requested vide our letter dated 16 January 2015 to furnish its reply to the remaining points. The response of the VPT is awaited. Therefore, it will take some more time for finalizing the case.

5.1. The extended validity of the existing SOR of VSPL expired on 31 December 2014. In view of the position brought out in para 4 above and recognising that it will take time for this case to mature for final consideration, this Authority extends the validity of the existing SOR, (except the validity for the rate of Harbour Mobile Crane which is subjudice), from the date of its expiry till 31 March 2015 or till the effective date of implementation of the revised Scale of Rates, whichever is earlier.

5.2. If any surplus over and above the admissible cost and permissible return emerges for the period post 1 April 2014, during the review of its performance, such additional surplus will be set off fully in the tariff to be determined.

(T.S. Balasubramanian)
Member (Finance)