

CHAPTER IV

Demurrage Charges

Demurrage is chargeable on all goods left in the CHPT's transit sheds or Yards beyond the expiry of the free days. After demurrage begins to accrue no allowance is made for Customs notified holidays or port's non working days 'Day' for purposes of this Chapter shall be reckoned with as from 6 a.m to 6 a.m.

SCALE 1 Free Days (Imports)

- (1). Dangerous / Explosive goods:- The demurrage will accrue from the day following the complete discharge of the dangerous / explosive cargo.
- (2). Sweepings collected from the CHPT's premises:- Ten days excluding Customs notified holidays and port's non working days are allowed free for sweepings of a particular commodity of a particular vessel, collected from the port's premises after the last date of clearance of the original commodity of that vessel which has caused the sweepings.
- (3). Goods landed in excess, or under 'Nil' mark, etc.: -
 - (a). Goods landed in excess of the manifested quantity are free for six days calculated from the date following the issue of vessel's out turn, by the CHPT excluding customs notified holidays and port non-working days.
 - (b). Goods under 'Nil' mark or with marks differing from the manifest which are adjusted against the manifested quantity on amended delivery orders issued by the Steamer Agents are free upto six working days in the case of coastal cargo and seven working days in the case of foreign cargo excluding customs notified holidays and port non-working days after the date of complete discharge of a vessel's cargo.
- (4). Abandoned goods:

Abandoned and uncleared/unclaimed goods sold by the CHPT in public auction:- In respect of abandoned and uncleared/unclaimed goods listed for public auction by the CHPT, the demurrage leviable shall be limited to six months from the date of its accrual, or to the date of receipt of intimation of abandonment in the Harbour Office, in writing, whichever is earlier.

The limiting of demurrage to six months, as per the above provision, is not admissible in cases of abandoned uncleared / unclaimed goods listed for public auction by the CHPT, where there is a request from the Steamer Agent concerned for withdrawing the goods from the sale at any stage in the process of arranging the auction sale of goods, by the CHPT. In such cases demurrage shall be reckoned with upto the date of receipt of intimation of abandonment, if any, in the Harbour Office, in writing, tendered to the CHPT by the Steamer Agents concerned after the request for withdrawing the goods from the sales, or upto the date of sale by the CHPT, whichever is earlier.
- (5). Salvaged goods:- The free period of two working days in the case of coastal and three working days in the case of foreign cargo will count from the day following the

notification of salvage by the Receiver of Wrecks in the Tamil Nadu Government Gazette, or from the day following the date on which the advice of the salvage of goods is sent, by the Receiver of Wrecks to the Steamer Agent concerned, or the consignee of the goods or their Clearing Agent, whichever is earlier.

(6). Direct Delivery of cargo:

Whenever packages are directly delivered on to the parties vehicle and not moved out of port premises within 24 hours from the time of directly loading on to the parties vehicle, demurrage charges shall be collected for such packages after expiry of 24 hours from the time of directly loading on to the parties vehicle at the rates specified in Scale 6 below in this Chapter.

(7). Goods sold in Auction:

Goods sold in auction shall be allowed three free days excluding Customs notified holidays and port's non working days from the date of confirmation of sale and thereafter the successful bidder shall be charged at daily rates as per Scale 4 of this Chapter upto and including the date of clearance by the successful bidder.

(8). Cargo other than mentioned above:

- (a). Seven working days in the case of coastal cargo and seven working days in the case of foreign cargo excluding customs notified holidays and port non-working days are free after complete discharge of a vessel's cargo, or the date when the last package was put over side.
- (b). Different Free days shall also be declared in respect of coastal cargo or foreign cargo as the case may be ex. one vessel in the same voyage at different berthings.
- (c). Whenever discharge of Import cargo is suspended or stopped for more than 48 hours for any reason not attributable to CHPT, free days shall also be declared for the cargo already handled. Free days for the balance cargo shall be declared after discharge.
- (d). Sweepings collected on Board the vessel:- The number of free days excluding Customs notified holidays and port's non working days as applicable to (a) above.
- (e). Survey goods:
 - (i). The same number of days is free as is allowed under (a) above.
 - (ii). In respect of goods surveyed on the last free day, no demurrage will be levied if such goods are removed on the working day next succeeding that on which they were surveyed.
 - (iii). In the case of salvaged goods detained for survey, seven days excluding Customs notified holidays and port's non working days will be allowed from the day following the notification of salvage by the Receiver of Wrecks in the Tamil Nadu Government Gazette, or from the day following the date on which the advice of the salvage of goods is sent by

the Receiver of Wrecks to the Steamer Agent concerned, or the consignee of the goods or their Clearing Agent, whichever is earlier.

