भारत सरकार Government Of India
रेल मंत्रालय Ministry Of Railways
(रेलवे बोर्ड) (Railway Board)

No. 2018/CE-I/CT/38/GCC/Correspondence **Dated: 22.04.2020**

To,
As per list attached.

Sub:- Performance Guarantee- Delay in submission due to lockdown period

A doubt has been raised by one of the Railways, whether delay in submission of Performance Guarantee due to lockdown for Covid-19 Pandemic would attract imposition of penal interest also.

In this regard, it is clarified that Forced Majeure clause -17 in GCC Sep-2019 part –II, clearly stipulates '…neither party shall by reason of such event, be entitled to terminate this contract nor shall either party have any claim for damages against the other in respect of such non-performance or delay…'. Hence, as such, *for the lockdown period no penal interest would be payable by contractor for delay in submission of PG in case Force Majeure clause has been invoked.*

This issues with the concurrence of Finance Dte. of Ministry of Railways

22/4/2020

(गौरव)
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No. 2018/CE-I/CT/38/GCC/Correspondence. **Dated: .04.2020**

Copy forwarded for information to:

1. The PFAs, all Indian Railways.
2. The Deputy Comptroller & Auditor General of India (Railways), Room No. 224, Rail Bhawan, New Delhi

For Financial Commissioner/Railways