



Airports Economic Regulatory Authority of India

**In the matter of Annual Tariff Proposal for the
fourth and fifth tariff year submitted by Express
Industry Council of India for Cargo Services
being provided at Kempegowda International
Airport, Bengaluru**

New Delhi: 4th September, 2014

**AERA Building
Administrative Complex
Safdarjung Airport
New Delhi – 110 003**

The Authority had considered the Multi Year Tariff Proposal (MYTP) submitted by M/s Express Industry Council of India (EICI) in respect of Cargo Handling Services provided at Kempegowda International Airport, Bengaluru for the first control period of 5 years commencing w.e.f. 01.04.2011 and after due stakeholder consultation, issued Multi Year Tariff Order (MYTO) vide Order no. 16/2013-14 dated 21.06.2013 wherein, *inter-alia*, it was decided that the services provided for courier cargo facility at Kempegowda International Airport, Bengaluru are “*material but competitive*” and hence “*light touch approach*” be adopted for determination of tariff. The Authority also determined the Tariff for the first, second and third tariff years in the said order.

2. **As per Clause 7.4 of the Authority’s Guidelines** [Airports Economic Regulatory Authority of India (Terms and Conditions for Determination of Tariff for Services Provided for Cargo Facility, Ground Handling and Supply of fuel to the Aircraft) Guidelines, 2011], after issuance of the MYTO, the service provider shall submit to the Authority its ATP(s), provided that an ATP shall be submitted at least 75 days prior to the start of the Tariff Year.

3 As per clause A.1.8.2., of the Appendix to the Guidelines, Regulated Service(s) **deemed either ‘not material’ or ‘material but competitive’ or ‘material and not competitive’ but where the Authority is assured of the reasonableness of the existing User Agreement(s)**, the Service Provider(s) shall submit, for the consideration of the Authority, an Annual Tariff Proposal for review of Tariff(s) to be charged in the following Tariff Year of a Control Period, in the specified Form B and Form F14 (b). The Tariff(s), as proposed by the Service Provider in the ATP, shall be on non-discriminatory basis, with reference to conditions of Tariff(s), volume of the discount, rationale behind giving the discount and such other factors as may be relevant and shall be supported by the following:

- ***“A1.8.2.1. Details of consultation with stakeholders along with:***
 - (a) Documented evidence that consultations with stakeholders have been undertaken;*
 - (b) Summary of concerns raised by the stakeholders;*
 - (c) Details of remedial action, if any, undertaken by the Service Provider, with reasons, in respect of the concerns so raised;*
 - (d) Reasons for not addressing the balance concerns.*
- ***A1.8.2.2. Evidence of User Agreement(s), if any, between the Service Provider(s) and the User(s) of the Regulated Service(s) clearly indicating the Tariff(s) that are proposed by the Service Provider and agreed to by User(s).”***

4. EICI, vide their letter dated 22.04.2014 has submitted their Annual Tariff Proposal (ATP) for the fourth and fifth tariff years, for providing Courier Cargo Handling Facility at Cargo Terminal, Kempegowda International Airport, Bengaluru.
(Annexure-I)

4.1 EICI submitted the following documents:

- (i) Form B
- (ii) Form 14(b) – ATP for 2014-15 and 2015-16
- (iii) Comparison Table

- (iv) C.A. Report certifying less Custom charges recovered by EICI from the users during FY 2013-14 than the actual staff cost recovered by Customs Authorities for the services rendered to EICI.

4.2 In response to clarifications sought by the Authority on the submissions, EICI, vide letter dated 23.06.2014 (**Annexure-II**) resubmitted the ATP for the fourth and fifth tariff years along-with the following documents;

- (i) Extract of the minutes of fourth meeting of the Managing Committee of EICI held on 24th March 2014 indicating comparative table of existing vis-à-vis proposed rates
- (ii) Tariff proposal in form 14(b) for the years of 2014-15 and 2015-16 in quadruplicate.
- (iii) Auditor certificate from M/s S.R.Gokhale & Co. Chartered Accountants, Mumbai, certifying the amount of Custom charges recovered from the users during FY 2013-14 and the actual staff cost of the Custom Authority for providing the services for EICI.

