

GUJARAT MARITIME BOARD
SAGAR BHAVAN, SECTOR-10A, GANDHINAGAR
NOTIFICATION NO. GMB/T/2/2024/SOP(CSPA)/127
DATE:- 27/02/2024

Preamble:

The Board has received various representations concerning the monopolistic situation at Navlakhi Port over time. Additionally, stakeholders have also provided their perspectives on this matter. Monopolistic situations have arisen due to specific stevedores' continuous occupancy of cargo storage plots. Furthermore, there is currently no specific mechanism in place to control storage activities. Therefore, to prevent monopolistic situations, it was under consideration to establish a clear demarcation between stevedoring license regulation and cargo storage plot allotment procedures. After careful consideration, the following notification is hereby issued:

Notification:

Further, in exercise of powers conferred under section 24 of the GMB Act-1981, Board Resolution No.3714, and subsequent powers delegated by the state government vide letter dated 20.12.2006, the procedure for allotment of storage space at GMB-owned and operated ports is hereby notified as per Schedule-I and shall be effective from the date of notification.

ENCL: AS ABOVE

sd/-

RAJKUMAR BENIWAL, IAS
VICE CHAIRMAN AND
CHIEF EXECUTIVE OFFICER

SCHEDULE - I

Standard Operating Procedure for Allotment of Cargo Storage Plots at GMB Ports

1. Holistic Background

Gujarat Maritime Board (GMB) allots plot to various stakeholders for immediate cargo storage at the Ports. Presently, there is no effective guideline to regulate the allotment of plots in an effective manner. The Board, therefore, vide resolution no 3642, directed that the framework for allocation of plots be revisited.

GMB allots land/plot/godowns/platforms for various purpose; and for varying durations.

The ad hoc manner in which plots are being presently allotted has led to stevedores monopolizing the cargo handling arena, ineffective implementation of section 24 of the Gujarat Maritime Board Act, 1981, restrictions and limitations on new entrants who are desirous of handling cargo, high logistic cost which is ultimately passed on the end-consumer, economically non-viable rental regime for allotment of plots, ineffective penal provisions, lack of healthy competition, etc.

This Standard Operating Procedure (SoP) is, therefore, introduced with a view to standardize the modality in which plots are allotted by the Board, creating a level playing field in as much as stevedores vis-à-vis importers or exporters or owners of cargo are concerned, removing monopolies which have existed in the arena of cargo handling and store and effectively utilizing the Board's assets, particularly parcels of land within the Port area, in a commercially optimal manner.

This SoP envisages the creation of an ideal situation at the Board's Ports, whereby a market-driven, level playing field is created, and the cost of logistics and cargo handling and storage is substantially reduced along with a reduced turn-around-time, which would ultimately benefit the Nation's consumers.

2. Purpose and Commencement

2.1. The purpose of this SoP is to establish a standardized process for the allotment of cargo storage plots at GMB-owned and Operated Ports. The SoP aims to ensure optimum land and storage infrastructure utilization, facilitate faster cargo evacuation, and provide equal opportunities to eligible stakeholders.

2.2. In the implementation of the SoP, the Port Officer shall make the required endeavours to ensure that all plots are progressively rendered vacant and in the possession of the Board within a period of 60 days, so as to ensure that the plots can, with effect from 26.04.2024, be allotted exclusively in accordance with this SoP. It is clarified that should some or all of the plots within the Port Area become vacate prior to 27.02.2024 or vacate during 27.02.2024 to 26.04.2024, the Port Officer shall be entitled to allot such vacant plot(s) in accordance with this SoP.

3. Scope and Implementation

- 3.1.** This SoP applies to all GMB-owned and operated Ports, excluding Captive Jetties and Private Ports. The respective Port Officer shall ensure its implementation.
- 3.2.** The Board may, at its discretion, at any point in time, elect to omit certain plots (either existing or newly developed, demarcated or identified) at various Ports outside the ambit and applicability of this SoP; and the Board may utilize such plots for such activities as may be commercially expedient, including storage activities on short, medium and long term bases, as it may deem fit and proper.

