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Tariff Authority for Major Ports

G No. 244 **New Delhi,** **20 September 2013**

NOTIFICATION

In exercise of the powers conferred by Sections 48, 49 and 50 of the Major Port Trusts Act, 1963 (38 of 1963), the Tariff Authority for Major Ports hereby disposes of the proposal received from the Visakhapatnam Port Trust for notification of Reference tariff for extension of existing Container Terminal on DBFOT basis, in pursuance of the Guidelines for determination of Tariff for Projects at Major Ports, 2013, which were notified vide Notification No.TAMP/18/2013-Misc. dated 8 August 2013, as in the Order appended hereto.

(T.S. Balasubramanian)
Member (Finance)

Tariff Authority for Major Ports
Case No. TAMP/32/2013-VPT

Visakhapatnam Port Trust - - - Applicant

QUORUM:

(i). T. S. Balasubramanian, Member (Finance)
(ii). C. B. Singh, Member (Economic)

ORDER
(Passed on this 30th day of August 2013)

This case relates to a proposal dated 19 August 2013 received from the Visakhapatnam Port Trust (VPT) for notification of reference tariff for extension of existing Container Terminal, under the Guidelines for Determination of Tariff for Port Projects at Major Ports, 2013.

2. The Ministry of Shipping (MOS) under cover of 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 Act, 1963 on 31 July 2013. In compliance of the policy directives issued by the MOS under Section 111 of the MPT Act, 1963, the said Guidelines were notified vide Notification No.TAMP/18/2013-Misc. in the Gazette of India on 8 August 2013, vide Gazette no. 214. The said Guidelines are effective from 31 July 2013.

3. Clause 2.2 of the said Tariff Guidelines of 2013, which is relevant, is reproduced below:

> **"***The Reference Tariff ("the Reference Tariff") for each commodity/ category of commodities and each service/ category of service or combination of service or services, as the case may be, shall be determined by TAMP for each Port based on a proposal from the concerned major Port. Such proposal shall contain the proposed Reference Tariff and "Performance Standards". The Reference Tariff will be the highest tariff fixed for that commodity in the concerned major Port Trust under the 2008 Tariff Guidelines. While adopting the highest tariff, the base rate 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 in which the said tariff was originally notified and 1stJanuary of the subsequent relevant year when the Reference Tariff for the particular project in question is being notified. On receipt of the proposal, TAMP shall notify the Reference Tariff and Performance Standards within 15 days of receipt.***"**

4.1. The VPT under cover of its letter dated 19 August 2013 has submitted a proposal for notification of reference tariff for extension of existing Container Terminal, under the Guidelines for Determination of Tariff for Port Projects at Major Ports, 2013.

4.2. The VPT has furnished the Reference Tariff Schedule including the conditionalities governing the levy of rates and the Performance Standards. The points made by the VPT, in its proposal are summarized below:

(i). The VPT has decided to go for re-bidding for the extension of existing Container Terminal at the port. As per clause 1.4 of Tariff Guidelines of 2013, the said guidelines shall apply to all PPP projects to be awarded by any Major Port for which RFPs are issued after the date of issue of the guidelines 2013.

(ii). Pursuant to the 2013 guidelines, the VPT has forwarded the instant proposal for notification of Reference Tariff for the extension of existing Container Terminal at the port.

(iii). In the light of the above, and as per clause 2.2 of the guidelines of 2013, the upfront tariff notified by TAMP on 19 February 2013 vide Notification No.53 duly indexed to the variation in WPI is proposed as reference tariff for the project under reference. The escalation factor of 4.53% as notified by TAMP in 2013 and as provided vide Section 4 of TAMP Order No.TAMP/61/2012-VPT is applied for arriving at the reference tariff.

(iv). The proposed Reference Tariff along with the Performance Standards is forwarded for issuance of notification at the earliest.