5. The Authority has noted that:

- a. The services for courier cargo handling being provided by Express Industry Council of India (EICI) at Kempegowda International Airport, Bengaluru is **“material but competitive”** and therefore, the Authority decided to adopt a **“Light Touch Approach”** for determination of tariff for the first Control period w.e.f 01.04.2011.
- b. The Authority determined Annual Tariff(s) for the first, second and third tariff years vide Order No. 16/2013-14 dated 21.06.2013.
- c. EICI submitted revised Form 14(b) for the year 2014-15 and 2015-16 duly signed and stamped. As support of evidence for user consultation, EICI has enclosed a copy of the extract of the minutes of the meeting held on 24th March, 2014. The members of the Board, according to EICI, constitute the bulk of the courier companies which use the services provided by EICI at Bengaluru.
- d. Regarding Customs Cost Recovery Charges, the Authority decided that revision in Customs Cost Recovery Charges would be approved by the **Authority without further consultation based on auditors’ certificate** certifying that proposed increase in charges was only to recover the increases in the customs recovery charges and restricted only to such recovery/demand made by the Customs. In the revised submissions dated 23.06.2014 of EICI, the revised certificate of the Auditor reflects the quantum of Customs charges raised by the Customs Authorities, recovered by EICI, and the difference being the shortfall in cost recovery charges for the year 2013-14.

6. After careful consideration of the matter, the Authority has tentatively decided to make the following proposal for stakeholder consultation:-

- (i) Tariff for cargo services provided by Express Industry Council of India (EICI) at Kempegowda International Airport, Bengaluru, for the fourth tariff year (w.e.f. 01.04.2014 to 31.03.2015) and fifth tariff year (w.e.f. 1.04.2015 to 31.03.2016) are tentatively decided as at **Annexure-III (a) & (b)**.

7. In accordance with the provisions of Section 13(4) of the AERA Act, the proposal contained in para 6 above is hereby put forth for stakeholder consultation. To assist the stakeholders in making their submissions in a meaningful and constructive

manner, necessary documents are enclosed. For removal of doubts, it is clarified that the contents of this Consultation Paper may not be construed as any Order or Direction of this Authority. The Authority shall pass speaking Order in the matter, only after considering the submissions of the stakeholders in response hereto.

8. The Authority welcomes written evidence-based feedback, comments and suggestions from stakeholders on the proposal made in para 6 above, **latest by 18.09.2014** at the following address:

Airports Economic Regulatory Authority of India
AERA Building,
Administrative Complex,
Safdarjung Airport,
New Delhi- 110003
Email: alok.shekhar@era.gov.in
Tel: 011-24695042
Fax: 011-24695039

Alok Shekhar
Secretary



EICI/AERA/058
22nd April 2014

The Hon'ble Secretary,
Airport Economic Regulatory Authority of India,
AERA Building,
Administrative Complex,
Safdarjung Airport,
New Delhi – 110 003

Re: Submission of ATPs for the tariff years 2014-15 and 2015-16 for Bengaluru as requested vide your letter dtd 20th March 2014

Sir,

We are in receipt of your letter dated 20.03.2014 bearing File no. AERA/20010/MYTP/EICI/C/Del/2011-12/Vol-I/5549 requiring us to re-submit the revised Annual Tariff Proposal (ATP) for Bengaluru for the 4th and 5th tariff years of the current control period and annual compliance statements to your office.

We have noted the fact that the Multi Year Tariff Proposal (MYTP) of Express Industry Council of India (EICI) for the first control period w. e. f. 01.04.2011 to 31.03.2016 has been approved by the Airport Economic Regulatory Authority of India (AERA) and the Order (MYTO) issued for Bengaluru vide Order No. 28/2013-14 dated 26.11.2012 will remain valid till 31.03.2016.

As requested, we are herewith enclosing the revised Annual Tariff Proposal (ATP) for the 4th and 5th Years of the current control period for the Bengaluru Airport. With respect to the same, we would also like to draw your attention to the points mentioned below for your kind consideration while finalizing the tariff:-

EICI had received the MYTO for Bengaluru in June 2013. However the MYTP was filed in June 2011 as per the rates prevailing then. During the intervening period there were escalation in the costs including inter alia the rentals paid to Bengaluru International Airport Pvt. Ltd. (BIAL), Customs Cost Recovery Charges, Repairs and Maintenance, Staff Cost, Administrative Costs, etc. but the rates could not be revised since AERA had not issued the order.

