

KOLKATA PORT TRUST

Scale of Rates

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REFERENCE TARIFF SCHEDULE FOR SETTING UP OF RIVERINE JETTY FOR HANDLING ALL TYPES OF COAL/COKE/LIMESTONE/OTHER DRY BULK CARGOES AT OUTER TERMINAL-1, HALDIA DOCK COMPLEX, KOLKATA PORT TRUST

1. Definitions:

In this Scale of Rates, unless the context otherwise requires, the following definitions shall apply:

- i. 'Coastal Vessel' means 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 license issued by the Director General of Shipping / Competent Authority.
- ii. 'Foreign Vessel' means any vessel other than Coastal vessel.
- iii. 'Day' shall mean the period starting from 6 am of a day and ending at 6 am on the next day.
- iv. 'Free period' shall mean the period during which cargo is allowed storage free of.
- v. demurrage and this period shall exclude Customs notified holidays and Terminal's non-operating days.
- vi. 'Per Day' shall mean a calendar day or part thereof.

2. General Principles of Assessment:

(i). 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 license 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.

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

(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). 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.
- (c). Criteria for levy of Vessel Related Charges (VRC) at Concessional Coastal rate and foreign rate
 - In cases of such conversion, coastal rates shall be chargeable by the load port from the time the vessel starts loading coastal goods.
 - 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.
 - 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.

(iii) Interest on delayed payments / refunds:

- a) The user shall pay penal interest on delayed payments under this Scale of Rates. Likewise, the Terminal Operator shall pay penal interest on delayed refunds.
 - b) The rate of penal interest will be 2 % above the Base Rate declared by the State Bank of India. The penal interest rate will apply to both the Terminal Operator and the user 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 Terminal Operator. The provision shall, however, not apply to the cases where payment is to be made before availing the services as stipulated in the Major Port Trusts Act, 1963 and/or where payment of charges in advance is prescribed in this Scale of Rates.
- (iv). All charges worked out shall be rounded off to the next higher rupee on the grand total of each bill.
 - (v). No claims for refund shall be entertained unless the amount refundable is Rs. 100/-or more. Likewise, terminal operator shall not raise any supplementary or undercharge bills, if the amount due to the terminal is Rs.100/- or less.
 - (vi). Users will not be required to pay charges for delays beyond a reasonable level attributable to the Terminal Operator.
 - (vii). The berth hire charges for all Coastal vessels should not exceed 60% of the corresponding charges for other vessels.
 - (viii). (a). The reference rates prescribed in this Scale of Rates are ceiling levels; likewise, rebates and discounts are floor levels. The Terminal Operator may, if it so desires, charge lower rates and/ or allow higher rebates and discounts.

- (b). The Terminal Operator may also, if he so desires, rationalize the prescribed conditionality 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.
- (c). Provided that the Terminal Operator should notify the public such lower rates and / or rationalization of the conditionality governing the application of such rates and continue to notify the public any further changes in such lower rates and / or in the conditionality governing the application of such rates, provided the new rates fixed shall not exceed the rates notified by the TAMP.
- (ix). In calculating the gross weight/ measurement by volume or capacity of any individual item, fractions upto and inclusive 0.5 shall be taken as 0.5, unit fractions of above 0.5 shall be treated as one unit, except where otherwise specified.

3. Berth Hire

The berth hire charge shall be payable by masters/ owners/ agents of the barge and other floating craft approaching or lying alongside the berth at the following rates:

| Sl. No. | Description of vessel | Rate in ₹ per hour per GRT or part thereof |
|---------|-----------------------|--|
| 1 | Foreign going vessels | 0.710 |
| 2 | Coastal vessels | 0.426 |

Notes:

