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TARIFF AUTHORITY FOR MAJOR PORTS

G.No. 39

New Delhi

31 January 2017

NOTIFICATION

In exercise of the powers conferred under Section 48 of the Major Port Trusts Act, 1963 (38 of 1963), the Tariff Authority for Major Ports hereby disposes the proposal received from the AVR Infra Private Limited for notification of its Scale of Rates for Eastern Quay Berth (EQ-10) in the Northern Arm of Inner Harbour of Visakhapatnam Port for Handling Liquid Cargo (Excluding POL Products) on DBFOT basis as in the Order appended hereto.

(T.S. Balasubramanian)
Member (Finance)

TARIFF AUTHORITY FOR MAJOR PORTS
Case No. TAMP/66/2016-VPT

AVR Infra Private Limited

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Applicant

QUORUM:

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

ORDER

(Passed on 2nd day of January 2017)

This case relates to the proposal received from the AVR Infra Private Limited (AIPL) for notification of its Scale of Rates for Eastern Quay Berth (EQ-10) in the Northern Arm of Inner Harbour of Visakhapatnam Port for Handling Liquid Cargo (Excluding POL Products) on DBFOT basis.

2.1. AVR Infra Private Limited (AIPL) vide its letter dated 27 October 2016 has requested this Authority to notify its Scale of Rates. The main points made by AIPL are summarized below:

- (i). AIPL have completed construction of the subject project and obtained Completion Certification for commencement of commercial operations with effect from 28 September 2016.
- (ii). TAMP has published the Tariff Order vide Notification No.21 dated 24.02.2009. In accordance with clause 2.8 of the Guidelines, the tariff caps will be indexed to inflation to an extent of 60% of the variation in Wholesale Price Index (WPI) for the relevant year.
- (iii). Vide Notification No.TAMP/12/2008-Misc. dated 8 April 2016, TAMP has provided the escalation factors to be applied based on WPI for the relevant years. For the base year commencing 1 January 2009, the escalation factor to be applied is 27.49%. Consequently, the tariff applicable for the period 1 April 2016 to 31 March 2017 shall be escalated and the Scale of Rates are furnished.
- (iv). As required under Clause 10.2 of the TAMP Tariff Notification dated 24 February 2009, the Scale of Rates may kindly be notified.
- (v). In respect of Storage Charges, the present SOR specifies the rates in ₹ per metric tonne per day basis. However, in liquid bulk storage trade practice, the Storage Charges are levied on ₹ per metric tonne per month basis. Further, there is no concept of Free Days in liquid bulk storage trade. AIPL has approached Visakhapatnam Port and TAMP with a request to modify the terms of SOR applicable to Storage Charges.

2.2. AIPL has furnished the following ceiling rates applicable for the aforesaid project and has requested to notify the same:

- (i). Berth Hire Charges:

Sl. No.	Vessels	Rate per GRT per hour or part thereof	
		Foreign Going Vessel (in ₹)	Coastal Vessel (in ₹)
1.	Vessels carrying Caustic soda, Bio-diesel, Edible Oils and Chemicals	1.71	1.30

(ii). Liquid Bulk Cargo Handling Charges:

Sl. No.	Commodity	Unit	Rate in Rupees	
			Foreign	Coastal
(a).	Caustic Soda	Per Metric Tonne	48.32	29.07
(b).	Bio-Diesel	Per Metric Tonne	48.32	29.07
(c).	Edible Oils	Per Metric Tonne	48.32	29.07
(d).	Chemicals	Per Metric Tonne	48.32	29.07

(iii). Storage Charges:

Description	Rate in ₹ per Metric Tonne per day
First week after expiry of free period	10.07
Beyond first week	12.75

The aforesaid tariff caps shall be revised every year based on a variation in the Wholesale Price Index (WPI). Such revision shall be based on indexation against 60% (sixty percent) of the variation in the WPI for a relevant year beginning 1st January and ending 31st December.

3.1. On initial scrutiny of the proposal, the AIPL was requested vide our letter dated 22 November 2016 to furnish requisite information/ clarification on following points:

- (i). Complete proposed Scale of Rates alongwith the conditionalities governing the proposed rates as notified in the said upfront tariff Order.
- (ii). The exact date of commencement of commercial operations.
- (iii). A copy of the completion certificate from the Independent Engineer.

