



सत्यमेव जयते

# महाराष्ट्र शासन राजपत्र

## असाधारण भाग दोन

वर्ष ९, अंक ७१]

बुधवार, नोव्हेंबर २२, २०२३/अग्रहायण १, शके १९४५

[पृष्ठे १६, किंमत : रुपये १२.००

असाधारण क्रमांक ९५

प्राधिकृत प्रकाशन

JAWAHARLAL NEHRU PORT AUTHORITY

ORDER

(Passed on this 16th November 2023)

This case relates to the proposal received from Bharat Mumbai Container Terminal Private Limited ('BMCTPL'), a BOT Operator at Jawaharlal Nehru Port Authority ('JNPA'), *vide* its letter No. BMCT/F&A/2022-23/0066, dated March 17, 2023 for approval for charging Performance Linked Scale of Rates (PLI) for the 4th Container terminal developed on Design, Build, Finance, Operate and Transfer (DBFOT) basis under PPP model at Jawaharlal Nehru Port Authority (JNPA).

1. In compliance with the policy direction issued by Government of India in the Ministry of Shipping (MOS) under Section 111 of the Major Port Trusts Act, 1963 (38 of 1963), as conveyed by MOS *vide* its communication No.PR-14019/16/2012-PG, dated 9th September 2013 and 12th September 2013, the Tariff Authority for Major Ports ('TAMP') notified the Guidelines for Determination of Tariff for Projects at Major Ports, 2013.
2. The JNPA has entered into a Concession Agreement with BMCTPL on 06th May 2014 for development of 4th container terminal at JNPT on Design, Build, Finance, Operate and Transfer (DBFOT) basis. The Concession Agreement includes the extract of Tariff Notification appended as Appendix-12 to the Concession Agreement.
3. Major Port Authority Act, 2021 is made applicable from 3rd November 2021 converted the TAMP into an Adjudicatory Board to adjudicate the disputes or differences arising between Major Port Authorities and Public Private Partnership Concessionaires. In view of the above, the earlier role of TAMP to evaluate and pass orders with regards to proposals for tariff revision of Public Private Partnership Concessionaires was entrusted upon the Major Port Authority by Ministry of Ports, Shipping and Waterways via letter- PD-13/6/2023-PPP/e-357407, dated May 9, 2023.
4. (a) Initially, TAMP had passed an Order No. TAMP/40/2008-JNPT, dated 25th February 2009 fixing upfront tariff for the Container Terminal to be developed at JNPT (Now "JNPA"), based on the guidelines for upfront tariff setting for PPP Projects at Major Port Trust, 2008.  
(b) Subsequently, based on the stipulations contained in the Reference Tariff Guidelines of 2013, the JNPT (Now "JNPA") in August 2013 had submitted a proposal for fixation

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of Reference tariff for the 4th container terminal at JNPT (Now "JNPA"), by adopting the upfront tariff fixed in respect of the container terminal at JNPT (Now "JNPA") in the year 2009. Accordingly, TAMP *vide* its Order No. TAMP/29/2013-JNPT, dated 13th August 2013 has approved the Reference tariff for the 4th Container Terminal at JNPT (Now "JNPA").

(c) Subsequently, based on the stipulations contained in the Reference Tariff Guidelines of 2013, M/s BMCTPL in September 2017 had submitted a proposal for notification of the Scale of Rates for the 4th container terminal at JNPT (Now "JNPA"), Accordingly, TAMP *vide* its Order No. TAMP/71/2017-BMCTPL, dated December 27, 2017 has approved the Scale of Rates for the 4th Container Terminal at JNPT (Now "JNPA").

5. Subsequently, BMCTPL has filed its proposal dated March 17, 2023 for Performance Linked revision of SOR following the Guidelines for Determination of Tariff for Projects at Major Ports, 2013 as detailed in Appendix 20 of Concession agreement. The BMCTPL has made the following submissions : -

(a) Approval is sought for charging Performance linked tariff for FY 2023-24 amounting to 7% over and above the indexed reference tariff for FY 2023-2024.

(b) Comparison of performance standards defined in Concession agreement and achievement by BMCTPL for the period April 2021 to March 2022.