4. Eligibility

- 4.1.** Parcels of land along with associated storage infrastructure (“**Plots**”) will only be allotted to Indian Importers, Indian Exporters and Cargo Owners, subject to what is stated in this SoP, Stevedore Licensees under the Gujarat Ports (Licensing of Persons engaged in Loading and Unloading Vessels) Regulation, 2024 shall not be eligible for allotment of plot or storage facilities.
- 4.2.** A Licensee under the Gujarat Ports (Licensing of Persons engaged in Loading and Unloading Vessels) Regulation, 2024 may also, at times, be an importer or exporter or owner of cargo for captive utilization, i.e. for utilization of the cargo as the end-user for its businesses and processes. Only in such a specific scenario, where the entity acting as an importer or exporter or owner of cargo for captive use, is the entity also holding a valid License under The Gujarat Ports (Licensing of Persons engaged in Loading and Unloading Vessels) Regulations, 2024, shall such entity be permitted to apply for allotment of a plot under this SoP; and that too, for the specific vessel / cargo where it is an importer or exporter or owner of cargo and is also desirous of utilizing its own equipment / fleet to handle its own cargo. However, it is clarified that should such an entity misuse this facilitation by the Board, or utilize this facilitation for achieving indirectly, what this SoP as also The Gujarat Ports (Licensing of Persons engaged in Loading and Unloading Vessels) Regulations, 2024 do not permit directly, the entity shall be blacklisted from being eligible to apply for allotment of plots under this SoP.

5. Criteria for Allotment

- 5.1** Any entity making an application for the allotment of plot(s) under this SoP shall, at the very outset, acknowledge in writing that it understands that the Board is not under any obligation to allot plots for storage of cargo within the port area; and that such facilitation is granted by the Board only for logistic convenience, it being understood that an importer or an exporter or a cargo owner or a stevedore are also entitled to directly store cargo outside the port area (subject to compliance of applicable laws) at privately acquired storage spaces.
- 5.2** To be eligible for allotment of plot or storage facilities, the applicant / prospective allottee shall:

- a) Be an Indian Importer or Exporter or Cargo Owner.
- b) Subject to this SoP, not be a Stevedore Licensee under the Gujarat Ports (Licensing of Persons engaged in Loading and Unloading Vessels) Regulation, 2024 notified for the said purpose.
- c) Be registered with the Port to avail this facility.
- d) Allotment shall only be granted on an application of vacant plot(s) is/are available. If all plots are occupied, an application shall be rejected.
- e) Have a minimum balance of INR 10 lakhs in a Primary Ledger Deposit (PLD) account.

5.2.1 Application processed seniority-wise for inward and outward cargo as under:

5.2.1.1 The allocation of storage plots will be determined by seniority. For inward cargo (cargo arriving at the port), seniority will be reckoned from the time of vessel readiness to discharge at the respective port.

ILLUSTRATION: If, in sequence of applications, applicant “A” makes the first application and applicant “B” makes the second application; but the vessel of applicant “B” arrives at port and is ready to discharge cargo before the vessel of applicant “A”, the Port Officer shall, looking to the prevailing circumstances at the Port, allot a plot to applicant “B” on first-discharge basis.

5.2.1.2 For outward cargo (cargo leaving the port), Seniority will be calculated based on the date of application. Applications for outward cargo shall not be allowed until 10 days before the estimated vessel arrival time. Where an applicant is desirous of utilizing a plot prior to the stipulated 10 days of the estimated vessel arrival date, he may make an application to this effect before the VC&CEO; and the VC&CEO may, if deemed fit and proper, grant such an application. However, even in such a case, the total occupation period for such cases shall not exceed 30 days.

It being understood that if dispute exists as regards the inter se seniority in context of readiness of two or more vessels, the decision of the VC&CEO shall be final and binding on all parties.