3.2. With reference to our letter dated 22 November 2016, the AIPL vide its e-mail dated 24 November 2016 has made the following submissions:

- (i). AIPL has completed construction of the above referred project and obtained Completion Certification for commencement of commercial operations with effect from 28 September 2016. A copy of the Completion Certificate is furnished.
- (ii). For the subject project, TAMP has issued the first Tariff Order vide Notification No.21 dated 24.02.2009. The 2008 guidelines stipulate that Tariff Caps will be indexed to inflation to an extent of 60% of the variation in Wholesale Price Index (WPI) occurring between 1 January 2008 and 1 January of the relevant year. For the year 2016-17, the escalation factor based to be applied on the upfront Tariff set for the base is 35.08 percent.
- (iii). The Scale Rates with the adjusted Tariff applicable for the year 2016-17 is enclosed.
- (iv). The AIPL vide its above referred letter has made a request to TAMP to notify its Scale of Rates immediately to commence commercial operations of the project.

4. A copy of AIPL's letter dated 24 November 2016 was forwarded to the VPT, Licensor, vide our letter dated 29 November 2016 seeking its comments. The VPT vide its letter dated 9 December 2016 has stated that the proposal of M/s.AIPL is found to be in order and hence there are no comments to offer from VPT.

Further, the VPT has submitted that the Independent Engineer of the subject project M/s.URS Scott Wilson India Pvt. Limited has certified that project have been completed and is declared fit for entry into commercial operation on 28 September 2016 and the customs notification in respect of the subject terminal is awaited to commence commercial operations.

5. A copy of Concession Agreement between the VPT Board and the AIPL is available with us. As per the Concession Agreement, the VPT has awarded the project of Development of Eastern Quay Beth-10 (EQ-10) in the Northern Arm of inner harbor of Visakhapatnam Port for handling liquid cargo (excluding POL products) on DBFOT basis to AVR Infra Private Limited (AIPL). The Concession Agreement with VPT has been signed on 16 August 2010 and the agreement is valid for a period of 30 years from the date of award of concession.

6.1. This Authority has passed an Order No. TAMP/17/2008-VPT dated 12 February 2009 on the proposal filed by Visakhapatnam Port Trust (VPT) for fixation of upfront tariff for handling liquid cargo and chemical at EQ-10 berth in the Northern Arm of Inner Harbour of Visakhapatnam Port on BOT basis which was notified in the Gazette of India Extraordinary (Part III Section 4) on 24 February 2009 vide Gazette No.21.

6.2. As per Clause 2.9.1. of the Tariff Guidelines of 2008 for fixation of upfront tariff, the private operator shall approach this Authority for notification of Scale of Rates containing ceiling rates applicable to his operations before commencement of commercial operations as required under Section 48 of MPT Act and as per Clause 2.9.2. of tariff guidelines of 2008, the Scale of Rates to be framed by this Authority shall be in line with the tariff caps prescribed for the port and included in the bid document subject to indexation explained in Clause 2.8. Such Scale of Rates and statement of conditions shall be notified by this Authority in the Gazette of India as required by the Major Port Trusts Act, 1963.

6.3. As per clause 2.8 of the guidelines for upfront tariff setting for PPP Projects at Major Ports, 2008, the Tariff Caps are to be indexed to inflation but only to an extent of 60% of the variation in Wholesale Price Index (WPI) occurring between 1 January 2008 and 1 January of the relevant year, and the adjusted tariff will come into force from 1 April of the relevant year to 31 March of the following year.

6.4. The base year for the upfront tariff and the corresponding annual escalation with effect from 1 April 2016 were already communicated to all the Major Port Trusts including VPT vide our letter No.TAMP/12/2009-Misc. dated 12 April 2016.

6.5. As per clause 5 [General Note to Schedule (2) to (4)] of the Scale of Rates of the upfront tariff Order dated 12 February 2009 fixing upfront tariff for the facility in reference, tariff caps have to be indexed to inflation to an extent of 60% of the variation in the WPI occurring between 1 January 2008 and 1 January of the relevant year. Accordingly, the escalation factor to be applied in the case in reference is 35.08% as per our letter dated 12 April 2016 read with clause 5 of the Scale of Rates.

