

GOVERNMENT OF INDIA
MINISTRY OF ROAD TRANSPORT AND HIGHWAYS
RAJYA SABHA
UNSTARRED QUESTION NO-3278
ANSWERED ON-29/03/2023

POST TENDER AMENDMENTS BY NHAI

3278. SHRI SANJAY SINGH:

Will the Minister of ROAD TRANSPORT AND HIGHWAYS be pleased to state:

(a) the number of tenders in which post tender amendments were carried out by National Highways Authority of India (NHAI) during last five years, tender-wise and company-wise details thereof;

(b) the details of exemptions, concessions and benefits provided through post-tender amendments to the companies who are undertaking project development works during the said period;

(c) whether it is a fact that the Comptroller and Auditor General of India termed any post-tender amendment, completely wrong; and

(d) if so, reasons for such post tender amendments along with the quantum of discount in the premium given by the companies, company-wise details thereof?

ANSWER

THE MINISTER OF ROAD TRANSPORT AND HIGHWAYS

(SHRI NITIN JAIRAM GADKARI)

(a) to (b) Sir, no post tender amendments are made in National Highways Authority of India (NHAI) projects. Both the parties, Authority and the bidder are bound by the contractual provisions of the contract agreement signed by both the parties. However, Government had taken certain policy decision to complete languishing/ stalled/ stuck projects from time to time like One Time Fund Infusion (OTFI); Premium Deferment; Rationalised Compensation Policy on Stuck Projects and Atmanirbhar Bharat Guidelines during COVID.

(c) to (d) No Sir. However, The Comptroller and Auditor General of India in their Report Report No. 11 of 2022 (Tabled in Parliament on 04.08.2022) on Rationalization/ Deferment of Premium in BOT Projects by NHAI, has inter-alia pointed out in Para 3.2 that NHAI extended undue benefit to concessionaires by resorting to post-tender amendments. The Premium Scheme was approved by the Cabinet Committee of Economic Affairs (CCEA) within the ambit of Article 28 of the Concession Agreement (CA). Therefore, it is not a post tender amendment. There was no revision of premium amount but only the rescheduling on the pre-specified criteria which was subject to interest payment.