- (i). The time for the purpose of levy of the berth hire shall be reckoned from the time the vessel occupies the berth till she vacates the berth.
- (ii). Berth hire includes charges for services rendered at the berth, such as occupation of berth, rubbish removal, cleaning of berths, fire watch, etc.
- (iii). No berth hire shall be levied for the period when the vessel idles at its berth for continuous one hour or more due to breakdown of terminal operator's equipment or power or for any other reasons attributable to the terminal operator,
- (iv). (a). Berth hire shall stop 4 hours after the time of the vessel signaling its readiness to sail. The time limit prescribed for cessation of berth hire shall exclude the ship's waiting time for want of favorable tidal conditions or on account of inclement weather or due to absence of night navigation facilities.
- (b). The master/ agent of the vessel shall signal readiness to sail only in accordance with favorable tidal and weather conditions.
- (v). The penal berth hire shall be equal to one day's (24 hours) berth hire charge for a false signal. 'False signal' would be when the vessel signals readiness even when she is not ready for un-berthing due to engine not being ready or cargo operation not being completed or such other reasons attributable to the vessel.
- (vi). In case a vessel idles due to non-availability or breakdown of the equipment of Terminal Operator or power failure at the Jetty or any other reasons attributable to the Terminal Operator, rebate equivalent to berth hire charges accrued during the period of idling of vessel shall be allowed.
- (vii). Ousting priority / Priority berth Hire:
The rate and conditions for granting ousting priority berthing / priority berthing will be governed by extant Government guidelines/ orders in the matter and the provisions prescribed in the Scale of Rates of Kolkata Port Trust.

4. Cargo Handling Charges:

| Sl. No. | Commodity | Unit Rate in ₹ per Metric Tonne | |
|---------|---|---------------------------------|---------|
| | | Foreign | Coastal |
| 1. | All Types of Coal & Coke, Limestone and other Dry Bulk Cargoes (Other than Thermal Coal, Iron Ore & Iron Ore Pellets) | 289.28 | 173.57 |
| 2. | Thermal Coal, Iron Ore & Iron Ore Pellets | 289.28 | 289.28 |

Note:

The Cargo handling charges prescribed above is a composite charge for unloading of the coal/coke, Limestone and other Dry Bulk Cargo from the vessel and transfer of the same up to the point of storage, storage at stack yard upto a free period of 10days after completion of unloading, reclaiming from stack yard and loading on the wagons / trucks. This composite charge includes wharfage and supply of labour and/ or equipment wherever necessary and all other charges not specifically prescribed in the Scale of Rates.

5. Storage Charges

The Storage charges for the cargo stored in the stack yard beyond the free period allowed shall be as follows:

| Description | Rate in ₹ per MT per Day or part thereof |
|---|--|
| Free period | 10 days |
| First five days after expiry of free period | 1.41 |
| 6th day to 10th day after expiry of free period | 2.12 |
| From 11th day onwards | 2.82 |

Notes :

- (i). Free period shall commence from the day following the day of complete discharge of cargo.
- (ii). For the purpose of free time, terminal's non-working days and Custom's notified holidays shall be excluded.
- (iii). Storage charge shall be payable for all days including terminal's non-working days and Custom's notified holidays for stay of cargo beyond the prescribed free days.
- (iv). Storage charge on cargo shall not accrue for the period when the terminal operator is not in a position to deliver/ ship the cargo when requested by the user due to reasons attributable to the operator.

6. Miscellaneous Charges:

Composite charge for all the miscellaneous services such as sweeping, weighment of wagons, trucks, receiving/ delivery of cargo etc., shall be levied at ₹ 2.83 per metric tonne.

7. General Note to Section-3 to Section-6 Above:

- i. The Reference Tariffs will be indexed to inflation but only to an extent of 60% of the variation in Wholesale Price Index (WPI) occurring between 1st January 2018 and 1st January of the relevant year. Such automatic adjustment of Reference Tariffs 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.

- ii. 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 licence period. However, the Licensee 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.
- iii. 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 Licence Agreement or for the actual number of months of operation in the first year of operation as the case may be.
- iv. 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.
- v. In the event of Licensee not achieving the Performance Standards as incorporated in the Licence Agreement in previous 12 months, TAMP will not consider the proposal for notifying the Performance Linked Tariff for the ensuing financial year and the Licensee shall be entitled to only the indexed Reference Tariff applicable or the ensuing financial year.
- vi. 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.
- vii. While considering the proposal for Performance Linked Tariff, TAMP will look into the Performance Standards and its adherence by the Licensee. 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 Licensee. Determination of indexed Reference Tariff and Performance Linked Tariff will follow the illustration shown in the Appendix attached to the tariff guidelines of 2013.
- viii. From the third year of operation, the Performance Linked Tariff proposal from the Licensee 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 Licensee, 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.