7.1. With reference to the totality of information collected during the processing of this case, the following position emerges:

- (i). This Authority has passed an Order No.TAMP/17/2008-VPT dated 12 February 2009 fixing upfront tariff based on the proposal filed by the Visakhapatnam Port Trust (VPT) for fixing upfront tariff cap for EQ10 project for handling liquid cargo and chemicals on BOT basis in Visakhapatnam Port which was notified in the Gazette of India Extraordinary (Part III Section 4) on 24 February 2009 vide Gazette No.21.
- (ii). The VPT has awarded the project of Development of Eastern Quay Beth-10 (EQ-10) in the Northern Arm of inner harbor of Visakhapatnam Port for handling liquid cargo (excluding POL products) on DBFOT basis to AVR Infra Private Limited (AIPL) and entered into a Concession Agreement on 16 August 2010 for a period of 30 years.
- (iii). As brought out earlier, Clause 2.9.1. of the Tariff Guidelines of 2008 for fixation of upfront tariff requires the private operator to approach this Authority for notification of the Scale of Rates containing ceiling rates applicable to his operations before commencement of commercial operations. Accordingly, the AIPL has approached

this Authority with a request to notify the Scale of Rates as required under the Tariff Guidelines of 2008.

- (iv). As reported by the AIPL, the operator has obtained completion certificate for commencement of commercial operations with effect from 28 September 2016. This is also supported with copy of the Independent engineer's certificate for commencement of the commercial operation. The VPT has also confirmed that the Independent Engineer of the subject project has certified the project is completed and is declared fit for commercial operation on 28 September 2016. Relying on the position reported by AIPL and VPT, this Authority is inclined to entertain the proposal of AIPL for notification of the Scale of Rates approved in February 2009 subject to adjustment with reference to the indexation of the rates so approved to WPI to the extent of 60%.
- (v). As per Clause 2.9.2. of the Tariff Guidelines of 2008, the Scale of Rates to be framed by this Authority for the private operator should be in line with the tariff caps prescribed for the Port and included in the bid document, subject to indexation as explained earlier. Article 8.1 of the Concession Agreement (C.A.) entered between the VPT and AIPL governs levy of the tariff at EQ-10 berth in the Northern Arm of Inner Harbour as per the Concession Agreement. As per Article 8.1 of the C.A., the Concessionaire i.e. AIPL shall be entitled to recover tariff from the users of the Project Facilities and Services as per the Tariff Notification annexed as Appendix-12. It is seen that Appendix-12 appended to C.A. gives reference to the Notification details of the Upfront Tariff approved by this Authority vide Order No.TAMP/17/2008-VPT dated 12 February 2009.
- (vi). The proposal submitted by AIPL is found to be in order by VPT and the port has no comments to offer. Further, the independent engineer of the subject project M/s. URS Scott Wilson India Pvt. Limited has, in his Provisional Completion Certificate, certified that project has been completed and is declared fit for entry into commercial operation on 28 September 2016 and the customs notification in respect of the subject terminal is awaited to commence commercial operations.
- (vii). With reference to the indexation of the upfront tariff fixed vide Order dated 12 February 2009 as required under Clause 2.8. of the 2008 Guidelines, it is noteworthy that the AIPL, while filing of its draft proposed SOR, has applied the applicable escalation factor of 35.08% on the tariff caps considering the base year 1 January 2008. In this regard, it is relevant to mention that para 10.1 of the said upfront tariff order as well as the general note to schedule (2) to (4) of Scale of Rates (SOR) approved in the upfront tariff order, state that 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 2008 and 1 January of the relevant year. Since, the Order and the general note explicitly state the base year for WPI escalation has to be 1 January 2008, the escalation factor of 35.08% considered by AIPL to arrive at the indexed Scale of Rates taking the base as 1 January 2008 based on the applicable escalation factor announced by this Authority vide letter no.TAMP/12/2009-Misc. dated 12 April 2016 is found to be in order.
- (viii). It is seen that the tariff items notified vide Order of February 2009 have been subjected to change in view of the application of applicable escalation factor. For the subsequent years as well, the indexation to the extent of 60% of the WPI occurring between January 2008 and January of the relevant year has to be with reference to the tariff approved vide Order no.TAMP/17/2008-VPT dated 12 February 2009 and not with reference to the indexed Scale of Rates approved in this Order. The General note to Schedule (2) to (4) proposed by AIPL retaining the general note approved in the Order dated 24 February 2009 is, therefore, suitably modified clarifying this position. This is in line with the prescription made in the Scale of Rates of other BOT operators governed under 2008 guidelines who have commenced the operations.

(ix). All the other conditionalities governing the application of the rates as approved in the Scale of Rates of the Order dated 12 February 2009 are retained subject to the following.