In this ATP EICI is not asking for any increase in the Facilitation Fees. Increase in Customs Charges is asked mainly due to less recovery from the users of the Terminal at Bangalore than the actual staff Cost recovered by Custom Authorities during the F.Y. 2013-2014 for which we are attaching Chartered Accountant M/s. S. R. Gokhale & Co. certificate for your information.

Express Industry Council Of India

501, Crystal Centre, Raheja Vihar,

Off. Chandivali Farm Road, Powai, Mumbai - 400 072.

CP No. 08/2014-15/MYTP/EICI/C/BIAL/2011-12/Vol-I
Tel.: +91 22 4057 1111 Fax : +91 22 4057 1100 www.eiciindia.org

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In view of the afore-mentioned details, please find enclosed herewith the revised Form 14(b) for your kind consideration. We request you to kindly approve the rates submitted therein based on our aforesaid submissions.

Kindly note that we would be submitting the annual compliance statement shortly.

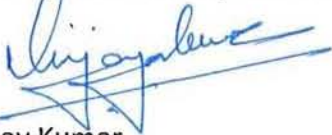
Please find enclosed 4 (four) copies of the ATP for 4th and 5th Years for the express terminal of the Express Industry Council of India for the period FY 2014-15 and 2015-16 for Bengaluru.

We would be happy to provide any further clarifications that may be required in order to process the approval.

Kindly acknowledge receipt.

With high regards,

For Express Industry Council of India



Vijay Kumar
Chief Operating Officer

Encl:

- i) C.A. REPORT FROM SR GOKHALE & Co.
- ii) FORM B
- iii) FORM 14(B) - ATP FOR 2014-15
- iv) FORM 14(B) - ATP FOR 2015-16
- v) COMPARISON TABLE

S R Gokhale & Co.

Chartered Accountants

505, Gold Crest Business Centre, L.T. Road, Borivali (West), Mumbai 400092

TO WHOMSOEVER IT MAY CONCERN

This is to certify that Express Industry Council of India (EICI) has recovered less Customs Charges, from the users of the terminal at Bangalore, than the actual Staff Cost recovered by Customs Authorities, Bangalore during the financial year 2013-14.

The above certificate is issued on the basis of documents and records produced before us for verification and for the purpose of application by EICI for approval of recovery charges by Airports Economic Regulatory Authority of India.

For S R Gokhale & Co
Chartered Accountants

S R Gokhale



S R Gokhale
Proprietor
M No: 038749
Mumbai
Date: 7th April 2014

Form B: (ref: Section A1.8 of Appendix I)

BEFORE THE AIRPORTS ECONOMIC REGULATORY AUTHORITY OF INDIA

AT NEW DELHI

SUBMISSION OF PROPOSAL FOR DETERMINATION OF ANNUAL TARIFF FOR AND ON BEHALF
OF:

M/S. EXPRESS INDUSTRY COUNCIL OF INDIA

I, Mr. Vijay Kumar, aged 53 resident of Mumbai acting in my official capacity as Chief Operating Officer in *M/s. Express Industry Council of India* having its registered office at 501, Crystal Centre, Raheja Vihar, Off. Chandivali Farm Road, Powai, Mumbai – 400 072 do hereby state and affirm as under that:

1. That I am duly authorized to act for and on behalf of *M/s. Express Industry Council of India* in the matter of making this submission before the Airports Economic Regulation Authority of India, New Delhi ('the Authority');
2. I am competent to make this submission before the Authority;
3. I am making this submission in my official capacity and the facts stated herein are based on official records;
4. The contents of the Annual Tariff Proposal submission which include inter alia
 - (i) Proposed detailed break-up of Tariff(s) based on Clause 11.2 where the Authority has specified a light touch approach for the duration of the Control Period, pursuant to Clause 3.2 and
 - (ii) Justifications are correct and true to my knowledge and belief and nothing material has been concealed there from.



Vijay Kumar
Chief Operating Officer

Place: Mumbai

Date: 22nd April 2014

Express Industry Council Of India

501, Crystal Centre, Raheja Vihar,

Off. Chandivali Farm Road, Powai, Mumbai - 400 072.