4.3. Subsequently, the VPT vide its e-mail dated 21 August 2013 has informed that the Reference Schedule attached vide its earlier e-mail dated 19 August 2013 contains some typographical errors and as such the same may be ignored. The VPT has forwarded corrected Reference Scale of Rates and has requested to consider it.

5.1. It may be recalled that this Authority has passed an Order No.TAMP/61/2012-VPT dated 11 January 2013 for fixation of upfront tariff for handling containers at the proposed container terminal in the outer harbour of VPT, based on guidelines for upfront tariff setting for PPP Projects at Major Port Trust, 2008. This Order has been notified in the Gazette of India vide Notification No.53 dated 19 February 2013.

5.2. With regard to the stipulation contained in clause 2.2 of the tariff guidelines of 2013, the following points are relevant:

(i). As stipulated in the Guidelines, the VPT has filed the proposal for notification of Reference tariff for Container terminal and has furnished the proposed Reference Tariff and the Performance Standards.

(ii). The Guidelines also 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 this regard, it is relevant here to mention that upfront tariff has been fixed under the 2008 upfront tariff guidelines, for handling containers at the proposed extension of container terminal in the outer harbour of VPT in January 2013. Therefore, the upfront tariff fixed in the year 2013 for the VPT container terminal, would be the highest tariff and would form the basis for determining the Reference tariff for the container terminal at VPT, as stipulated in the 2013 Guidelines.

(iii). As per para 11.1. of the VPT Order dated 11 January 2013, 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 2012 and 1 January of the relevant year. As recorded in the relevant paragraph of the tariff Order of January 2013, the capital cost estimates have been considered in the upfront tariff calculation are as of the year 2012 and the annual escalation of tariff will be with reference to the base of 2012. Therefore, in the case of VPT, the upfront tariff would have to be indexed with reference to the Indexation factor occurring between the year 2012 and the year 2013.

5.3. On scrutiny of VPT proposal under reference, it is seen that the VPT has applied an indexation factor of 4.53% on the tariff caps approved for the container terminal at VPT vide Order dated 11 January 2013. This indexation factor is seen to be in line with the indexation factor communicated by us to all the Major Port Trusts vide our letter No.TAMP/12/2009-Misc dated 2 April 2013, to be applicable for tariff with base WPI as on 1 January 2012.

5.4. On a scrutiny of the proposed Reference Tariff submitted by the VPT now, it is seen that the VPT has applied the indexation factor of 4.53% and the indexed Reference tariff determined by it, is found to be in order.

6.1. In the result, and for the reasons given above and based on a collective application of mind, this Authority approves the Reference Tariff Schedule alongwith conditionalities governing the Reference tariff and the Performance Standards for the VPT container terminal, as proposed by the port.

6.2. The Reference Tariff Schedule alongwith conditionalities governing the Reference Tariff is attached as **Annex - I**. The Performance Standards for the container terminal as proposed by the VPT is attached as **Annex - II**.

6.3. As per clause 2.6 of the Tariff Guidelines 2013, the Reference Tariff and Performance Standards notified by TAMP shall be mentioned in the bid document and subsequently in the Concession Agreement in respect of PPP Projects. Accordingly, the VPT is directed to incorporate the Reference Tariff and Performance Standards notified by this Authority, in the bid document and subsequently in the Concession Agreement in respect of PPP Projects.

(T.S. Balasubramanian)
Member (Finance)

Annex - I

VISAKHAPATNAM PORT TRUST

REFERENCE TARIFF SCHEDULE FOR CONTAINER TERMINAL

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**.**

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

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

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

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

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

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

(xi). **"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.

(xii). **"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.

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

1.2. GENERAL TERMS & CONDITIONS

(i).
- (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.
- (b). A foreign going vessel of Foreign Flag can convert to coastal run on the basis of a Coastal Voyage Licence issued by the Director General of Shipping.
- (c). In cases of such conversion, coastal rates shall be chargeable by the load port from the time the vessel starts loading coastal goods.