(a). The Government of India in the Ministry of Shipping (MOS) undercover of its letter No.PT-11033/51/2014-PT dated 11 November 2014 has forwarded a copy of the guidelines on priority berthing of coastal vessels at Major Port issued vide letter No.PT-11033/51/2014-PT dated 4 September 2014 to the Authority. Accordingly, this Authority vide its Order No.TAMP/52/2014-Genl. dated 28 November 2014 has, *inter alia*, approved the replacement of definition of 'Coastal Vessel' prescribed in the existing SOR of all the Major Port Trusts as follows:

"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 Director General of Shipping/ Competent Authority.

Therefore, the definition of Coastal Vessel proposed by the AIPL has been modified in line with the above mentioned definition of 'Coastal Vessel'.

(b). It is relevant to state here that this Authority in view of the clarification sought by the V.O. Chidambaranar Port Trust regarding levy of concessional charges for coastal cargo/ container has passed an Order No.TAMP/53/2015-VOCPT dated 29 September 2015 based on the recommendations of Directorate General (DG) Shipping. The provisions approved in the said Order were further amended vide Order No.TAMP/53/2015-VOCPT dated 26 November 2015. The said Order passed is for common adoption by all the Major Port Trusts. Subsequent to the said Order, the DG Shipping vide its letter no.SD-9 CHART(309)/2016 dated 20 May 2016 has issued further clarification on the provision approved in the 26 November 2015 Order. This Authority has accordingly passed a clarificatory Order slightly amending the provision prescribed in para 9A (ii) and 10(ii) of the Order dated 26 November 2015. The amended provisions approved by this Authority in the recent Order has been updated accordingly, in the Scale of Rates of AIPL.

(c). For ousting priority/ priority berth hire charges, the AIPL has proposed a general condition stating that the rates and conditions for granting ousting priority berthing/ priority berthing are governed by the Government guidelines in this regard and provisions in the SOR of VPT. The said prescription is as approved in the upfront tariff Scale of Rates approved in the Order dated 12 February 2008 for VPT to invite bids. Now the current exercise is to notify the Scale of Rates in the name of the BOT operator. Hence, linking levy of priority/ ousting priority berthing charges to the Scale of Rates of VPT will lead to ambiguity and confusion while implementing the Scale of Rates by the BOT operator, when a Scale of Rates exclusive to the operator is notified. The Scale of Rates of VPT prescribes specific conditions relating to charges for priority berthing and ousting priority. The proposed note is, therefore, replaced with the conditionalities relating to ousting priority and priority berth hire charges in line with the prescription in the Scale of Rates of VPT to avoid any ambiguity.

(x). As per clause 3.8.5 of the 2008 guidelines, if any question arises requiring clarifications or interpretation of the Scale of Rates and the statement of conditions, the matter shall be referred to this Authority and its decision in this regard will be binding on the operator.

- (xi). The AIPL is expected to perform at least at the performance standards / norms brought out in the bid documents / Concession Agreement. The actual performance of the AIPL will be monitored by this Authority. If any complaint regarding quality of service is received, this Authority may enquire into such allegation and forward its findings to the VPT. If any action is to be taken against the AIPL, the VPT shall initiate appropriate action in accordance with the provisions of the Concession Agreement.
- (xii). During the commercial operation at the terminal, within 15 days from the end of every quarter, the AIPL is directed to submit to this Authority through the VPT a report containing the physical and financial performance at EQ-10 berth in the Northern Arm of Inner Harbour during the preceding three months.

7.2. In the result, and for the reasons given above and based on collective application of mind, this Authority approves the Scale of Rates for the EQ-10 berth in the Northern Arm of Inner Harbour of Visakhapatnam Port for handling liquid cargo (excluding POL products) on DBFOT basis at Visakhapatnam Port Trust (VPT) to be operated by the AIPL at VPT attached as **Annex.**

7.3. The Scale of Rates notified for AIPL will come into force from the date of commencement of commercial operations by AIPL at VPT.

(T.S. Balasubramanian)
Member (Finance)

AVR INFRA PRIVATE LIMITED

UPFRONT TARIFF SCHEDULE FOR LIQUID BULK CARGO TERMINAL**1.1. DEFINITIONS**

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

- (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 Director of Shipping / competent authority.
- (ii). **"Day"** shall mean the period starting from 6.00 A.M. of a day and ending at 6.00 A.M. on the next day.
- (iii). **"Foreign-going vessel"** shall mean any vessel other than Coastal vessel.
- (iv). **"Week"** shall mean a period of 7 days.