(c) Working of proposed SOR with adjustment of WPI indexation along with PLI 7% taking base WPI Indexed SOR of financial year 2022-23 as notified by JNPA.

(d) In addition to the above, BMCTPL has also submitted updated SOR with 7% PLI included *vide* its letter No. BMCT/F&A/2023-24/0011, dated May 17, 2023.

6. (a) On receipt of the letter, a meeting was held by JNPA with the officials of BMCTPL on June 5, 2023 where it was informed that as per clause 2.9 of the guidelines, the proposal has to be submitted at least 90 days before the 1st April of the ensuing financial year and the period for evaluating the performance would be 12 months prior to the same. It was informed that it is not practical to provide the certificate for previous 12 months being April 2022 to March 2023 and accordingly, it was decided that the period January 2022 to December 2022 would be considered for performance achievement certificate.

(b) Accordingly, BMCTPL was requested *vide* our letter No. PPD/M-I/BMCTPL/2023/613, dated June 6, 2023 to furnish performance standard achievement certificate for the period January 2022 to December 2022 certified by Independent Engineer ('IE') in compliance with clause 2.9 and Clause 2.10 of the Appendix 20 of the Concession agreement and to submit proposed SOR with 7% PLI included. The Independent Engineer- Egis India Consulting Engineers Pvt Ltd is appointed by JNPA through a tender process *vide* work order No. PPD/M-I/FCT/IE/T-30/2019/1604, dated 18th December 2019.

(c) As per the discussion, BMCTPL has submitted performance standard achievement certificate dated June 9, 2023 for the period January 2022 to December 2022 certified by Independent Engineer in compliance with clause 2.9 and Clause 2.10 of the Appendix 20 of the Concession agreement.

(d) However, as per the IE Certificate dated June 9, 2023, it was observed that one of the performance standards were not achieved by BMCTPL for which meeting was held on July 3, 2023. In the meeting, the above issue was discussed and in response to the issue, BMCTPL informed that there was an error in calculating turnaround time as per Appendix 15 of the Concession Agreement and the recalculation working/revised certificate will be submitted. The query raised and response submitted is as under :—

Queries raised	Reply by BMCTPL <i>via</i> mail dated July 5, 2023
As per the IE Certificate, one of the parameters in the performance standard being ICD rake container turnaround time (Double Operation) was not achieved.	As stated in the letter, earlier there was an error and the data was not reported in the format required by CA. Previously, we had considered a split of rail operations into Dedicated and Mixed trains vs the requirement of single and double operations as per CA. The same point was also highlighted by Mr Thomas (GMT).
	Since we are applying for the first time, we understood the requirement and hence updated the data to match with the CA requirement. The comparison of our submissions is given below for your understanding. This is the data matching with CA requirement and we had also shared the actual monthly TAT for your information.

(e) Accordingly, revised performance standard achievement certificate dated July 25, 2023 for the period January 2022 to December 2022 certified by Independent Engineer in compliance with clause 2.9 and Clause 2.10 of the Appendix 20 of the Concession agreement was submitted to us.

(f) On perusal of the said certificate, it was informed to BMCTPL that there was a typographical error in part 3(b)(i) of the revised performance standard achievement certificate submitted to us and BMCTPL was asked to submit corrected certificate *vide* mail dated August 16, 2023. Accordingly, the corrected annexure to the certificate duly certified by IE was submitted by BMCTPL on August 29, 2023.

(g) The above revised certificate has been accepted by the tariff committee comprising of General Manager (Fin), General Manager (Traffic), Deputy Conservator and Chairman of the tariff committee Deputy Chairman for accepting the revised certificate of independent engineer for BMCTPL Performance dated 25th July 2023 *vide* noting dated 13th September 2023.

7. In the meantime, JNPA had uploaded the proposed SOR of BMCTPL on the website on 7th June 2023 inviting comments from the stakeholders on the same.