(d). In cases of such conversion coastal rates shall be chargeable only till the vessel completes coastal cargo discharging operations; immediately thereafter, foreign-going rates shall be chargeable by the discharge ports.

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

(ii). 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.

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

(iv). (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 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 other words, 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.

(v). 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.

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

(vii). (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.

(viii). 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

Sl. No.	Description	Rate per GRT per hour or part thereof (₹)	
		Foreign - Vessel	Coastal Vessel
1	For Occupying the Berth	1.34	0.804

Notes:

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

(2). 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 (4) below.

(3). 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 (4) 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.

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

Sl. No.	Description	Rate Per GRT
1	Upto 6 hrs.	₹ 10.45
2	Above 6 hours but upto 12 hours	₹ 15.68
3	Above 12 hrs.	₹ 31.36

(5). 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.

(6). (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.

(7). 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.

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. COMPOSITE RATE FOR HANDLING IMPORT AND EXPORT CONTAINERS:

(in ₹)

Sl. No.	Particulars	Container not exceeding 20 feet in length		Container exceeding 20 feet in length and upto 40 feet length		Container exceeding 40 feet in length and upto 45 feet length	
		Foreign-going	Coastal	Foreign-going	Coastal	Foreign-going	Coastal
(a).	Laden Containers - Import / Export	3530.90	2118.73	5295.87	3178.09	7061.80	4237.46
(b).	Empty Containers - Import / Export	2472.48	1483.30	3709.19	2225.89	4943.07	2965.65
(c).	Transport to Rail Flat from CY or Vice Versa and Lift on/Lift off						
	- Loaded	1378.97	1379.92	2068.46	2068.46	2757.95	2757.95
	- Empty	1268.96	1268.96	1903.44	1902.49	2537.92	2537.92

Notes:

(1). Services in the case of item no. (a) and (b) above include handling by quay crane and lashing/unlashing, transport between CY and quayside, lift on or off at CY, landing and loading the container from or to the trailer, data handling, processing and wharfage.

(2). Services in the case of item no. (c) above includes transportation from CY to rail siding and loading the container on rail flat or vice versa.

B. HANDLING OF TRANSHIPMENT CONTAINERS:

(in ₹)

Particulars	**Container not exceeding 20 feet in length**		**Container exceeding 20 feet in length and upto 40 feet length**		**Container exceeding 40 feet in length and upto 45 feet length**	
	Foreign-going	**Coastal**	**Foreign-going**	**Coastal**	**Foreign-going**	**Coastal**
Laden & Empty	4171.07	2502.82	6255.65	3752.83	8341.18	5004.71

Notes:

(1). The above charges apply to the complete cycle of transhipment i.e. discharge from the first carrier to the loading onto the second carrier, including lashing/unlashing charges. Services include handling by quay crane (discharge and loading), transport between CY and quayside, lift on and off, stowage planning on vessel and yard, data handling, processing and wharfage.

(2). A container from foreign port handling at TERMINAL for subsequent transhipment to an Indian Port on a coastal voyage or vice versa would be charged 50% of the transhipment charge prescribed for foreign-going vessel and 50% of that prescribed for the coastal category.

(3). Any transhipment container delivered out of TERMINAL by road or rail shall be charged the import/ export container rate.

(4). A shut out charge as per Schedule shall apply:

(i). if the carrier is changed after berthing of the originally nominated carrier; or

(ii). if the nomination is changed from a later carrier to an earlier carrier after the earlier carrier is berthed.

(5). The vessel on which the transhipment container is to be loaded shall be declared at time of submission of the Import advance list of the vessel on which the said transhipment container is imported or else the transhipment container shall be treated as normal container for the purpose of fixing tariff.

