



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
(सड़क परिवहन और राजमार्ग मंत्रालय)
National Highways Authority of India
(Ministry of Road Transport and Highways)

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NHAI/11013/DGM(LA/Coord)/2014/49930

Date: 12.03.2014

To,

All RO's/PD's

Sub: Guidelines/Clarification regarding issue of Form V in the matter of work awarded to a contractor/outsourced agencies for Collection of User Fee through competitive bidding.

Sir,

NHAI HQ has received a letter from PD Moradabad in which it has been stated that the work of user fee collection has been awarded to M/s MEP Infrastructure developers Pvt. Ltd. through competitive bidding system and subsequently Toll Collection Operation was handed over to M/s MEP Infrastructure Developers Pvt. Ltd. on 04.01.2014 in compliance of NHAI HQ letter no. NHAI/13013/Co/13-14/CB/RO-Lucknow/47504 dated 03.01.2014 and auctioneer has requested to issue Form V for obtaining Labour Licence.

It has been further stated that NHAI HQ had issued Guideline and compliance of provisions under the Contract Labour (R&A) Act, 1970 vide letter dated: 07.01.2014 in which three categories of Contract entered into NHAI has been defined but none of three categories clearly describe about the status of Auctioneer (Toll Collecting Agency through Competitive bidding system).

The matter has been examined in the light of agreement entered between NHAI and Auctioneer and the following salient feature has been observed in regard to applicability of section 2(g) (Principal Employer) under the Contract Labour (R&A) Act, 1970.

1. In clause A of the preamble of the agreement, the auctioneer has been hereinafter referred as contractor which clearly indicates the work of User Fee Collection has been awarded/outsourced to the contractor
2. In clause C of the aforesaid agreement, it has been stated that The Contractor undertakes to get itself Licensed and/or Registered with the appropriate Authority under the relevant laws mentioned above, and shall furnish necessary proof in this regard within 7 days of signing of this contract.
3. In clause D, it has been stated that contractor under takes to
 - a) Comply with all the provisions of the Employees Provident Fund and Miscellaneous Provisions Act, 1952;

contd.2.