5.3 There shall be a prohibition on applicants and their subsidiary, group or related entities holding other storage spaces beyond 30 days or holding share or partnership with a Stevedoring Licensee under provision of The Gujarat Ports (Licensing of Persons engaged in Loading and Unloading Vessels) Regulations, 2024, as may be amended from time to time.

A related / group stevedoring entity shall be any person, association of persons, firm (be in a partnership or a LLP), company or any other legal entity, which has any common shareholders, directors, key managerial personnel, partners, designated partners, etc.; or where the shareholders, directors, key managerial personnel, partners, designated partners are related to each other either in terms of general relationships of blood or succession; or in terms of common use of common assets, infrastructure or labour required for carrying out stevedoring activities in terms of The Gujarat Ports (Licensing of Persons engaged in Loading and Unloading Vessels) Regulations, 2024.

5.4 The applicant shall ensure that adequate storage space is available to cater to the need of storage of the vessel in question.

6. Procedure of Allotment

6.1. Exclusively Online Application and issuance of permission under this SOP

6.1.1 All applications for plot allotment and the subsequent issuance of ad hoc plot-use permissions shall be undertaken exclusively through online mode, in the manner and form as may be prescribed by Gujarat Maritime Board (GMB) from time to time. Utilization of online modes shall be for all purposes, including and not limited to the submission of application forms, required documents, scrutiny of applications and the issuance of permission.

6.1.2 Initially, while the online module is under development; or subsequently, when the online module is under upgradation or suffering from downtime, the Port Officer shall be entitled to receive physical applications under this SoP; but shall, at all times, ensure that the treatment given to such applications, at the time of evaluation, allotment and extension shall, as far as practicable, be equivalent to an online application.

6.2. Process of Online Application

6.2.1 Applicants must use the designated online portal provided by GMB to submit their applications. Each consignment of cargo shall entail the making of a separate application; and an application shall not be permitted to be made for multiple vessels or consignments. The online application shall include the following information:

6.2.1.1 Details of the applicant, including company information and contact details.

6.2.1.2 Commodity type and specification, for which the storage infrastructure is required.

6.2.1.3 Documents evidencing ownership of cargo.

6.2.1.4 Details of Vessel.

6.2.1.5 Vessel arrival date.

6.2.1.6 Name of Stevedoring Agent.

6.2.1.7 Desired duration and area of plot allotment (not exceeding 30 days).

6.2.1.8 Details of PLD Account.

6.2.1.9 Any other documents as may be required and called for by the Board from time to time.

6.3 Application Review and Allotment:

6.3.1. Unless otherwise provided, only online assessment shall be conducted for reviewing applications and ensuring compliance with eligibility criteria as stipulated in this SoP.

6.3.2. Such other and/or further information, as may be required to evaluate each application, may be called for online.

6.3.3. If the criteria specified in the SoP are fulfilled, permission shall be electronically issued through the online portal.

6.3.4. In cases of refusal, the order of refusal shall be communicated electronically to the applicant.

6.3.5. Plot(s) shall be allotted at the exclusive discretion of the Board, based on the quantum of cargo and the size of various plots which are available or which would be available at a given date. The applicant shall not be entitled to claim allotment of any specific plot. One or more plots may be allotted at the discretion of the authority, having the capacity that, in its opinion, is/are adequate to handle the cargo in question. The decision of the authority regarding the size of plot(s) required for the evacuation of a specific quantum of cargo shall be final and binding on the applicant.

6.3.6. An application shall be liable to be rejected if it contains false or misleading information.

6.3.7. Allotment of a second plot for a vessel shall not be entitled to the applicant unless the first plot allotted for such vessel is insufficient to store the quantum of cargo. It is clarified that if a plot of adequate size commensurate with the vessel capacity is unavailable, more than one plot may be allotted by the relevant authority to meet the vessel capacity.

6.3.8. The Port Officer shall be entitled to categorize and allot plots based on the cargo size for which allotment of a plot is sought.

