

No. NH-24028/04/2021-H
Government of India
Ministry of Road Transport and Highways
(Highways Section)
Transport Bhawan, 1, Parliament Street, New Delhi-110001
Dated: 26th August, 2021

To

The Chairman,
National Highways Authority of India,
G-5 & 6, Sector - 10, Dwarka,
New Delhi.

[Attention: Shri Vishal Gupta, CGM(T), Contract Management Division]

Sub: Proposal for amendment in Article 8.3(iv) of Standard EPC Agreement - reg

Sir,

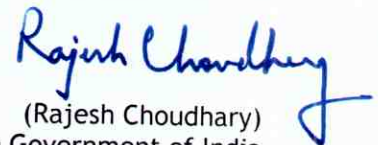
I am directed to refer to NHA letter no. No. NHA12021/OD/BS/EC(E-60452) dated 13.07.2021 on the above subject proposing amendment in the Article 8.3(iv) of Standard EPC Agreement.

2. Proposal has been considered in the Inter-Ministerial Committee. Consequent upon the concurrence of the IMC, the competent authority in the Ministry has approved the proposed amendment in Article 8.3 (iv) of Standard EPC Agreement.

3. A statement indicating the existing Article 8.3(iv)vis-à-vis modified approved Article is attached (Annexure). Modified Article is effective from the date of issue of this letter.

Yours faithfully,

Encls: as above


(Rajesh Choudhary)

Under Secretary to the Government of India
Telephone No. 23739074

Copy to:

- i. The Secretary, Department of Economic Affairs
- ii. The Secretary, Department of Financial Services
- iii. The Secretary, Department of Legal Affairs
- iv. CEO, NITI Aayog
- v. DG(RD) & SS, MoRTH
- vi. MD, NHIDCL

Copy also to:

- i. Sr. PPS to Secretary (RT&H)
- ii. Sr. PPS to AS(H)
- iii. Sr. Tech. Director (NIC), MoRTH for uploading on the MoRTH website.

ANNEXURE

Clause no.	Existing Clause	Modified Clause						
8.3(iv)	<p>In the event of withdrawal of Works under Clause 8.3 (iii) (a), the Contract Price shall be reduced by an amount equal to the 90 (ninety)percent of the value of the Works withdrawn and the Contractor shall not be entitled to any other compensation or Damages for the withdrawal of Works.</p> <p>Provided that if any Works are withdrawn after commencement of the Construction of such works, the Authority shall pay to the Contractor 110 % (one hundred and ten per cent) of the fair value of the work done, as assessed by the Authority Engineer.</p> <p>The parties expressly agree that the value of the Works withdrawn shall be determined from the details available in Schedule-H. In the event that it is impossible to determine the value from Schedule- H, then the value shall be determined in accordance with the provisions of Clause 13.2 (iii).</p>	<p>In the event of withdrawal of Works under Clause 8.3 (iii) (a), the Contract Price shall be reduced by an amount equal to the percent of the value of the works withdrawn as mentioned in the Table below and the Contractor shall not be entitled to any other compensation or Damages for the withdrawal of Works</p> <table border="1" data-bbox="890 493 1393 836"> <thead> <tr> <th data-bbox="890 493 1108 625">Value of the Works withdrawn</th><th data-bbox="1108 493 1393 625">Percentage of value of works to be reduced from Contract Price</th></tr> </thead> <tbody> <tr> <td data-bbox="890 625 1108 705">upto Rs. 100 Crore</td><td data-bbox="1108 625 1393 705">90%</td></tr> <tr> <td data-bbox="890 705 1108 836">More than Rs. 100 Crore</td><td data-bbox="1108 705 1393 836">Rs. 90 Crore plus 95% of the amount greater than Rs. 100 Crore</td></tr> </tbody> </table> <p>Provided that If any Works are withdrawn after commencement of the Construction of such works, the Authority shall pay to the Contractor 110% (one hundred and ten per cent) of the fair value of the work done, as assessed by the Authority Engineer.</p> <p>The parties expressly agree that the value of the Works withdrawn shall be determined from the details available in Schedule-H. In the event that it is impossible to determine the value from Schedule-H, then the value shall be determined in accordance with the provisions of Clause 13.2 (iii).</p>	Value of the Works withdrawn	Percentage of value of works to be reduced from Contract Price	upto Rs. 100 Crore	90%	More than Rs. 100 Crore	Rs. 90 Crore plus 95% of the amount greater than Rs. 100 Crore
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