



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/Policy Guidelines/PF Toll Plaza/2020

Policy No.17.5.79 dated 28th May, 2020

(Decision taken on e-File No.NHAI/CO/13013/20-21/09 (Comp.No.1900))

Sub: Atmanirbhar Bharat: Relief for Contractors/ developers of Road Sector-Directions for implementation of relief to User Fee Collection Contractors on Public Funded Projects.

Ref.: MoRTH vide letter no. COVID-19/Roadmap/JS(H)/2020 dated 18.05.2020

MORTH letter cited under Ref. has approved Force Majeure relief for all National Highways Tolling contracts (for Public funded fee plazas) by diving the entire Force Majeure Period into phases. The above relief may be considered while settling Force Majeure claims of the User fee collection Contractors.

2. Based on the relief approved by Government of India, Ministry of Road Transport & Highways, following directions are being issued for quick relief to User fee collection contractors:

- I. 1st Force Majeure period during suspension of tolling during complete lockdown from 26.03.2020 (9:00 hrs) to 19.04.2020 (24 hrs) i.e. for period of 24.625 days:
 - (i) Waiver of the agreed remittance as per contract agreement of the contractor for the period of suspension of user fee collection for the above period.
 - (ii) Reimbursement of 75% of normative administrative & Toll Collection Expenses on account of ensuring functioning of ETC systems, security and safety of fee plaza infrastructure after following the due procedure in this regard:

Sl No.	No. of lanes at user fee plaza	Capping amount for reimbursement for 24.625 days (Rs. in lakh)
(a)	Upto 4 lanes (2+2)	7.59
(b)	More than 4 lanes and upto 8 lanes (4+4)	12.65
(c)	More than 8 lanes	15.18

- II. 2nd Force Majeure period post resumption of tolling with effect from 20.04.2020 (00:00 hrs) till traffic resumes 90% of the traffic in pre-lockdown period (15th March-21st march, 2020) weekly average traffic count:
 - (i) Waiver of the difference between agreed remittance as per Contract and the estimated remittance to be decided by RO/PD based on the traffic data during the above period. This difference will be called as "Forgone Remittance" herein after.
 - (ii) Only for this forgone remittance as brought out in Para II(i) above penal interest shall be waived .

Illustration: If agreed remittance is Rs. 100/- per day, estimated remittance is Rs. 75/- per day. Thus, waiver allowed= Rs. 25/-. In this case, waiver of penal interest shall be allowed on Rs. 25/- only.

(iii) Reimbursement up to 50% of normative Administrative & Toll Collection expenses following the due procedure in this regard and limited to the following:

Sl No.	No. of lanes at user fee plaza	Normative Administrative & Toll Collection expenses for 1 day (Rs in lakh)	Capping amount for Reimbursement of Normative Administrative & Toll Collection expenses of the column (iii), if forgone remittance is as follows				
			90%	80%	70%	60%	50% or less
(i)	(ii)	(iii)	(iv)	(v)	(vi)	(vii)	(viii)
(a)	Upto 4 lanes (2+2)	0.41	40%	30%	20%	10%	0%
(b)	More than 4 lanes and upto 8 lanes (4+4)	0.68	40%	30%	20%	10%	0%
(c)	More than 8 lanes	0.82	40%	30%	20%	10%	0%

Illustration (i): If agreed remittance is Rs. 100/- per day, forgone remittance is Rs. 75/- per day. Thus, forgone remittance percentage=75%. In this case, the daily reimbursement of Normative Administrative & Toll Collection expenses shall be upto 25% of amount mentioned in column (iii) above.

Illustration (ii): If agreed remittance is Rs. 100/- per day, forgone remittance is Rs. 45/- per day. Thus, forgone remittance percentage=45%. In this case, the daily reimbursement of Normative Administrative & Toll Collection expenses shall be 0% of amount mentioned in column (iii) above.

- The above relief shall be subject to signing of a Settlement-cum-Closeout agreement for no further claims by the Contractor on account of Force majeure Claims and associated issues due to COVID-19 outbreak.
- ROs are requested to maintain all records relating to above relief given to the Contractors. PDs/ROs shall examine the same and provide relief immediately with an intimation to CO-Div, NHAI HQ.
- Claims of Force Majeure for events except occurring during above period, shall be dealt as per provisions of the respective Contract agreements and extant policies and guidelines.
- It may be noted that invocation of Force Majeure Clause due to COVID-19 would be held only in a situation here the parties to the contract were not in default of the contractual obligations as on 19th February, 2020.

This issues with the approval of Competent Authority.


(S K Patel)

General Manager (Coord)

To:

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