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Tariff Authority for Major Ports

G.No.262 **New Delhi,** **21 June 2016**

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 further amends the Order No.TAMP/53/2015-VOCPT dated 26 November 2015, as in the Order appended hereto.

(T.S. Balasubramanian)
Member (Finance)

TARIFF AUTHORITY FOR MAJOR PORTS

Case No. TAMP/53/2015-VOCPT

V.O. Chidambaranar Port Trust - - - - Applicant

QUORUM

(i). Shri. T. S. Balasubramanian, Member (Finance)
(ii). Shri. Rajat Sachar, Member (Economic)

O R D E R

(Passed on this 10 day of June 2016)

This Authority vide its Order No.TAMP/53/2015-VOCPT dated 26 November 2015 approved an amendment to its earlier Order No.TAMP/53/2015-VOCPT dated 29 September 2015 which was passed for common adoption by Major Port Trusts and BOT operators thereat disposing of the application filed by V.O. Chidambaranar Port Trust (VOCPT) seeking clarification regarding levy of concessional charges for coastal cargo/ container. The Order dated 26 November 2015 was given effect from the date the Order dated 29 September 2015 came into effect. The Order dated 26 November 2015 was notified in the Gazette vide No. 400 dated 11 December 2015 in the Gazette of India.

2. The DG, Shipping has conveyed vide its letter No.SD-9/CHART(309)/2016 dated 20 May 2016 that the DG, Shipping has received a letter dated 9 May 2016 from the Atlantic Shipping Pvt. Ltd., Mumbai about the supplementary claim raised by the Kolkata Port Trust (KOPT) against various foreign vessels chartered in with the permission of the DG, Shipping and with license to undertake the coastal voyage in a specified period.

3. In this context, the Director General (Shipping) vide their letter no.SD-9CHART(309)/2016 dated 20 May 2016 has clarified quoting sub-section 2 of Section 406 of the Merchant Shipping Act, 1958 that a foreign flag vessel with license for 'specified period or voyage' granted by the DG Shipping, GOI, can operate on coastal operations. The DG (Shipping) has requested this Authority to consider the clarification and bring the clarification to the notice of all Major Port Trusts for the purpose of hassle free movements of coastal vessels.

4. Accordingly, in pursuance of the communication from DG (Shipping) vide its letter dated 20 May 2016, this Authority replaces the provisions prescribed in paras 9 A (ii) and 10 (ii) of the Order no.TAMP/53/2015-VOCPT dated 26 November 2015 with the following provisions :

*"9A. (ii). 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."*

*"10. (ii). 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".*

5.1. All the Major Port Trusts are directed to amend their existing Scale of Rates accordingly by suitably incorporating the above amended provisions.

5.2. The BOT operators in whose Scale of Rates the relevant conditions are prescribed are also directed to replace the provisions prescribed in paras 9 A (ii) and 10 (ii) of the Order of this Authority dated 26 November 2015 with the modified provisions prescribed above.

6. Recognizing that this Order is only clarificatory in nature to the provisions approved by this Authority vide its Order no.TAMP/53/2015-VOCPT dated 29 September 2015 and the amended Order dated 26 November 2015, the amended provisions in this Order shall come into effect from the date of the Original Order dated 29 September 2015 has come into effect.

(T.S. Balasubramanian)
Member (Finance)