7. Responsibilities of the Applicant

7.1 The Applicant shall have the following roles and responsibilities:

7.1.1. To comply with the SoP and all prevailing rules and regulations; including such directions as may be issued by the Board from time to time.

7.1.2. To ensure prompt evacuation of cargo within the allotted time frame, without delaying the evacuation for any reason whatsoever.

7.1.3. To adhere to customs formalities under the Customs Act, 1962.

7.1.4. To manage cargo storage and evacuation in accordance with specific commodity requirements.

- 7.1.5. To pay rentals from the date of possession of the plot, till the date of handing over of possession to GMB.
- 7.1.6. To maintain adherence to the allotted storage duration.
- 7.1.7. To promptly evacuate cargo from reserved plots.
- 7.1.8. To participate in auctions if cargo is not evacuated from reserved plots.
- 7.1.9. To fulfill obligations and responsibilities in the interest of the Board.
- 7.1.10. The applicant is responsible for strict compliance of all prevailing rules, regulations, and provisions related to storing and evacuating particular commodities to or from the plot. This includes adhering to specific guidelines or requirements governing the handling of specific types of cargo to ensure safe and responsible storage practices.
- 7.1.11. All cargo shall be stored exclusively within the allotted premises, and no storage shall extend beyond the designated storage area.
- 7.1.12. The vessel specific allotment shall not be extended or continued to accommodate the cargo of multiple vessels.
- 7.1.13. An applicant shall not, as a matter of right, be permitted to handle back-to-back vessels at and within the same plot.
- 7.1.14. In the sequence of cyclical rotation (based on sequence in which applications for allotment of vessel-specific plots are made), if an applicant, by virtue of two consecutive vessel-specific applications made by it, is eligible for handling two or more vessels, back-to-back; GMB may direct the applicant to store cargo of the second vessel in a plot other than the plot within which the cargo of the first vessel was stored. This means that an applicant shall have no inherent right to handle a second, consecutive vessel within the plot where it handled the first vessel.

8. Duration, Rental Charges, Penal Action and Costs:

- 8.1. The duration of each allotment shall be restricted to 30 days only and extension of this duration shall be permitted with penalty only; and shall never exceed a cumulative period of 60 additional days, that is, a total period of 90 days.
- 8.2. Rent shall be charged as may be prescribed in the prevalent Schedule of Port Charges (SoPC) or, subsequently, in the GMB Management of Immovable Property Regulation, as may be notified at a later date, and as may be amended from time to time.
- 8.3. Penal Actions shall be taken in the following manner:
 - 8.3.1. If cargo remains at the plot beyond the original allotment period of 30 days, penal rental charges shall be levied as under:
 - 8.3.1.1. From the 31st to the 60th day, a charge equivalent to 2 times the daily rental rate will be imposed and shall be payable in advance.
 - 8.3.1.2. From the 61st to the 90th day, a charge equivalent to 3 times the daily rental rate will be imposed and shall be payable in advance.

8.3.1.3. From the 91st day onwards, a charges equivalent to 4 times the daily rental rate will be imposed and shall be payable in advance for tranches of 10 days at a time.

8.3.2. Additionally, if the cargo remains at the plot for a period exceeding 90 days,

8.3.2.1. The Port Officer shall have the authority to take necessary actions, which may include shifting the cargo to a reserved plot, suspending allotment of further plots to the applicant, and blacklisting the applicant if it is found that the delay in evacuation of cargo was for the purposes of blocking the plot.

8.3.2.2. The Port Officer may proceed to auction the cargo, in the manner as may be prescribed by the Board from time to time.

8.3.2.3. Any expenses incurred in shifting or storage charges in a reserved plot shall be recovered from auction amount or PLD account deposit.