1.2. GENERAL TERMS & CONDITIONS

- (i). The status of the vessel, as borne out by its certification by the Customs or Director General of Shipping is the relevant factor to decide whether vessel is "coastal" or "foreign-going" for the purpose of levy of Berth hire, and the nature of cargo or its origin will not be of any relevance for this purpose.
- (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). A Foreign going vessel of foreign flag can convert to coastal run on the basis of a Licence for Specified Period or Voyage issued by the Director General of Shipping and a custom conversion order.
- (iii). Criteria for levy of Vessel Related Charges (VRC) at Concessional Coastal rate and foreign rate:
 - (a). In cases of such conversion, coastal rates shall be chargeable by the load port from the time the vessel starts loading coastal goods.
 - (b). 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.
 - (c). 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.
- (iv). 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 Licence 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.
- (v).
 - (a). The berth hire for all coastal vessels should not exceed 60% of the corresponding charges for other vessels.
 - (b). The cargo related charges for all coastal cargo other than crude including POL, iron ore and iron ore pellets and thermal coal should not exceed 60% of the normal cargo related charges.
 - (c). In case of cargo related charges, the concessional rates should be levied on all the relevant handling charges for ship-shore transfer and transfer from / to quay to / from storage yard including wharfage.
 - (d). Cargo from a foreign port, which reaches an Indian Port 'A' for subsequent transshipment to Indian Port 'B' will be, levied the concessional charges relevant for its coastal voyage. In other words, cargo from / to Indian ports carried by vessel permitted to undertake coastal voyage will qualify for the concession.
- (vi). Interest on delayed payments / refunds:
 - (a). The user shall pay penal interest on delayed payments for any charge 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 Prime Lending Rate declared by the State Bank of India from time to time.
 - (c). The delay in refunds by the terminal operator will be counted beyond 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 beyond 10 days after the date of raising the bills by the Terminal operator. This provision shall, however, not apply to the cases where payment is to be made before availing the services where payment of charges in advance is prescribed as a condition in this Scale of Rates.
- (vii). In calculating the gross weight or measurement by volume or capacity of any individual item, fractions upto and inclusive 0.5 shall be taken as 0.5 unit and fractions of above 0.5 shall be treated as one unit, except where otherwise specified.

- (viii). All charges worked out shall be rounded off to the next higher rupee on the grand total of each bill.
- (ix). The rates prescribed in the 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.

The terminal operator may also, if it so desires rationalise the prescribed conditionalities governing the application of rates prescribed in the Scale of Rates if such rationalisation 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.

The terminal operator should, however, notify the public such lower rates and / or rationalisation 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.

- (x). Users shall not be required to pay charges for delays beyond a reasonable level attributable to the terminal operator.

2. **BERTH HIRE CHARGES:**

2.1. **Schedule of Berth hire:**

Sl. No.	Vessels	Rate per GRT per hour or part thereof	
		Foreign Going Vessel (in ₹)	Coastal Vessel (in ₹)
1.	Vessels carrying Caustic soda, Bio-diesel, Edible oils and Chemicals	1.72	1.03

2.2. **Penal Berth hire for overstayal of vessel:**

- (i). Penal berth hire equivalent to normal applicable berth hire shall be levied in addition to the berth hire charge for the period of overstayal of vessel for occupancy of the berth beyond the stipulated periods mentioned at (ii) below, provided there is a demand for the berth and a notice is served by the BOT operator or its authorised officials 10 hrs in advance of completion of discharge / shipment operations.
- (ii). Vessel shall be permitted to occupy the berth after completion of cargo operation without attracting penalty for period mentioned below: -
 - (a). Vessels taking bunkers through barges. 08 hrs
 - (b). Vessels taking water through barges. 12 hrs [From the time of placement of barges alongside vessel].
 - (c). Vessels taking Water / Bunkers through source other than barges. 08 hrs
 - (d). In all other cases 07 hrs

General Notes relating to berth hire:

- (i). The period of berth hire shall be calculated from the time vessel occupies the berth till she vacates the berth.

- (ii). (a). Berth hire shall stop 4 hours after the time of vessel signaling its readiness to sail.
- (b). The time limit of 4 hours prescribed for the cessation of berth hire shall exclude the ship's waiting time for want of favorable tide conditions, inclement weather, and due to lack of night navigation facilities.
- (c). The master / agent of the vessel shall signal readiness to sail only in accordance with favorable tidal and weather conditions.