Comments from Stakeholders	Reply by BMCTPL
Maritime Association of Nationwide Shipping Agencies – India (MANSA)-	
(a) M/s BMCTPL's proposal is for charging revised Performance Linked Tariff with an increase of 7% over and above the existing indexed reference tariff which was effected from 1st April 2023, with an increase of 7.27%. With this, the Berth Hire which is already too expensive will become way more expensive.	"As per the Concession Agreement (CA), BMCT is entitled to propose a Tariff along with the Performance Standards from the second year of operation onwards, over and above the indexed Reference Tariff for the relevant financial year. This Performance Linked Tariff (PLT) is provided in the CA to promote the terminals to perform better and provide the best operational standards to its customers.

<p>(b) Similarly, on Empties and Hatch Cover tariff as well, which is a direct cost to the Lines will in turn result in increase in Logistics cost.</p> <p><b>Container Shipping Lines Association (India)—</b></p> <p>It is deeply concerning to note about this yet another increase in the Container as well as the Vessel related / berth hire charges by BMCT. The tariff had already been increased by 7.27 pct from the 1st of April 2023 &amp; now another raise of 7 pct is being proposed which will result in a cumulative increase of almost 15 pct in a span of just 3 months!!</p> <p>This is absolutely unacceptable particularly when BMCT's berth hire charges are already almost four times higher than those of the rest of the terminals. Besides, proposed increases in hatch cover charges, empty containers, etc., are also concerning. All this at a time when vessel &amp; container related charges at JNPA are already much higher than those at competing global ports.</p> <p>While on the one hand, the Government of India is looking at reducing the cost of logistics from 14 pct to single digits, on the other, BMCT is proposing this yet another steep rise within a span of just three month. This will discourage the shipping lines to call at BMCT. Besides, a slowdown in the global economies has already impacted Indian exports adversely &amp; any further increase in the charges by BMCT will only make matters worse for the Indian trade.</p> <p>We therefore strongly recommend that JNPA decline this proposal of yet another steep increase by BMCT in the interest of the trade.</p>	<p>BMCT is in its 5th year of operation and had not sought for an increase despite the rising costs and lower inflation on its tariff in the initial few years. BMCT falls under the 2013 guidelines issued by TAMP which determines its Tariff.</p> <p>There has always been a consideration to assist the trade and promote the EXIM volumes at JNPA. Now, with growing costs and BMCT still incurring losses, this PLT would be needed to provide support to its bottom line and continue to provide the best service to its customers and maintain the highest performance standards. Hence, it is proposed.”</p>
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8. With reference to the totality of information collected during the processing of this case, the following position emerges —

- (a) The JNPA has entered into Concession Agreement (CA) with M/s. Bharat Mumbai Container Terminal Private Limited (BMCTPL) for development of the 4th Container terminal at JNPT on Design, Build, Finance, Operate and Transfer (DBFOT) basis on 06th May 2014 for a period of 30 years.
- (b) TAMP has passed an Order No. TAMP/71/2017-BMCTPL, dated 27th December 2017 for notifying Scale of Rates based on the proposal filed by the Jawaharlal Nehru Port Trust (JNPT) for the 4th Container Terminal at JNPT. The said Order was notified in the *Gazette* of India Extraordinary (Part III Section 4) on 10th January 2018 *vide Gazette* No. 07.
- (c) TAMP *vide* Order dated 27th December 2017 has notified the SOR along with Performance Standard as proposed by JNPT as per the Reference Tariff Guidelines. Therefore, the

performance standard as approved by TAMP in the Order dated 27th December 2017 is also included in the proposed SOR of BMCTPL and notified.

- (d) BMCTPL has submitted a proposal *vide* letter dated 17th March 2023 for charging Performance linked tariff for FY 2023-24 amounting to 7% over and above the indexed reference tariff for FY 2023-2024 as per clause 2.9 and Clause 2.10 of the Appendix 20 of the Concession agreement which states—

*“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 guidelines of 2013 which will be applicable for the entire concession period.*

*However, the BMCTPL 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.*

*The proposal shall be submitted by BMCTPL 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 Concession Agreement or for the actual number of months of operation in the first year of operation as the case may be.”*

9. In the result, and for the reasons given above, and based on the collective application of mind, this Authority approves charging Performance linked tariff for FY 2023-24 amounting to 7% over and above the indexed reference tariff for FY 2023-2024 for 4th Container Terminal in the name of BMCTPL operating at JNPA. The revised SOR is attached as Annexure- I.