8.3.3. In addition to and independent of the aforesaid, on completion of the pre-defined period (including extended period, if applicable), if the cargo is still not evacuated and the possession of the plot is still not handed over to the Board, the Port Officer shall be entitled to suspend the allotment of plot(s) to the applicant till such time as the cargo is evacuated. During this period of suspension, allotment of plot(s) shall be made to the applicant.

8.4. If any act, omission or reason attributable to the Applicant leads to the Board suffering any loss or damage, including damage to the Board's Port infrastructure, the Port Officer shall be entitled to deduct the said costs from the Applicant's PLD Account; and shall, thereafter, be entitled to call upon the Applicant to reimburse any additional amounts due any payable to losses suffered by the Board. Should the Applicant fail to make the said payment to the Board, the Applicant shall not be entitled to allocation of storage plots till such time as the dues payable to the Board, with interest, are paid.

8.5. Illegal and Unfair trade practices, including but not limited to, delaying evacuation of cargo to continue to occupy a plot in concert with a stevedoring licensee and causing hurdles in the execution of storage activities by other applicants.

9. Powers of Vice Chairman and Chief Executive Officer

9.1. The Vice Chairman and Chief Executive Officer shall have the following powers:

9.1.1. To appoint and empower officers to monitor the effective implementation of SoP.

9.1.2. To monitor storage performance at Ports.

9.1.3. To revise penalty provisions for storage.

9.1.4. To provide specific instructions to the Port Officer as well as the Applicant.

9.1.5. To enforce compliance.

9.1.6. To issue specific directions; and permit modification of the SoP for specific Port(s) looking to the unique characteristics of each port.

10. Duties of Port Officer

10.1. The Port Officer shall have the following duties:

10.1.1. To oversee the allocation and regulation of storage plots.

10.1.2. To ensure effective implementation of the SoP at the port.

10.1.3. To demarcate reserved plots and handle / auction seized or unevacuated cargo.

10.1.4. To issue notices and impose penalties, as may be required.

10.1.5. To recommend modifications to the SoP looking to local trade dynamics.

10.1.6. To publish storage capacity and evacuation rates.

10.1.7. To comply with instructions from the Vice Chairman and Chief Executive Officer.

11. Appeal

11.1. An applicant who is dissatisfied with decision of the Port Officer, may appeal to the Vice Chairman and Chief Executive Officer (VC&CEO) of the Board within 30 days from the date of any order having been communicated to it. The appellant shall be required to submit a written appeal; and hearing thereof shall be convened by the VC&CEO, preferably within a period of 45 days, with a decision on the Appeal to be made preferably within 90 days from the date of the appeal.

12. Interpretation

12.1. The Board shall be entitled to interpret, implement, and enforce this SoP, if the need to arises. The Board shall have the discretion to make decisions, provide instructions, and take actions in line with the goals and objectives stipulated herein. The Board may delegate specific powers, as outlined in this SoP, to officer as necessary to ensure the efficient and effective allocation and management of cargo storage plots.

Gujarat Maritime Board - Cargo Storage Plot Allotment e-Application

Port Name: [Insert Port Name]

Application Number: [To be filled by Port Officer]

Section 1: Applicant Information

1. **Applicant Details:**

- Company Name:
- Contact Person:
- Contact Number:
- Email Address:

2. **Applicant Type:**

- Indian Importer
- Indian Exporter
- Cargo Owner

3. **Port Registration:**

- Port Registration Number: [To be obtained from Port Authority]
- Importer - Exporter Code Number: [If Applicable]

4. **Financial Details:**

- Primary Ledger Deposit (PLD) Account Balance: ₹ _____

Section 2: Cargo and Plot Details

1. **Cargo Type:**

- Name:
- Type:

2. **Vessel Details:**

- Vessel Arrival Date:
- Vessel Name:
- IMO Number:
- Bill of Lading:

3. **Stevedoring Agent:**

- Stevedoring Agent Name:
- Stevedoring Agent License Number:

4. **Allotment Details:**

- Desired Duration of Plot Allotment (not exceeding 30 days): _____ days
- Area of Plot Allotment (in square meters): _____

Section 3: Declaration and Authorization

1. **Declaration:** I, the undersigned, declare that the information provided in this application is true and correct. I understand that should the information provided in this application be false or misleading, this application is liable to be rejected. Further, I hereby declare

that neither I nor any partner, promoter, shareholder or employee of the applicant entity holds any share or partnership or ownership (called by any name whatsoever), either direct or indirect, with a Stevedoring Licensee granted license under the provision of The Gujarat Ports (Licensing of Persons engaged in Loading and Unloading Vessels) Regulation, 2024.

