

F.No.H-25011/02/2014-P&P(Pt.III)
Government of India
Ministry of Road Transport & Highways

**Parivahan Bhawan, 1, Sansad Marg,
New Delhi dated the 27th January, 2016.**

ORDER

In continuation of this Ministry's Order of even number dated 8th September, 2015 and 9th November, 2015 it is further clarified that in line No. 7 of Clause No.10.3.4 approved earlier for change in the provisions of Model Concession Agreement (MCA), 91st (ninety first) will now be read as 121st (one hundred and twenty first).

2. The entire clause 10.3.4 of MCA will now be read as:-

"The Authority shall make best efforts to procure and grant, no later than 120 (one hundred and twenty days) days from the Appointed Date, the Right of Way to the Concessionaire in respect of all land included in the Appendix, and in the event of delay for any reason other than Force Majeure or breach of this Agreement by the Concessionaire, it shall pay to the Concessionaire Damages in a sum calculated at the rate of Rs.100/- (Rupees hundred) per day for every 1,000 (one thousand) square meters or part thereof, commencing from the 121st (one hundred and twenty first) day of the Appointed Date and until such Right of Way is procured. Provided further than upon payment of the Damages mentioned hereinabove, the Authority shall not be liable for payment of any consequential loss arising out of the delay in handing over remaining portion of the Right of Way."


(Manish Kumar Singh)

Under Secretary to the Govt. of India
Tel. No. 23714001

To

1. CEO, NITI Aayog.
2. Secretary, Department of Economic Affairs
3. Secretary, Department of Expenditure
4. Secretary, Department of Financial Services.
5. Secretary, Department of Legal Affairs.
6. Chairman, NHAI.

Copy to Shri Sheo Nath Singh, Under Secretary, Cabinet Secretariat, Rashtrapati Bhavan, New Delhi.

Copy also to PPS to Secy (RTI+HD)/JSCHD/DSCHD/NIC for uploading the order on website.