(9). The following free periods are allowed in addition to the free periods applicable as per description of goods:

(a). For periods of detention during which goods are detained by the Commissioner of Customs for the purpose of special examination involving analytical or technical tests other than the ordinary process of appraisal and certified by the Commissioner of Customs to be not attributable to any fault or negligence on the part of the Importers and

(b). Where goods are detained by the Commissioner of Customs on account of Import Control formalities and certified by the Commissioner of Customs to be not attributable to any fault or negligence on the part of the Importer, for such period of detention under 9 (a) and (b), the demurrage charges shall be recovered as under:

First 45 days	: Free
46 days to 60 days	: 25% of actual demurrage charges
61 days to 90 days	: 50% of actual demurrage charges
Beyond 90 days	: 100% of actual demurrage charges

Actual demurrage charges at full rate shall be worked out as per Scale of Rates at the appropriate slab as applicable after 45 days and the concessional rate mentioned above shall be applied thereon on the full demurrage charges leviable.

The first 45 days shall be reckoned with as follows:

- (i). first 45 days after expiry of free days if cargo detained by the Customs before expiry of free days and
- (ii). first 45 days from the date of detention if cargo is detained by the Customs after accrual of demurrage charges.

The detention certificate for availing the above concession shall be submitted within a period of six months from the date of clearance of goods.

- Note :**
- 1. The above time limits will be inclusive of all holidays.
 - 2. The time limits can be relaxed in case of Acts of God or of extraordinary circumstances beyond human control.

(c). In case the cargo is condemned as unfit for human consumption by the PHO and destroyed ultimately by the Chennai Port Trust, levy of demurrage is limited to six months from the date of its accrual or the date prior to the date of condemnation by the PHO, whichever is earlier. **In case the cargo is certified for cattle/poultry feed, the demurrage shall be levied till the date of clearance. (TAMP/36/2005 Dt.09.07.07)**

(d). Three working days shall be given free for tracing the packages from the date of receipt of enquiry in Harbour office in writing, for the packages unable to be

traced owing to congestion of accommodation, wrong sorting or incorrect tallying.

- (10). Unserviceable empty drums and empty bottles and similar unmanifested articles, sold by Captains of vessels frequenting the Port, are free for a period of six working days excluding Sundays and CHPT non-operational days Holidays after the date of their landing.

SCALE 2 - Free Days (Exports)

- (1). (a). Export cargo for a vessel other than containerised Export Cargo shall be allowed.
- (i). A free period of thirty days (excluding customs notified holidays and port non-working days) from the actual day of receipt of the goods in transit area restricted to the day prior to the date the vessel commences Loading of Export Cargo
- (ii). From the day the vessel commences loading of Export cargo; to the day the vessel completes loading shall also be free period.
- (b). The free days admissible on containers and export cargo, awaiting stuffing into the containers shall be as provided under Clause 1 (a) supra read with the provision for Dwell Time charges on containers prescribed elsewhere.
- (2). Goods not shipped and removed outside:-
- (a). Goods shutout by the ship or prevented from shipment by Act of God, such as cyclone, grounding of vessels, etc., and removed outside, shall be allowed in addition to the free days referred to under Clause 1 above, two days (excluding customs notified holidays and port non-working days) next to the day of completion of taking in of exports by the vessel.
- (b). Goods not shipped for any other reasons than above excluding sweepings, shall be allowed the same free days as under item 1.
- (c). Three days excluding customs notified holidays and port non-working days-are allowed free for sweepings of a particular commodity of a particular vessel collected from the CHPT's premises after the last date of shipment of the original commodity of that vessel which has caused the sweepings.
- (3). Salvaged Goods:-

Three days excluding customs notified holidays and port non-working days will count as free, from the day following the notification of salvage by the Receiver of Wrecks in the Tamil Nadu Government Gazette or from the day following the day on which the advice of the salvage of the goods is sent by the Receiver of Wrecks to the Steamer Agent concerned or the Shipper of the goods or the Shipping Agent, whichever is earlier.

Note: - Export cargo may be admitted without reference to the vessel by which the cargo is to be exported.