BANGALORE

Express Industry Council of India

Form 14(b)

A. Tariff

Tariff for Bangalore Terminal: Facilitation Fees, Storage & Processing Charges at EICI Express Terminal Built, Managed and operated by Express Industry Council of India at Bangalore Airport

Effective from 01st April 2014 and valid for One Year

Sr. No.	Charges	Rate Rs.	Chargeable to	Remarks
1	International Imports			
	Facilitation Fees	Rs.19.00 Per Kg,	Users	
	Customs Charges	Rs.2.50 Per Kg,	Users	CA Report enclosed in support
	Detention Fees			
	0-3 Days	Free		
	From 04 - 10 Days	Rs.3/- Per Kg, or part thereof or Rs. 30/- whichever is higher		
	From 11 - 20 Days	Rs.4/- Per Kg, or part thereof or Rs. 30/- whichever is higher		
	From 21 - 30 Days	Rs.5.50 Per Kg,		
	From 31st Day	Rs.7/- Per Kg,		
2	International Exports			
	Facilitation Fees	Rs.19.00 Per Kg,		
	Customs Charges	Rs.2.50 Per Kg,		CA Report enclosed in support
	EDI Clearance Charges			As per MoU signed with Customs, there would be a certain levy on the shipments cleared through EDI. The CAPEX for these charges are not included in our MYTP proposal. These charges would be levied once it is approved by Customs

BANGALORE

Express Industry Council of India

Form 14(b)

A. Tariff

Tariff for Bangalore Terminal: Facilitation Fees, Storage & Processing Charges at EICI Express Terminal Built,
Managed and operated by Express Industry Council of India at Bangalore Airport

Effective from 01st April 2015 and valid for One Year

Sr. No.	Charges	Rate Rs.	Chargeable to	Remarks
1	International Imports			
	Facilitation Fees	Rs.19.00 Per Kg,	Users	
	Customs Charges	Rs.3.00 Per Kg,	Users	CA Report enclosed in support
	Detention Fees			
	0-3 Days	Free		
	From 04 - 10 Days	Rs.4/- Per Kg, or part thereof or Rs. 30/- whichever is higher		
	From 11 - 20 Days	Rs.5/- Per Kg, or part thereof or Rs. 30/- whichever is higher		
	From 21 - 30 Days	Rs.6.50 Per Kg,		
	From 31st Day	Rs.8/- Per Kg,		
2	International Exports			
	Facilitation Fees	Rs.19.00 Per Kg,		
	Customs Charges	Rs.3.00 Per Kg,		CA Report enclosed in support
	EDI Clearance Charges			As per MoU signed with Customs, there would be a certain levy on the shipments cleared through EDI. The CAPEX for these charges are not included in our MYTP proposal. These charges would be levied once it is approved by Customs

COMPARISION TABLE

Express Industry Council of India

Rates for ATP 2014-15 compared to MYTP 2013-14 approved by AERA
Order No. 16/2013-14 for Bengaluru Airport dtd. 24.5.2013.

Sr. No.	Rate for MYTP 2013-14 as approved vide AERA Order No.16/2013-14	Rate for ATP 2014-15
1	International Imports	
	Facilitation Fees	Rs. 19.00 Per Kg.
	Customs Charges	Rs.2.50 Per Kg,
	TOTAL	Rs. 21.00 Per Kg.
2	International Exports	
	Facilitation Fees	Rs. 19.00 Per Kg,
	Customs Charges	Rs. 2.50 Per Kg
	TOTAL	Rs. 21.00 Per Kg.

Express Industry Council of India

Delhi : EICI Express Terminal (Near Haj Terminal) | G | Airport, New Delhi - 110037

Tel. : +91 11 2565 5760, Telefax : +91 11 2565 5764

Regd Off : 501, Crystal Centre, Off. Chandivall Farm Road, Powai, Andheri (E), Mumbai - 400 072

CP No. 08/2014-15/MYTP/EICI/C/BIAT/2011-12/Vols. Tel. : +91 22 4057 1111, telefax : +91 22 4057 1100 www.elciindia.org

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EICI/AERA/192
23rd June 2014

Mr. C. V. Deepak
OSD - II
AERA Building,
Administrative Complex,
Safdarjung Airport,
New Delhi – 110 003

Sir,

Sub: In the matter of determination of tariff(s) for the fourth and fifth tariff years in respect of Express Industry Council of India (EICI) for providing Courier Handling Facility Services at Cargo Terminal in respect of Kempegowda International Airport, Bengaluru.