**BHARAT MUMBAI CONTAINER TERMINALS PRIVATE LIMITED****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) **“Hazardous container”** means a Container containing hazardous goods as classified under IMO.
- (vi) **“Import container”** means a container discharged from one vessel, stored in container yard and transported out through Road or Train.
- (vii) **“Export container”** means a container arrived by road or Train, stored in container yard and loaded on the assigned vessel.
- (viii) **“Port area”** means the custom bound area / Port operational Area of the Port.
- (ix) **“Normal Container”** shall mean general type containers, not falling under special categories mentioned subsequently.
- (x) **“Reefer Container”** shall mean a refrigerated container used for carriage of perishable goods with provision for electrical supply to maintain the desired temperature.
- (xi) **“Hazardous Container”** shall mean a container containing hazardous goods as classified under IMO.
- (xii) **“Transshipment Container”** shall mean a container, which is discharged from one vessel, stored in the yard and transported through other vessel.
- (xiii) **“Over dimensional Container”** shall mean a container carrying over dimensional cargo beyond the normal size of standard container and needing special devices like slings, shackles, lifting beam etc. They also include damaged containers and other types which require special devices.
- (xiv) **“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.
- (xv) **“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.
- (xvi) **“VIAN”** means Vessel Identification Advice 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 Ship owners/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 transshipment 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**

S. No.	Description	Rate per GRT per hour or part thereof (₹)	
		Foreign Vessel	Coastal Vessel
1	For Occupying the Berth	2.170	1.299

#### **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 alongside 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:

S. No.	Description	Rate Per GRT (₹)
1	Upto 6 hrs	17.60
2	above 6 hours but upto 12 hours	26.38
3	Above 12 hrs	52.77



- (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 transshipment container, subsequently moved by rail or road will lose its identity as a transshipment 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 than 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.
- (iv) Containers other than that of standard size requiring special devices/slings/handling will be charged twice the applicable rates. Such containers will also include damaged containers and any other type requiring special devices.

#### **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. Normal Containers**

S. No.	Description	Rate per TEU (in ₹)			
		Foreign Container		Coastal Container	
		Loaded	Empty	Loaded	Empty
1	From Ship to container yard or vice versa	5,235.72	4,228.86	3,141.45	2,537.32
2	From container yard to Railway flat or vice versa (ICD Container Rail only)	2,617.86	2,617.86	2,617.86	2,617.86
3	From Container yard to Truck or vice versa (direct delivery and export intake)	805.51	805.51	805.51	805.51

**B. Reefer Containers**

S. No.	Description	Rate per TEU (in ₹)			
		Foreign Container		Coastal Container	
		Loaded	Empty	Loaded	Empty
1	From Ship to container yard or vice versa	5,235.72	4,228.86	3,141.45	2,537.32
2	From container yard to Railway flat or vice versa (ICD Container Rail only)	2,617.86	2,617.86	2,617.86	2,617.86
3	From Container yard to Truck or vice versa (direct delivery and export intake)	805.51	805.51	805.51	805.51

**C. Hazardous Containers**

S. No.	Description	Rate per TEU (in ₹)	
		Foreign Container	Coastal container
		Loaded	Loaded
1	From Ship to container yard or vice versa	6,545.85	3,927.99
2	From Container yard to Railway flat or vice versa (ICD Container Rail only)	3,271.76	3,271.76
3	From Container yard to Truck or vice versa (direct delivery and export intake).	1,006.87	1,006.87

**D. Transshipment Containers**

S. No.	Description	Rate per TEU (in ₹)			
		Foreign Container		Coastal Container	
		Loaded	Empty	Loaded	Empty
1	1 – 3000 TEUs	6,041.23	5,235.72	3,624.75	3,141.43
2	3001 – 6000 TEUs	5,638.49	4,833.01	3,383.08	2,899.80
3	6001 – 9000 TEUs	5,235.72	4,430.24	3,141.43	2,658.16
4	Thereafter.	4,833.01	4,027.48	2,899.80	2,416.49

Notes

- (1). Rate is based on total TEUs brought by the Shipping Lines or agents in the same financial year.
- (2). A container originally declared as transshipment container, subsequently moved by rail or road will lose its identity as a transshipment container and shall be treated as a normal import container and prescribed charges as applicable shall be payable.