3.2 CHARGES FOR STORAGE OF CONTAINERS

(a). Import - Laden and empty containers

(Rate in ₹ per container per day or part thereof)

Sl. No.	**Particulars**	**Container not exceeding 20 feet in length**	**Container exceeding 20 feet in length and upto 40 feet length**	**Container exceeding 40 feet in length and upto 45 feet length**
(i).	First 1 day	Free	Free	Free
(ii).	On 2nd day	195.37	390.73	586.10
(iii).	from 3 to 15 days	390.73	781.47	1172.20
(iv).	Beyond 15 days	781.47	1562.93	2344.40

(b). Export - Laden and empty containers

(**Rate in ₹ per container per day or part thereof**)

Sl. No.	Particulars	Container not exceeding 20 feet in length	Container exceeding 20 feet in length and upto 40 feet length	Container exceeding 40 feet in length and upto 45 feet length
(i).	First 2 days	Free	Free	Free
(ii).	from 3 to 4 days	195.37	390.73	586.10
(iii).	from 4 to 15 days	390.73	781.47	1172.20
(iv).	Beyond 15 days	781.47	1562.93	2344.40

(c). Transhipment Containers - Laden & Empty Containers

(**Rate in ₹ per container per day or part thereof**)

Sl. No.	Particulars	Container not exceeding 20 feet in length	Container exceeding 20 feet in length and upto 40 feet length	Container exceeding 40 feet in length and upto 45 feet length
(i).	First 30 days	Free	Free	Free
(ii).	from 31 to 45 days	195.37	390.73	586.10
(iii).	from 46 to 60 days	390.73	781.47	1172.20
(iv).	Beyond 60 days	781.47	1562.93	2344.40

(d). Shut out Containers - Laden & Empty Containers

(**Rate in ₹ per container per day or part thereof**)

Sl. No.	Particulars	Container not exceeding 20 feet in length	Container exceeding 20 feet in length and upto 40 feet length	Container exceeding 40 feet in length and upto 45 feet length
(i).	From 1 to 15 Days	195.37	390.73	586.10
(ii).	From 16 to 30 days	390.73	781.47	1172.20
(iii).	Beyond 30 days	781.47	1562.93	2344.40

Notes:

(1). Free dwell-time (storage) period for import containers shall commence from the day after the day of landing of the container and for export containers the free period shall commence from the time container enters the terminal.

(2). For the purpose of calculation of free time, Sundays, Customs notified holidays and the Terminal's non-operating days shall be excluded.

(3). Transhipment containers whose status is subsequently changed to local FCL/LCL or ICD container shall be levied storage charges at par with the relevant import containers.

(4). Total storage period for shut out container shall be calculated from the day following the day when the container has become shut out till the day of shipment / delivery.

(5). Storage charge on container shall not accrue for the period when the terminal operator is not in a position to deliver/ shift the container when required by the user due to reasons attributable to the operator.

3.3. A. Charges to miscellaneous services

(**Rate in ₹ per container/per day or part thereof**)

Sl. No.	Particulars	Container not exceeding 20 feet in length		Container exceeding 20 feet in length and upto 40 feet length		Container exceeding 40 feet in length and upto 45 feet length	
		Foreign-going	Coastal	Foreign-going	Coastal	Foreign-going	Coastal
(a).	Pre Trip Inspection (PTI) (Excluding the electricity charges)	330.04	330.04	495.06	495.06	660.09	660.09
(b).	Reefer Run Test (Excluding the electricity charges)	330.04	330.04	495.06	495.06	660.09	660.09
(c).	Charges for supply of electricity (including connecting and disconnecting, monitoring at Reefer yard) per 4 hours or part thereof-	204.86	204.86	307.29	307.29	409.67	409.67

Notes:

(1). Services include only plugging/ unplugging and monitoring of the temperature. No maintenance will be performed on malfunctioning reefers.

(2). PTI and Run Test of the reefer containers are optional services and shall be rendered when requested. This excludes charges for supply of power and monitoring of the reefer during the PTI / Run test. The PTI/ Run test includes checking of the working condition of reefer machinery and reporting of the condition to the customer.

(3). These charges will be applicable for restow reefer containers also.