- (iii). 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 and asks for a pilot in anticipation even when she is not ready for un-berthing due to engine not being ready or cargo operation not completed or such other reasons attributable to the vessels. This excludes the signaling readiness when a vessel is not able to sail due to unfavorable tide, lack of night navigation or adverse weather conditions."

- (iv). No Berth hire shall be levied for the period the vessel is compelled to idle at berth for continuously for one hour or more due to non-availability / break down of equipment and any other reasons including power failure attributable to the terminal operator.

(v) **Ousting Priority/Priority berth Hire:**

- (a). For providing the "ousting priority" to any vessel, a fee equivalent to berth hire for a single day (24 units of one hour each) or 100 % of the berth hire calculated for the total period of actual stay at the berth, whichever is higher, shall be levied.
- (b). For "priority berthing" to any vessel, a fee equivalent to berth hire for a single day (24 units of one hour each) or 75 % of the berth hire, calculated for the total period of actual stay at the berth whichever is higher, shall be levied.
- (c). If a vessel is shifted from the working berth to Anchorage/idle berth/mooring to accommodate ousting priority vessel and brought back to working berth subsequently, the shiftings/ pilotage of such vessel shall be levied on the vessel enjoying ousting priority.
- (d). Where a working berth is already vacant for want of a vessel and a vessel having priority / ousting priority is berthed at that vacant berth when there are no vessels waiting at roads for berthing prior to its arrival or when the vessels waiting at roads are not ready in all aspects (unreadiness of documents/lack of cargo/lack of ullage/hatch cleaning/ receivers or shippers not willing to work), it is not treated as priority berthing and in such cases no priority berthing charges will be levied.
- (e). The fee for according priority/ ousting priority as indicated above shall be charged from all the vessels except the following categories:
 - (i). Vessels carrying cargo on account of Ministry of Defence.
 - (ii). Defence vessels coming on goodwill visits.
 - (iii). Vessels hired for the purpose of Antarctica expedition by Department of Ocean Development.
 - (iv). Any other vessel for which special exemption has been granted by the Ministry of Shipping.
 - (v). Coastal vessels which will be accorded priority berthing.
 - (vi). For vessels berthed as per Port's berthing policy without availing any specific priority.

3. **LIQUID BULK CARGO HANDLING CHARGES:**

Sl. No.	Commodity	Unit	Rate in ₹	
			Foreign	Coastal
(a).	Caustic Soda	Per Metric Tonne	48.56	29.18
(b).	Bio-Diesel	Per Metric Tonne	48.56	29.18
(c).	Edible oils	Per Metric Tonne	48.56	29.18
(d).	Chemicals	Per Metric Tonne	48.56	29.18

Note:

The handling charges prescribed above is a composite charge for loading / unloading of liquid cargo from / to vessel as the case may be, transportation of cargo through pipeline, wharfage, and all other miscellaneous services which are not specifically covered by any other charge in this Scale of Rates provided by the operator.

4. **STORAGE CHARGES PER TONNE PER DAY:**

The storage charges for the cargo stored in the tankage beyond the free period allowed shall be as below:

- (A). **Free period:**
Import / Export cargo : 7 days free

- (B). **Storage charges on both import / export cargo after free period**

Description	Rate in ₹ per tonne per day
First week after expiry of free period	₹10.13
Beyond 1 st week	₹12.83

Notes:

- (i). For the purpose of calculation of free period Customs notified holidays and Terminal's non-working days shall be excluded.
- (ii). Free period for export cargo shall commence from the actual date of the receipt of goods in the operator's premises.
- (iii). Free period for import cargo shall be reckoned from the day following the day of completion of final discharge from the vessel.
- (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 terminal operator.

5. **GENERAL NOTE TO SCHEDULE (2) to (4) ABOVE:**

The tariff caps prescribed in the Scale of Rates of AVR Infra Private Limited takes into consideration the upfront tariff approved by the Authority vide Order No.TAMP/17/2008-VPT dated 12 February 2009 and applying indexation to the extent of 60% of the variation in Wholesale Price Index (WPI) occurring between 1 January 2008 and 1 January of the relevant year. For the subsequent years as well, upfront tariff approved in the Order No.TAMP/17/2008-VPT dated 12 February 2009 will be indexed to inflation but only to an extent of 60% of the variation in Wholesale Price Index (WPI) occurring between 1 January 2008 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.