2. We undertake and understand that the Board is not under any obligation to allot plots for storage of cargo within the port area; and that such facilitation is granted by the Board only for logistic convenience. We further undertake and understand that the Board may reject this application, and the decision taken by the Board will be final and binding on us.

Applicant's Signature: _____ Date: _____

3. **Authorization:** I authorize GMB to collect pending dues, penalties, costs from my PLD Account if fail to pay dues owed to GMB within 7 days from the due date.

I understand that GMB shall be entitled to recover from the Applicant, any and all losses, damages and costs (called by any name whatsoever) that may be suffered by it for reasons, acts and omissions attributable to the Applicant, including but not limited to any damage to GMB infrastructure in the course of cargo storage and evacuation.

Applicant's Signature: _____ Date: _____

Section 4: Required Documents Checklist

Please ensure that you attach the following documents with your application:

- Copy of Port Registration Certificate
- Copy of PLD Account Statement (minimum balance of 10 lakhs)
- Other relevant supporting documents

Section 5: How to Submit Your Application

Please submit this completed application form along with the required documents through the GMB's official online portal.

Gujarat Maritime Board - Cargo Storage Plot Allotment Order

Order Number: [To be filled by Port Officer]

Port Name: [Insert Port Name]

Applicant Details:

- Company Name: [Applicant's Company Name]
- Bill of Lading:

Cargo Details:

- Commodity Type: [Commodity Type]
- Vessel Arrival Date: [Vessel Arrival Date]
- Stevedoring Agent: [Stevedoring Agent Name]

Allotment Details:

- Duration of Plot Allotment: [Desired Duration] days
- Area of Plot Allotment: [Area of Plot Allotment] square meters

Order of Allotment:

Based on the review, I hereby issue an order for the allotment of a cargo storage plot at [Port Name]. The allotted plot details are as follows:

- Plot Number: [To be filled by Port Officer]
- Allotment Start Date: [Current Date]
- Allotment End Date: [End Date as per desired duration]

Responsibilities of the Occupier:

The Occupier is responsible for the following:

- To comply with the SOP and all prevailing rules and regulations.
- To ensure prompt evacuation of cargo within the allotted time frame.
- To adhere to customs formalities under the Customs Act, 1962.
- To manage cargo storage and evacuation in accordance with specific commodity requirements.
- To pay rentals from the date of possession of the land.
- To maintain adherence to the allotted storage duration.

Failure to comply with the SOP may result in penalty charges and further actions in accordance with the SOP.

Duration, Rental Charges, and Penalty:

The duration of this allotment is as per the applicant's desired duration, not exceeding 30 days.

Rent shall be charged as may be prescribed in the prevalent Schedule of Port Charges (SoPC) or, subsequently, in the GMB Management of Immovable Property Regulation, as may be notified at a later date, and as may be amended from time to time.

Please note that if the cargo remains stored beyond the allotted time, penal rental charges and penal actions will be taken as per the SOP.

Terms and Conditions:

The terms and conditions of this allotment are in accordance with the SOP. The Occupier is responsible for strict compliance with all prevailing rules, regulations, and provisions related to storing and evacuating particular commodities.

This order is issued in accordance with the Gujarat Maritime Board's Standard Operating Procedure for Cargo Storage Plot Allotment.

Port Officer's Signature: _____ **Date:** _____

Copy to:
Stevedoring Agent _____