(4). Goods detained by Customs:-

For periods of detention - during which the goods are detained by the Commissioner of Customs for the purpose of analytical test or technical tests, other than the ordinary process of appraisal and certified by the Commissioner of Customs to be not attributable to any fault or negligence on the part of the Exporter, for such periods of detention, the demurrage charges shall be recovered as under:

First 45 days	: Free
46 days to 60 days	: 25% of actual demurrage charges
61 days to 90 days	: 50% of actual demurrage charges
Beyond 90 days	: 100% of actual demurrage charges

Actual demurrage charges at full rates shall be worked out as per Scale of Rates at the appropriate slab as applicable after 45 days and the concessional rate mentioned above shall be applied thereon the full demurrage charges leviable.

The first 45 days shall be reckoned with as follows;

- (i) first 45 days after expiry of free days if cargo detained by the Customs before expiry of free days; and,
- (ii) first 45 days from the date of detention if cargo is detained by the Customs after accrual of demurrage charges.

The detention certificate for availing the above concession shall be submitted within a period of six months from the date of clearance of goods.

- Note :**
- (i). The above time limits will be inclusive of all holidays.
 - (ii). The time limits can be relaxed in cases of Acts of God.

SCALE 3 - Confiscated goods

- (1). For the goods confiscated by Customs, the normal dues accrued on the goods from the date of expiry of the free days upto the date of confiscation (or) for the first four months from the date of expiry of free days whichever is earlier shall be recovered from the Customs as pre-confiscation charges on the goods.
- (2). Post-confiscation charges shall also be recovered on the confiscated goods from the Customs as Storage charges from the date of confiscation upto the date of removal of goods to Custom Warehouse on daily rate basis as per rates given in Scale 4 below. In addition to the Storage charges, removal charges @ Rs.20/- per package weighing upto half-a-tonne and Rs.230/- per tonne or part thereof for packages weighing more than half-a-tonne shall also be recovered.
- (3). The CHPT dues accrued on the confiscated goods upto the date of confiscation shall also be limited to the extent of amount available from the Customs from the proceeds of sale of confiscated goods and the balance dues may be treated as remitted.

SCALE 4 - Due on goods confiscated by customs / goods sold in auction

Item No.	Description of packages	Charge payable per day or part thereof
1.	Bags, Bales, Cases, Crates, Casks, kegs, drums, jars, Machinery unpacked and articles not enumerated	Rs.30 per tonne or part thereof
2.	Carriages and motor cars	Rs.150.00 each

SCALE 5 - Free days (Transshipment goods)

Transshipment goods shall be allowed a free period of fifteen days (excluding Customs notified holidays and port's non working days) from the date following the date of expiry of free days admissible as import cargo as per classification under Scale '1' of this Chapter.

SCALE 6 - Demurrage charges

When recoverable	Charge payable per wharfage unit per day or part thereof
(1) Import goods left lying in the CHPT Transit area beyond the expiry of the free days	---
(i) For the first 7 days after the expiry of the free days	Rs.11.80 13.00
(ii) For the next 10 days	Rs.23.60 26.00
(iii) For the next 30 days	Rs.35.40 39.00
(iv) Thereafter	Rs.59.00 65.00
(2) Export goods and transship goods left lying in the Transit Area beyond the expiry of the free days	Rs.3.60 4.00
(3). Exports awaiting stuffing in the containers in the transit area.	Rs.3.60 4.00
In cases where the wharfage is based on per each unit and on Ad valorem demurrage shall be reckoned with on gross weight (per tonne or part thereof.) (TAMP/36/2005 Dt.09.07.07)	

Notes:

- (1). If at any time CHPT should apprehend serious congestion in its transit areas to the detriment of the rapid transit of goods through the Port, it may direct the owners or consignees of any specified goods to remove such goods from the CHPT's premises within a given time; and should the goods not be so removed the CHPT may charge them demurrage thereon upto ~~Rs.72~~ 79.20 per unit per day until the goods shall have been removed from the CHPT's premises. Also, if the aforesaid charge should prove inadequate to ensure the removal of the goods, the CHPT may itself remove them from the transit areas at the expense of the owners and shall stack them in any space within its premises at the risk of the owners.

- (2). Goods sold in auction and lying in the Returned Stores Yard shall be allowed three free days excluding Sundays and CHPT's non-operational days from the date of confirmation of sale and thereafter shall be charged storage charges at Rs.~~16~~ **17.60** per 100 Sq. Metres or part thereof, per day or part thereof including the date of clearance by the successful bidder.
- (3). No demurrage shall be charged on goods consigned to or by the CHPT and goods consigned in the name of Government of India on Chennai Port Trust account.
- (4). The demurrage shall not accrue for the period during which the CHPT is not in a position to deliver cargo/ containers for reasons attributable to it when requested by the user.