

No. NH-24028/03/2026-H
GOVERNMENT OF INDIA
MINISTRY OF ROAD TRANSPORT & HIGHWAYS
(Highways Section)

Transport Bhawan, 1, Parliament Street, New Delhi- 110001.

Dated: 05.6.2026

To,

1. The Chairman, National Highways Authority of India (NHAI), Dwarka, New Delhi
2. The Director General (Border Roads), Seema Sadak Bhawan, Ring Road, New Delhi-110010
3. The Managing Director, National Highways & Infrastructure Development Corporation Limited (NHIDCL), Nauroji Nagar, New Delhi - 110029
4. The Principal Secretaries/ Secretaries of all States/ UTs Public Works Department dealing with National Highways
5. The Engineers-in-Chief and Chief Engineers of all States/ UTs Public Works Department dealing with National Highways
6. All Regional Officers of Ministry of Road Transport & Highways

Subject: Force Majeure Clause (FMC) for National Highway Works reg..

Sir,

Department of Expenditure has issued detailed clarification on Force Majeure Clause vide their OM no. 1/3/2026-PPD dated 29.04.2026 which states that ongoing West Asia situation should be treated as war and the procuring entities may invoke Force Majeure clause.

2. Accordingly for all BOT/TOT/InvIT works concessionaires can avail the relaxations under Force Majeure Clause vide dated 29.4.2026. However, it is clarified that since tolling remains continued on such stretches without any hinderance or likely substantial reduction in traffic flows, hence concessionaires are expected to ensure routine and regular maintenance of the work to keep the road in traffic worthy and safe condition as per IRC standards. Concessionaires may, however extend the obligation of renewal layer works for upto 6 months without any increase in the concession period.

3. It is further clarified for EPC/HAM/PBMC/all other maintenance contracts that if concessionaires are availing the relaxation circular for price adjustment issued vide circular of even no. dated 01.04.2026, 17.04.2026 and 25.04.2026, then Force Majeure Clause OM issued by DoE dated 29.4.2026 shall not be applicable. For avoidance of

doubt concessionaires may avail either the benefit of price adjustment beyond the terms of the Contract / Concession issued from time to time or the benefit of Force Majeure.

4. Force Majeure invocation shall be applicable from 29.04.2026 (as the circular for Force Majeure has been issued by Government on 29.04.2026) till 30.06. 2026. Also it is to clarify that there will be no increase in concession period in BOT/TOT/InvIT contracts as user fee collection is not impaired.

5. This issue with the approval of Competent Authority.

Digitally signed by Yours faithfully,

SHOBA BASIL

Date: 05-06-2026

17:01:11

(Shoba Basil)

Under Secretary to Govt of India

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Copy to:

1. All Technical Officers at MoRTH Headquarters
2. Secretary General, Indian Roads Congress
3. Director, IAHE
4. SE (S&R)
5. NIC - with the request to upload on MoRTH website

Copy for information to:

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