We have the honor to refer to your letter bearing F. No. AERA/20010/MYTP/EICI/C/BIAL/2011-12/5802 dated 28th May 2014 and our letter dtd 22 April, 2014 with respect to the above mentioned subject.

We would like to reiterate our earlier submission that while the MYTP/ATP format is designed for profit making entity, EICI does not fit the criteria outlined in the MYTP/ATP as EICI is a co-operative of Express Industry Companies and users and more particularly – a) does not make investments on the basis of return on investments; b) is a not for profit Section 25 Company and hence does not function with profit as a motive and c) does not distribute dividend to shareholders.

It may be noted that being a co-operative of users and express courier companies, the Members themselves approve the tariff as the EICI Board comprises of their representatives. Accordingly, the tariff for the ATP 2014-15 and 2015-16 has been approved by the members of the Committee who constitutes the bulk of the courier companies which use the services provided by EICI at Bengaluru, hence a due consultation of all the stakeholders involved has already been done by us during the Meeting of the Committee, and a certified true copy of the extract of the minutes of the meeting is enclosed herewith for your reference.

In view of the cost recovery raised for customs officials on retrospective basis for the past period on account of the revised pay scales based on the latest pay commission recommendation, EICI has been paying these retrospective and enhanced charges as per the MYPT approved by AERA. The detail of amounts recovered and paid to Customs is enclosed. Pursuant to reconciliation of accounts for the FY 2013-2014, it has been observed that there is a shortfall of cost recovery charges already paid to Customs warranting an increase in the cost recovery charges for FY 2014-15 and FY 2015-16. The Members of EICI during their last meeting held on 24th March, 2014 had expressed their serious concern regarding this issue and sought increase in Cost recovery charges accordingly to recoup the additional charges to be paid to Customs. The Chartered Accountant-certificate for the same is being enclosed accordingly.

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Express Industry Council Of India
501, Crystal Centre, Raheja Vihar,

Off. Chandivali Farm Road, Powai, Mumbai - 400 072.

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We are once again enclosing the revised Form 14 (b) of the ATP for the Financial Year 2014-15 and 2015-16 for Bangalore for your kind approval. The rest of the ATP has already been submitted and is on record and we understand it does not require any further clarification.

We do hope that our proposal will be approved at your earliest convenience.

Thanking you,

Yours sincerely,
For **EXPRESS INDUSTRY COUNCIL OF INDIA**



VIJAY KUMAR
CHIEF OPERATING OFFICER

Encl.: As above.

EXTRACT OF THE MINUTES OF FOURTH MEETING OF THE MANAGING COMMITTEE OF EICI HELD ON 24TH MARCH 2014 AT 11.00 AM AT THE CONFERENCE ROOM, EICI EXPRESS TERMINAL, SAHAR, MUMBAI – 400 099.

3) **Finances of the Council**

xi. **AERA – Annual Tariff Proposal filing with AERA for Bangalore:**

Thereafter the Committee reviewed the Income and Expenditure Account of Bengaluru to discuss and determine the rates at the Bengaluru facility. The Committee noted that EICI had received the MYTO for Bengaluru in May 2013 while the MYTP was filed in June 2011 as per the rates prevailing then. During the intervening period there were escalations in the costs relating to inter alia

- a. the rentals paid to Air India SATS Airport Services Pvt. Ltd.,
- b. Customs Cost Recovery Charges,
- c. Repairs and Maintenance,
- d. Staff Cost,
- e. Administrative Costs, etc.

The Members discussed and agreed that the Facilitation Fees would not be increased. After review of the comparison between the Cost recovery charges received and charges payable to Customs, the Members agreed that increase in Customs Charges is necessary mainly due to less recovery from the users of the Terminal at Bengaluru than the actual Staff Cost recovered by Custom Authorities during the F.Y. 2013-2014.

The increase in rates for the FY 2014-15 and FY 2015-16 were discussed in view of the comparative increase proposed. The following table was presented for discussion and review by the Committee which outlined the existing and proposed rates for the said FYs:

TABLE			
Express Industry Council of India			
Proposed Rates for ATP 2014-15 and ATP 2015-16 for Bengaluru Airport			
Sr. No.	Rate for MYTP 2013-14 as approved vide AERA Order No.16/2013-14	Rate for ATP 2014-15	Rate for ATP 2015-16
1	International Imports		
	Facilitation Fees	Rs. 19.00 Per Kg.	Rs.19.00 Per Kg,
	Customs Charges	Rs.2.00 Per Kg	Rs.3.00 Per Kg.
	TOTAL	Rs. 21.00 Per Kg.	Rs. 22.00 Per Kg.