**E. Over Dimensional Cargo Containers**

S. No.	Description	Rate per TEU (in ₹)			
		Foreign Container		Coastal Container	
		Loaded	Empty	Loaded	Empty
1	From Ship to container yard or vice versa	10,471.47	8,457.73	6,282.88	5,074.62
2	From container yard to Railway flat or vice versa (ICD Container Rail only)	5,235.72	5,235.72	5,235.72	5,235.72
3	From Container yard to Truck or vice versa (direct delivery and export intake)	1,610.99	1,610.99	1,610.99	1,610.99

Note:

The consolidated charges as above include the following elements, viz. stevedoring, use of Gantry crane, use of transfer crane, wharfage on tare weight of containers, wharfage on containerized cargo, transportation and contribution towards railway infrastructure.

**3.2. DWELL TIME CHARGES FOR CONTAINER, STORED IN THE PORT PREMISES:**

Sl. No.	Particulars	Rate per container per day or part thereof (in ₹)		
		Upto 20' in length	Over 20' to upto 40' in length	Above 40' in length
1	Non-ICD/ CFS Import - loaded			
	First 2 days	Free	Free	Free
	3-6 days	640.26	1,280.51	1,920.76
	7-9 days	761.62	1,523.23	2,284.84
	10-12 days	905.87	1,811.71	2,717.55
	13-15 days	1,076.46	2,152.96	3,229.40
	16-18 days	1,278.72	2,557.49	3,836.23
	19-22 days	1,521.50	3,042.95	4,564.44
	23-26 days	1,809.96	3,619.88	5,429.84
	27-30 days	2,151.18	4,302.36	6,453.54
	Thereafter	2,559.25	5,118.51	7,677.75
2	Non-ICD/ CFS Import - Empty			
	First 2 days	Free	Free	Free
	3-6 days	640.26	1,280.51	1,920.76
	7-9 days	761.62	1,523.23	2,284.84



	10-12 days	905.87	1,811.71	2,717.55
	13-15 days	1,076.46	2,152.96	3,229.40
	16-18 days	1,278.72	2,557.49	3,836.23
	19-22 days	1,521.50	3,042.95	4,564.44
	23-26 days	1,809.96	3,619.88	5,429.84
	27-30 days	2,151.18	4,302.36	6,453.54
	Thereafter	2,559.25	5,118.51	7,677.75
3	Non-ICD/ CFS Export - Loaded			
	First 3 days	Free	Free	Free
	4-6 days	640.26	1,280.51	1,920.76
	7-9 days	761.62	1,523.23	2,284.84
	10-12 days	905.87	1,811.71	2,717.55
	13-15 days	1,076.46	2,152.96	3,229.40
	16-18 days	1,278.72	2,557.49	3,836.23
	19-22 days	1,521.50	3,042.95	4,564.44
	23-26 days	1,809.96	3,619.88	5,429.84
	27-30 days	2,151.18	4,302.36	6,453.54
	Thereafter	2,559.25	5,118.51	7,677.75
4	Non-ICD/ CFS Export - Empty			
	First 3 days	Free	Free	Free
	4-6 days	640.26	1,280.51	1,920.76
	7-9 days	761.62	1,523.23	2,284.84
	10-12 days	905.87	1,811.71	2,717.55
	13-15 days	1,076.46	2,152.96	3,229.40
	16-18 days	1,278.72	2,557.49	3,836.23
	19-22 days	1,521.50	3,042.95	4,564.44
	23-26 days	1,809.96	3,619.88	5,429.84
	27-30 days	2,151.18	4,302.36	6,453.54
	Thereafter	2,559.25	5,118.51	7,677.75
5	CFS Import loaded - moved by road			
	First 2 days	Free	Free	Free
	3-6 days	640.26	1,280.51	1,920.76
	7-9 days	761.62	1,523.23	2,284.84
	10-12 days	905.87	1,811.71	2,717.55
	13-15 days	1,076.46	2,152.96	3,229.40
	16-18 days	1,278.72	2,557.49	3,836.23
	19-22 days	1,521.50	3,042.95	4,564.44
	23-26 days	1,809.96	3,619.88	5,429.84
	27-30 days	2,151.18	4,302.36	6,453.54
	Thereafter	2,559.25	5,118.51	7,677.75
6	CFS Import empty - moved by road			
	First 2 days	Free	Free	Free
	3-6 days	640.26	1,280.51	1,920.76
	7-9 days	761.62	1,523.23	2,284.84
	10-12 days	905.87	1,811.71	2,717.55
	13-15 days	1,076.46	2,152.96	3,229.40
	16-18 days	1,278.72	2,557.49	3,836.23
	19-22 days	1,521.50	3,042.95	4,564.44
	23-26 days	1,809.96	3,619.88	5,429.84
	27-30 days	2,151.18	4,302.36	6,453.54
	Thereafter	2,559.25	5,118.51	7,677.75

