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भारतीय राष्ट्रीय राजमार्ग प्राधिकरण

(सड़क परिवहन और राजमार्ग मंत्रालय)

National Highways Authority of India

(Ministry of Road Transport and Highways)

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No. NHAI/11013/DGM(LA/Coord)/FTS-35/ 59408

Date. 05.12.2014

To,

ROs/ PDs,

Sub :- Issue of Principal Employer in the matter of PPP-BOT Projects.- reg.

Ref.:- (i) Policy circular No. 11041/207/2007 -Admin. dated 07.01.2014 and subsequent circular dated 04.02.2014 in regard to interpretation of Principal Employer.

(ii) MoLE UO F.No. S-16016/25/2014-LW dated 10.07.2014.

Sir,

NHAI HQ has issued the policy circular cited under references Sl. No (i) based on the earlier view received by MoLE vide their note dated 17.09.2013 in which it was clarified that the concessionaires are the Principal Employers in case of PPP-BOT Projects.

2. Now MoLE, DG(LW) vide their UO cited under reference (ii) has reversed their aforesaid views and further clarified that in projects under PPP-BOT Mode of NHAI, the NHAI is the Principal Employer and the Concessionaire is the contractor for the purpose of CL(R&A) Act, 1970 and CL(R&A) Central Rules 1971.

3. The aforesaid view of MoLE has been examined by NHAI and it has been felt that the reasons adduced by MoLE for considering NHAI as a Principal Employer in the matter of PPP-BOT Projects merit re-examination as the same does not appear convincing. Therefore NHAI has already taken up this matter with the MoRT&H and further action in the matter will be possible after reply by MoRT&H. In the mean time NHAI has decided to follow the provisions of CL(R&A) Act, 1970 considering itself as a Principal Employer in PPP-BOT Projects, as per the MoLE UO F.No. S-16016/25/2014-LW dated 10.07.2014.

4. The interpretation of Principal Employer mention in regards to PPP-BOT Projects in policy circular dated 07.01.2014 and subsequent circular dated 04.02.2014 is being kept in abeyance till such time further clarification is received from the MoRT&H.

5. In view of the above ROs/ PDs may issue Form-V to their concessionaires and shall also obtain the Registration Certificate under the said Act till the issue is resolved.

Handwritten signature

(V.K. Sharma)

CGM(Coord. & LA)