B. CHARGES FOR A SHUT OUT CONTAINER

Where an Export container or a Transhipment container is shut out, the following rates shall apply:

(**in ₹**)

Sl. No.	Particulars	Container not exceeding 20 feet in length	Container exceeding 20 feet in length and upto 40 feet length	Container exceeding 40 feet in length and upto 45 feet length
(a).	Laden	1925.25	2887.88	3850.51
(b).	Empty	1705.23	2557.84	3410.45

Notes:

(i). Shut out charges apply when a container is shut out by one vessel and subsequently shipped by another vessel.

(ii). The storage charges shall be levied in terms of Schedule 3.2.

C. Additional Charges

(in ₹)

Sl. No.	Particulars	Container not exceeding 20 feet in length	Container exceeding 20 feet in length and upto 40 feet length	Container exceeding 40 feet in length and upto 45 feet length
1	Shifting of containers within the terminal including Lift on, Transportation , Lift off			
	- Laden	1925.25	2887.88	3850.51
	- Empty	1705.23	2557.84	3410.45
2	Container Cleaning Charges (High pressure water wash)	550.07	825.07	1100.15
3	Cancellation of Document - (Per EIR)	82.52		
4	One Door Open Charge (Per container)	550.07		
5	Fixing / Removal of Seal (per seal)	220.03		
6	Customs inspection within the terminal (per container)	440.06		
7	Plugging/unplugging of reefer container (per container)	55.00		
8	Issuance of documents per document or part thereof (maximum of 5 pages)	165.02		
9	VIA cancellation	1100.15		
10	Delay in submission of the relevant documents beyond the prescribed time (Charges are per document)	550.07		
11	Charges for providing gangway to vessel per calendar day	47.43 per hour per gangway subject to maximum of 1000 per day per gangway. Note: This is an optional service provided at the request of the user.		

D. HATCH COVER HANDLING FOR ONE OPERATION (both opening and closing):

(in ₹)

Sl. No.	Particulars	Foreign-going	Coastal
(a).	Without landing Hatch Cover on the quay	1386.56	831.75
(b).	With landing Hatch Cover on the quay	2772.18	1663.49

Note:

(1). Half the rate shall be applicable if there is only one activity, i.e. either an opening or closing operation.

(2). ‘**Shifting of container’** charges shall be applicable whenever there is a change in shipment status or container status involving actual shifting of the container or any shifting done at customer’s request for any purpose including shifting for availing any other service provided by terminal. Shifting is a consolidated charge levied for lift on, transportation and lift off. **Change of shipment status** applies when:

(i). A transhipment container in TERMINAL premises is changed to an import container;

(ii). An import container in TERMINAL premise is re-exported;

(iii). An export container is delivered out of TERMINAL premise;

(iv). A local delivery container is changed to an ICD Container after landing or vice-versa.

(v). A transhipment container whose outbound VIAN is not declared prior to berthing of the inbound carrier;

(vi). An Export container arriving by Rail whose outbound VIAN is not declared at least 6 hrs prior to the arrival of the Train at Rail Siding in the terminal.

Change of container status applies each time the detail of an import or export container whose POD, Size, Status or weight (varying by +/- 2 ton) is changed after processing by TERMINAL.

(3). **Container Cleaning Charges:** These services are optional and the relevant charge is applicable when the containers are cleaned with water.

(4). **Cancellation charge for EIR** applies when EIR is cancelled at the request of customer.

(5). **“One Door Open” Charge** is applicable for handling container which requires only one door to be kept open (e.g. Onions) and when door opening and securing is carried by the terminal.

(6). **Fixing / Removal of seal**

Bottle seals shall be fixed on every container arriving at the terminal - by rail / road / sea - without a proper bottle seal on it, prior to allowing its entry. The terminal staff shall be at liberty to do this without having to obtain prior consent of the shipping lines. The list of such containers on which a seal is affixed by the terminal shall be intimated to the lines.

