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TARIFF AUTHORITY FOR MAJOR PORTS

G.No. 365

New Delhi,

24 October 2019

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 the Bharat Petroleum Corporation Limited operating in the Jawaharlal Nehru Port Trust as in the Order appended hereto.

(T.S. Balasubramanian)
Member (Finance)

Tariff Authority for Major Ports

Case No. TAMP/46/2016-BPCL

The Bharat Petroleum Corporation Limited

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QUORUM**

Applicant

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

ORDER

(Passed on this 10th day of October 2019)

This case relates to the extension of the validity of the existing Scale of Rates of the Bharat Petroleum Corporation Limited (BPCL) operating the Liquid Cargo berth at the Jawaharlal Nehru Port Trust (JNPT).

2.1. The existing Scale of Rates (SOR) of BPCL was approved by this Authority vide Order No. TAMP/46/2016-BPCL dated 8 February 2017 which was notified in the Gazette of India on 06 March 2017 vide Gazette No. 94. The Order prescribed the validity of the SOR till 31 March 2019.

2.2. Based on the request of BPCL, this Authority vide its Order No. TAMP/46/2016- BPCL dated 25 February 2019 has extended the validity of the existing tariff of BPCL for a period of 3 months i.e. from 01 April 2019 to 30 June 2019. Vide the said Order the BPCL was advised to file its proposal for general revision of the tariff by 30 June 2019. Subsequently, based on the request of BPCL, again this Authority vide its Order No. TAMP/46/2016- BPCL dated 14 June 2019 has extended the validity of the existing tariff of BPCL for a further period of 3 months i.e. from 01 July 2019 to 30 September 2019. Vide the said Order the BPCL was advised to file its proposal for general revision of the tariff by 31 August 2019.

2.3. Thus, when BPCL failed to file the proposal by 31 August 2019, the BPCL was requested vide our letter dated 5 September 2019, to file its general revision proposal immediately.

3.1. In this backdrop, the BPCL vide its letter dated no. BPCL/JNP/OPS. dated 16 September 2019 conveyed that the work on formulation of tariff proposal has started and BPCL will be able to submit the working before 30 November 2019.

3.2. Therefore, BPCL has requested to extend the validity of the existing Scale of Rates for a further period of 3 months i.e. from 1 October 2019 to 31 December 2019. The BPCL has also stated that, the new proposal would be submitted by or before 30 November 2019 on completion as per TAMP requirements as per the new Tariff Guidelines, 2019.

4.1. Since the validity of the existing tariff of BPCL expires on 30 September 2019 and based on the request made by BPCL for the reasons cited by it and in order to avoid a vacuum in the tariff, it is felt appropriate to extend the validity of the existing tariff of BPCL beyond 30 September 2019.

4.2. Accordingly, this Authority extends the validity of the existing tariff of BPCL for a further period of 3 months i.e. from 01 October 2019 to 31 December 2019, as requested by BPCL.

4.3. The BPCL is advised to file its proposal for general revision of its tariff on or before 30 November 2019, as agreed by it.

4.4. If any additional surplus over and above the admissible cost and permissible return emerges for the period post 01 April 2019, during the review of performance of BPCL, such additional surplus will be dealt with as per Clause 3.1.2 of the Tariff Guidelines, 2019, for determination of tariff for BOT operators operating in Major Port Trusts and previously governed by 2005 Tariff Guidelines issued by the Government vide its letter no. PR-14019/20/2009-PG (pt-IV) dated 5 March 2019 and notified by this Authority in the Gazette of India.

(T.S. Balasubramanian)
Member (Finance)