



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण

(सड़क परिवहन और राजमार्ग मंत्रालय, भारत सरकार)

National Highways Authority of India

(Ministry of Road Transport and Highways, Government of India)

जी-5 एवं 6, सेक्टर-10, द्वारका, नई दिल्ली - 110 075 • G-5 & 6, Sector-10, Dwarka, New Delhi-110075

दूरभाष/Phone : 91-11-25074100 / 25074200



NHAI/Policy Guidelines/Dispute Resolution /2024

Policy Circular No.2.1.69/2024 dated 11th January, 2024

{Decision taken on E-Office File No. NHAI/Legal&Arb/VSV-II/BATL/RecoveryofDues/2023 (Comp. No. 234620)}

Sub: Settlement of Contractual Disputes - Clarification on Recovery against dues of NHAI from Settlement Amount under VSV-II Scheme - Reg.

It has been observed that while settling claims under Vivad-se-Vishwas scheme, Technical Divisions are proposing deduction, on account of various outstanding dues.

2. In this regard the following have been decided:

- (i) For BOT and HAM projects, deduction can be made from the escrow account as per waterfall mechanism in the respective concession agreement.
- (ii) The following dues which have priority over debt service shall be recovered from the Escrow Account.
 - (a) Dues against premium including interest
 - (b) Expenses made by Authority at risk and cost including damages chargeable over such expenses.

3. In case of EPC projects, the deduction which are dues as per contract agreement shall be made.

4. The settlement amount shall be offered without making any deduction. The proposed deduction shall be specified in the calculation sheet alongwith tentative amount. It shall be clearly mentioned that the above deduction shall be made from the Escrow Account without prejudice to the rights of NHAI for the recovery of other dues on account of damages arising out of performance of contracts.

5. At the time of drawing settlement agreement it shall be explicitly mentioned as line items in the Settlement Agreement and make it binding on the Concessionaire, the right of NHAI to recovery the amount from Escrow Account.

6. This issues with the approval of Competent Authority.

(Sanjay Kumar Patel)
General Manager (Coord.)

To:

All Officers of NHAI HQ/ ROs/ PIUs/ CMUs/ Site Offices

Copy to:

1. Hindi Division for translation in Hindi.
2. Library for hosting the circular on library site.
3. Web Admin for circulation.