Express Industry Council Of India
 501, Crystal Centre, Raheja Vihar,

Off. Chandivali Farm Road, Powai, Mumbai - 400 072.

2	International Exports			
	Facilitation Fees	Rs. 20.00 Per Kg.	Rs. 19.00 Per Kg,	Rs.19.00 Per Kg,
	Customs Charges	Rs. 1.00 Per Kg.	Rs. 2.50 Per Kg	Rs.3.00 Per Kg
	TOTAL	Rs. 21.00 Per Kg.	Rs. 21.50 Per Kg.	Rs. 22.00 Per Kg.

The C.O.O. pointed out that before bringing this into effect EICI will have to present it before Airports Economic Regulatory Authority of India (AERA) and take their approval. During the course of discussion the Committee agreed to the rates proposed and agreed to implement the same once AERA approval is received.

For Express Industry Council of India

Rajkumar Saboo



R. K. Saboo
Chairman

S R Gokhale & Co.

Chartered Accountants

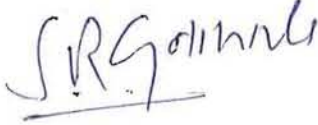
505, Gold Crest Business Centre, L.T. Road, Borivali (West), Mumbai 400092

TO WHOMSOEVER IT MAY CONCERN

This is to certify that Express Industry Council of India (EICI) has recovered an amount of Rs 45,41,274/- (Rupees Forty Five Lacs Forty One Thousand Two Hundred Seventy Four Only) towards Customs Charges, from the users of the terminal at Kempegowda International Airport, Bengaluru, as against the actual staff cost of the Customs Authorities, Bengaluru, of Rs 80,69,782/- (Rupees Eighty Lacs Sixty Nine Thousand Seven Hundred Eighty Two Only), leaving a shortfall of Rs 35,28,508/- (Rupees Thirty Five Lacs Twenty Eight Thousand Five Hundred Eight Only) during the financial year 2013-14.

The above certificate is issued on the basis of documents and records produced before us for verification and for the purpose of application by EICI for approval of recovery charges by Airports Economic Regulatory Authority of India.

For S R Gokhale & Co
Chartered Accountants



S R Gokhale
Proprietor
M No: 038749
Mumbai
Date: 23rd June 2014



Express Industry Council of India

Form 14(b)

A. Tariff

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Effective from 01st April 2014 and valid for One Year

Sr. No.	Charges	Rate Rs.	Chargeable to	Remarks
1	International Imports			
	Facilitation Fees	Rs.19.00 Per Kg,	Users	
	Customs Charges	Rs.2.50 Per Kg,	Users	
	Detention Fees			
	0-3 Days	Free		
	From 04 - 10 Days	Rs.3/- Per Kg, or part thereof or Rs. 30/- whichever is higher		
	From 11 - 20 Days	Rs.4/- Per Kg, or part thereof or Rs. 30/- whichever is higher		
	From 21 - 30 Days	Rs.5.50 Per Kg,		
	From 31st Day	Rs.7/- Per Kg,		
2	International Exports			
	Facilitation Fees	Rs.19.00 Per Kg,		
	Customs Charges	Rs.2.50 Per Kg,		
	EDI Clearance Charges			As per MoU signed with Customs, there would be a certain levy on the shipments cleared through EDI. The CAPEX for these charges are not included in our MYTP proposal. These charges would be levied once it is approved by Customs



Express Industry Council of India

Form 14(b)

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Effective from 01st April 2015 and valid for One Year

Sr. No.	Charges	Rate Rs.	Chargeable to	Remarks
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	Detention Fees			
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	From 21 - 30 Days	Rs.6.50 Per Kg,		
	From 31st Day	Rs.8/- Per Kg,		
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	Facilitation Fees	Rs.19.00 Per Kg,		
	Customs Charges	Rs.3.00 Per Kg,		
	EDI Clearance Charges			As per MoU signed with Customs, there would be a certain levy on the shipments cleared through EDI. The CAPEX for these charges are not included in our MYTP proposal. These charges would be levied once it is approved by Customs