7	CFS Export loaded - moved by road			
	First 3 days	Free	Free	Free
	4-6 days	640.26	1,280.51	1,920.76
	7-9 days	761.62	1,523.23	2,284.84
	10-12 days	905.87	1,811.71	2,717.55
	13-15 days	1,076.46	2,152.96	3,229.40
	16-18 days	1,278.72	2,557.49	3,836.23
	19-22 days	1,521.50	3,042.95	4,564.44
	23-26 days	1,809.96	3,619.88	5,429.84
	27-30 days	2,151.18	4,302.36	6,453.54
	Thereafter	2,559.25	5,118.51	7,677.75
8	CFS Export empty - moved by road			
	First 3 days	Free	Free	Free
	4-6 days	640.26	1,280.51	1,920.76
	7-9 days	761.62	1,523.23	2,284.84
	10-12 days	905.87	1,811.71	2,717.55
	13-15 days	1,076.46	2,152.96	3,229.40
	16-18 days	1,278.72	2,557.49	3,836.23
	19-22 days	1,521.50	3,042.95	4,564.44
	23-26 days	1,809.96	3,619.88	5,429.84
	27-30 days	2,151.18	4,302.36	6,453.54
	Thereafter	2,559.25	5,118.51	7,677.75
9	ICD Import and Export loaded or empty - moved by rail			
	First 5 days	Free	Free	Free
	6-15 days	1,278.72	2,557.49	3,836.23
	16-30 days	2,559.25	5,118.51	7,677.75
	Thereafter	5,118.51	10,237.01	15,355.53
10	Transshipment - Loaded			
	First 15 days	Free	Free	Free
	16-30 days	2,559.25	5,118.51	7,677.75
	Thereafter	5,118.51	10,237.01	15,355.53
11	Transshipment - Empty			
	First 7 days	Free	Free	Free
	8-15 days	1,521.50	3,042.95	4,564.44
	Thereafter	5,118.51	10,237.01	15,355.53

**Notes:**

- (1). The total storage period for a container shall be reckoned from the day following the day of landing upto the day of shipment/delivery/date of removal of the container and includes Sundays and Holidays but excludes Custom notified holidays and port non-working days.
- (2). Transshipment containers subsequently changing the mode of dispatch locally or to the container freight station for destuffing/stuffing shall lose the concessional dwell time as prescribed in Item (4) above. Dwell time charges for such containers shall be recovered at par with import containers as prescribed in item no. 1 or 2 as applicable.
- (3). Transshipment containers subsequently changing the mode of dispatch by rail to ICD shall be treated as other ICD containers for the purpose of levy of Dwell time charges fees and shall be charged at the rates in item (4) above. In such cases additional shifting charge will be applicable for movement of container to container yard to ICD yard.