(7). **Customs Inspection**

The inspection of a container shall be allowed at a nominated point only, on the written request of the customer. The container doors can be opened only under customs supervision.

4. GENERAL NOTE TO SECTION- 2 & SECTION- 3 ABOVE:

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. 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.

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Annex - II

Performance Standards

1. Gross Berth Output

The parameter deals with the productivity of the terminal (Gross Berth Output) for Container cargo. The capability of the terminal and parcel size will determine the Gross Berth Output. Higher terminal capability and greater parcel size will lead to high productivity. The berth day output measured in terms of TEUs per day depends on the number of cranes used which is dependent on the size of the vessel. Productivity norm of the crane is 25 moves per hour.

The Gross Berth output shall be calculated as the total cargo in terms of TEUs handled (either loaded / unloaded) from the ship during a month divided by the time spent by the ship at the terminal i.e., number of working days at the berth.

The indicative norms for Gross Berth output for different categories of cargo are as follows:

Cargo Category	Indicative Norms
Container	
(Mainline vessel) (Feeder vessel)	(25 moves per hour) (17 moves per hour)

Weightage in case of a shortfall in meeting the prescribed performance standard [*]

2. Transit Storage Dwell Time:

The Transit Storage Dwell Time for a container shall mean the total time for which the container remains in the terminal. The Transit Storage Dwell Time for containers shall be calculated as an average and shall be the sum of the transit storage of each container handled during the month at that terminal divided by the number of containers. To further clarify, the date and time a container is discharged from the vessel till the said container leaves the out – gate of the Terminal, is the total transit storage time for import box. In case of export the time and date from which the container enters the terminal till the time and date it is loaded on to a vessel will be the storage time. The details of time of discharge, gate-in, gate-out and loaded need to be maintained in respect of each container including ICD containers.

Unclaimed cargo or any cargo that has been detained by the customs or any Government Authority may be excluded.

Transit Storage Dwell Time **- Import** Container (at terminal)	2 days
- Export Container (at terminal)	4 days

Weightage in case of a shortfall in meeting the prescribed performance standard [*]

3. Turn around Time for receipt / delivery operation:

The Turn around Time for receipt / delivery operation shall be the sum of time taken for loading / unloading of cargo divided by the number of trucks / trailers / rakes deployed, as the case may be, in a month. Further, in case the truck / trailer / rake does both unloading and loading operations on a single entry into the terminal, the time allocated shall be doubled for those trucks / trailers / rakes.

a.	(i) Trailer for Containers (Single operation)	2 hours
	(ii) Trailer for Containers (double operation)	4 hours
b.	(i) Rake for ICD Containers (Single operation)	6 hours
	(ii) Rake for ICD Containers (double operation)	12 hours

Weightage in case of a shortfall in meeting the prescribed performance standard [*]

<u>Performance Evaluation and calculation of liquidated damages:</u>

Performance evaluation shall be made on a quarterly review of the reports furnished by the Concessionaire and/or the records of the Concessionaire and/or by an enquiry by the Concessioning Authority. The Concessionaire shall be liable to pay liquidated damages determined at the rate of 1% (one percent) of the Gross Revenue of the respective quarter for every shortfall of 10% (ten percent) in the average performance which shall be assessed in the following manner.

Each Performance Standard is calculated as an average in the manner indicated above. The actual average performance vis-à-vis a standard will be evaluated against the prescribed standard. The shortfall will be computed as a percentage of the prescribed standard. The shortfall in respect of each performance standard will have a weightage assigned to it. The overall shortfall in average performance shall be assessed as the aggregate of the weighted shortfalls in respect of each of the performance standards. For example, if there is a shortfall in Gross Berth Output by x%, Transit Storage Dwell Time by y% and Turn round time for receipt / delivery operations by Z% and the weightage assigned to such shortfalls is 0.7, 0.2 and 0.1 respectively, then the overall shortfall in average performance will be (0.7x + 0.2y + 0.1z)%.

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