

**Maharashtra State
Road Development
Corpn. Ltd.**

(A Government of Maharashtra Undertaking)

MSRDC/SE/04/SKNH-04/2016

1678

Date- 06 APR 2016

To
The General Manager (Tech.) & Project Director,
National Highways Authority of India,
PIU – Pune,
Sl.No.134/1, BAIF Bhavan,
Dr.Manibhai Desai Nagar,
Warje, Pune – 411 058.

Subject: Operation and Maintenance of four laned Satara Kagal up to Maharashtra State Border section of NH4 in the State of Maharashtra

Reg. Final Completion Certificate.

- Ref:**
1. SE, MSRDC Pune letter no.77.dt 07.01.2016.
 2. NHAI/PIU/PUNE/K-S-4 laning /MSRDC/2016/1030 dated 21.03.2016.
 3. NHAI/RO/MUM/S-K/NH-4/2015-16/2632 dated 15.03.2016
 4. BLOOM-CMC/SK/2016/645 dated 18.02.2016.
 5. ICT:364:AND: 8785 dated 14th September 2009

Sir,

In compliance to the reference no.2, the items as pointed out by the then IC M/s ICT in the Punch list 1 and 2, and thereafter item wise compliances carried out by the concessionaire (MSRDC Ltd.) is sent herewith for getting vetted by the present IC M/s. Bloom Companies Ltd. Status of balance punch list items, which were to be carried out under Operation and Maintenance, has also been commented upon in the consolidated punch list.

Vide ref no.04 above ICT had worked out the penalties as per Cl.16.5 chapter XVI for the delay in completion of Punch list items beyond the admissible period of 120 days for both the PCC's have already been commented upon and communicated to you by the IC M/s. Bloom Companies Ltd. vide ref no.4, where it has been mentioned that the first punch list was completed within 180 days of the issuance of 1st PCC (22.10.2005) except for punch list item that were to be done during Operation & Maintenance period.

These items were completed during O&M period (list enclosed to be vetted by IC Bloom). Hence, penalty of 94 days as per Cl. 16.5 of the Concession Agreement and as mentioned by ICT in their letter at ref no.5 above is not applicable. It is requested to clear the same.

2/12

Regarding penalty under sub clause 15.4 it has been mentioned in ref. 5 that the project completion date as per the contract was 02.08.2004 and the actual deemed date of completion is 24.05.2006 (COD), the following clarification is given:

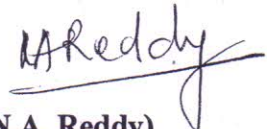
For 2nd PCC issued on 24.05.2006 which is the COD for the project it is to point out that in the MPR of OCT 2007 all the defects reported under the 2nd punch list has been addressed. Hence, the punch list was completed on or before OCT 2007 though the joint inspection was carried from 11.08.2009 to 14.08.2009 by ICT & MSRDC with a view to issue Final Completion Certificate.

In this case it is to point out that major punch list items were carried out within 180 days of the issuance of 2nd PCC (which is the COD) hence, it is requested to get the punch list vetted from IC, Bloom, NHAI.

Vide ref no.5 above ICT had recommended to issue the Final Completion Certificate (a draft completion certificate was also enclosed by ICT along with their letter at ref. 5) with a deemed date of completion as 24.05.2006 which shall be COD of the project in terms of Cl. 15.2 of CA.

As per Cl. 15.4 of the Concession Agreement, the reasons for delay in overall completion of the project which were beyond control such as delay in land acquisition, varied works, local demands also time consumed to follow relevant govt. procedures as NHAI & MSRDC(concessionaire) are both govt. organizations are beyond the control of MSRDC and hence you are hereby requested to waive of penalty under sub clause 15.4 of chapter XV & sub clause 16.5 of chapter XVI of Concession Agreement and issue the Final Completion Certificate with the deemed date of completion as 24.5.2006 (Date of issue of 2nd, PCC which shall be COD of the Project in terms of clause 15.2 of Concession agreement) at the earliest.

Thanking you,



(N.A. Reddy)

Executive Engineer (SKNH-4)
MSRDC, Camp Pune

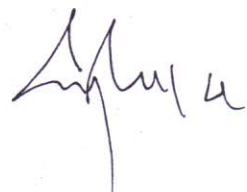
Encl: - Punclist

Copy to: - CE MSRDC, Pune for further necessary orders.

Copy to: - SE MSRDC, Pune for further necessary orders.

Copy to: - **Team Leader, M/s. Bloom Companies, (LLC) Consul. Engr. Group, 85, Shivsagar**
Dev Soc. Malakapur, Karad. Dist. Satara
for information.

MSRDC Camp Pune	
Ex. Engr.	
Project No.	
Date	11/11/16
Signature	SE
Sign of O/s	





BLOOM-CMC/SK/2016/645

Date- 18.02.2016.

To
The General Manager (Tech.) & Project Director,
National Highways Authority of India,
PIU - Pune,
Sl.No.134/1, BAIF Bhavan,
Dr.Manibhai Desai Nagar,
Warje, Pune - 411 058.

Subject: Independent Engineer Services during Operation & Maintenance for four laning of Satara -Kolhapur to Maharashtra State Border Section of NH-4 from km 592.240 to km 725.000 in the state of Maharashtra. **Final Completion Certificate.**

Ref:

1. NHAI/PIU/PUNE/MSRDC/2016/230. Dated: January 20th, 2016.
2. NHAI/PIU/PUNE/K-S-4 laning/MSRDC/2016/121. Dated: 12.01.2016.
3. NHAI/RO/MUM/S-K/NH-4/2015-16/2130. Dated: 14.01.2016.
4. MSRDC/PUNE/04/SE/77. Dated: 07.01.2016.

Sir,

Please refer to the above cited letters. The Concessionaire has referred to Internal Audit meeting presided by PD NHAI dated 4th January 2016 and requested for issue of Final Completion Certificate as on 24/05/2006 as recommended by the then IC. It has been desired to submit a detailed report/recommendation with all relevant documents as required for the issuance of Final Completion Certificate to the Project. Our submission, on the basis of available records, in this regard, is as follows:

1. The subject Project was awarded to Maharashtra State Road Development Corporation Ltd., with Commencement date as 3rd May 2002 and stipulated completion date as 2nd August 2004 (a period of 27 months).
2. The entire Project was completed in two stages, part length 86Km, (Km.639.000 to Km. 725.000) was completed on 22.10.2005 and balance length of 46.760Km, was completed on 24.5.2006 as per the Provisional Completion Certificates (PCC) issued by the then Independent Engineer or Independent Consultant (IC).
3. Thus in accordance with Para 15.2 of Concession agreement, COD of the Project shall be the date on which the Independent Engineer has issued the Final Completion Certificate or the Provisional Completion Certificate, with respect to entire stretch of the Project Highway. Thus the date of COD of the Project is to be considered as 24th May 2006.