- (4). A container from foreign port landing at the container terminal for subsequent transshipment to an Indian Port on a coastal voyage or vice versa would be charged at 50% of the transshipment charges prescribed for foreign going vessels and 50% of that prescribed for coastal category.
- (5). Normal import containers subsequently changing the mode of dispatch by rail to ICD will enjoy the free period applicable to normal import container only. In such cases additional shifting charges will be applicable for movement of container from container yard to ICD yard.
- (6). The total storage period for a shutout container shall be calculated from the day following the day when the container has become shutout till the day of Shipment/ delivery.
- (7). Over high and over dimensional containers shall attract thrice the normal applicable charges.
- (8). Hazardous containers shall attract 1.25 times the normal applicable charges.
- (9). In case of stuffing the containers inside the port, the dwell time charges will be applicable as follows:
  - (i) Prior to stuffing, dwell time charges as applicable to empty containers will be charged.
  - (ii) Free period and dwell time charges as applicable to loaded export containers will be charged from the day following the day of completion of stuffing and intimation to Port.
- (10). In the case of auction containers, after the auction is over, the empty containers will attract the dwell time charges as empty containers from the following day the destuffing is completed.
- (11). The storage charges shall not accrue for the period during which the Terminal is not in a position to deliver containers for reasons attributable to it when requested by the user.
- (12). The storage charges on abandoned FCL containers/shipper owned containers shall be levied upto the date of receipt of intimation of abandonment in writing or 75 days from the day of landing of the container, whichever is earlier subject to the following:
  - (i) The consignee can issue a letter of abandonment at any time.
  - (ii) If the consignee chooses not to issue such letter of abandonment, the container Agent/MLO can also issue abandonment letter subject to the condition that,
    - (a) the Line shall resume custody of container along with cargo and either take back it or remove it from the port premises; and
    - (b) the line shall pay all port charges accrued on the cargo and container before resuming custody of the container.
  - (iii) The container Agent / MLO shall observe the necessary formalities and bear the cost of transportation and destuffing. In case of their failure to take such action within the stipulated period, the storage charge on container shall be continued to be levied till such time all the necessary actions are taken by the shipping lines for destuffing of cargo.



- (iv) Where the container is seized/confiscated by the Custom Authorities and the same cannot be destuffed within the prescribed time limit of 75 days, the storage charges will cease to apply from the day the Custom order release of the cargo subject to lines observing the necessary formalities and bearing the cost of transportation and de-stuffing. Otherwise, seized/confiscated containers should be removed by the line/consignee from the port premises to the Customs bonded area and in that case the storage charge shall cease to apply from the day of such removal.

### 3.3 CHARGES FOR MISCELLANEOUS SERVICES RENDERED TO THE CONTAINER VESSELS:

#### A. Reefer Monitoring and Connection

SI No	Description	Rate Per TEU (in ₹)			
		Foreign Going Vessel		Coastal Vessel	
		Loaded	Empty	Loaded	Empty
1	Additional charges per 4 hours or part thereof for electricity consumption and monitoring of reefer containers	392.73	392.73	392.73	392.73

**Note:**

Additional electricity charge at the prescribed rates will be applicable in case of Reefer Containers also

#### B. Other Services Rendered

SI No	Description	Rate Per TEU (in ₹)			
		Foreign Going Vessel		Coastal Vessel	
		Loaded	Empty	Loaded	Empty
1	Shifting of containers from one yard to another yard within the terminal for customs inspection or any other purpose and subsequent loading of containers for delivery.	3391.63	3391.63	3391.63	3391.63
2	Additional service charges for stacking containers in designated yard for custom examination or for any other purpose by prior arrangement.	398.91	398.91	398.91	398.91

#### C. Opening of Hatch Cover and Replacing it

SI No	Description	Rate per Hatch Cover (in ₹)	
		Foreign Going Vessels	Coastal Vessels
1	When placing it on the Quay	5,891.69	3,535.02
2	Without placing it on the Quay	2,356.32	1,413.81

Note: If only one operation is carried out, half of the hatch cover handling charges as above shall be levied.

Sl No	Description	Rate per TEU (in ₹)			
		Foreign Going Vessels		Coastal Vessels	
		Loaded	Empty	Loaded	Empty
(a)	Hatch to hatch shifting (involving 1 move only)	1,963.62	1,963.62	1,178.17	1,178.17
(b)	Other than (a) mentioned above	7,855.28	7,855.28	4,713.17	4,713.17

#### 4. GENERAL NOTE TO CHAPTER- 2 AND 3:

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 2017 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.

Navi Mumbai,  
dated the 16th November 2023.

SANJAY SETHI,  
Chairman, JNPA.