

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
FINANCE (POLICY) DEPARTMENT
4TH LEVEL, 'A WING' DELHI SECRETARIAT
I.P. ESTATE, NEW DELHI 110002
CD No:- 12678347

No. F. 20/26/2021/Finance (Policy)/1919-1927 Dated: 13/10/2023

ENDORSEMENT

The copy of under mentioned O.Ms. are forwarded herewith for information and necessary action to the following:-

1. All Heads of Department, Govt. of NCT of Delhi.
2. All Pay & Accounts Officers through Principal Accounts Office, Vikas Bhawan, Govt. of NCT of Delhi.
3. All Heads of Autonomous Bodies, Govt. of NCT of Delhi.
4. The Commissioner, Municipal Corporation of Delhi, Civic Centre, Minto Road, New Delhi.
5. Chairperson, NDMC, Palika Kendra, New Delhi.
6. Chief Executive Officer, Delhi Cantonment Board, Delhi.
7. CEO, Delhi Urban Shelter Improvement Board, I.P. Estate, New Delhi.
8. Sy. Analyst with the request to upload the same on Website of Finance Department and all the Departments are requested to download the same from Website of Finance Department (No hardcopy of enclosures will be dispatched to any Organisation/Deptt.)
9. Guard File.


(Manoj Kumar V.M.)
Joint Secretary (Finance/Policy)

List of OMs forwarded

S.No	Name of the Ministry/ Deptt.	O.M. No. dated	Subject
1	Govt. of India, Ministry of Finance, Department of Expenditure, Procurement of Policy Division	No.F.7/10/2021-PPD dated 11.09.2023	Restrictions on procurement from bidders from a Country or Countries or class or Countries on grounds of defence of India.
2		No.F.1/7/2022-PPD dated 18.09.2023	Vivad se Vishwas II (Contractual Disputes)

No.F.7/10/2021-PPD
Government of India
Ministry of Finance
Department of Expenditure,
Procurement Policy Division

502, Lok Nayak Bhawan,
Khan Market, New Delhi.
06.09.2023

11

OFFICE MEMORANDUM


Subject: Restrictions on procurement from bidders from a country or countries or class or countries on grounds of defence of India

Reference is invited towards Government of India's OM No. F.6/18/2019-PPD dated 23.07.2020 and Public Procurement Orders 1, 2 and 3 (issued thereunder) regarding insertion of Rule 144 (xi) of GFRs, 2017 to provide for restrictions on procurement from bidders from a country or countries or class or countries on grounds of defence of India or matters directly or indirectly related thereto, including national security. These directions were also issued on 23.07.2020 under Article 257(1) of the Constitution of India with a request to State Governments to implement these Orders.

2. Further, in supersession of above said orders, Government of India has amended Rule 144 (xi) of General Financial Rules (vide OM No. F.7/10/2021-PPD dated 23.02.2023) and issued Public Procurement Order No. 4 (vide OM No. F.7/10/2021-PPD (1) dated 23.02.2023), (copies enclosed). The amended Orders were also circulated to all State Governments on 06.03.2023 for implementation.

3. It is again requested that the said directions should be complied with by all State Governments.

Encls: as above.


(Anil Kumar)
Deputy Secretary (Procurement Policy)
Tel.24627920
Email: anil.kumar14@nic.in

To

Chief Secretaries of all the State Governments

No.F.1/7/2022-PPD
Government of India
Ministry of Finance
Department of Expenditure
Procurement Policy Division

502, Lok Nayak Bhawan, New Delhi.
18.09.2023.

Office Memorandum

Subject: Vivad se Vishwas II (Contractual Disputes).

The undersigned is directed to refer to this Department's OM No. F.1/7/2022-PPD dated 29.05.2023 whereby the details of the subject scheme were issued. A representation has been received highlighting certain typographical errors which may lead to ambiguity in implementation of the scheme. Following corrections and clarifications are issued for compliance:

Para No.	Existing provision	Changed Provision								
10 (b)	<p>Settlement Amount</p> <p>65% of the net amount awarded/<u>upheld by the court</u> or 65% of the claim amount lodged by the contractor under this scheme, whichever is lower.</p>	<p>Settlement Amount</p> <p>65% of the net amount awarded or 65% of the claim amount lodged by the contractor under this scheme, whichever is lower.</p>								
Para 10: Note for both (a) and (b) as above	<p>Illustration 1</p> <table border="1"> <tr> <td>Award</td> <td>Rs. 1,00,000/- in favour of contractor plus interest as indicated below.</td> </tr> <tr> <td>Interest</td> <td> <p>Payable as per award:</p> <p>i. 10% till date of award, from a date mentioned in the award.</p> <p>ii. Payment to be made within 60 days of the award (stipulated period = 60 days from the date of award).</p> <p>iii. 12% for the period for which</p> </td> </tr> </table>	Award	Rs. 1,00,000/- in favour of contractor plus interest as indicated below.	Interest	<p>Payable as per award:</p> <p>i. 10% till date of award, from a date mentioned in the award.</p> <p>ii. Payment to be made within 60 days of the award (stipulated period = 60 days from the date of award).</p> <p>iii. 12% for the period for which</p>	<p>Illustration 1</p> <table border="1"> <tr> <td>Award</td> <td>Rs. 1,00,000/- in favour of contractor plus interest(s) as indicated below.</td> </tr> <tr> <td>Interest</td> <td> <p>Payable as per award:</p> <p>i. 10% till date of award, from a date mentioned in the award.</p> <p>ii. Payment to be made within 60 days of the award (stipulated period = 60 days from the date of award).</p> <p>iii. 12% for the period for which payment is delayed beyond the stipulated period.</p> </td> </tr> </table>	Award	Rs. 1,00,000/- in favour of contractor plus interest(s) as indicated below.	Interest	<p>Payable as per award:</p> <p>i. 10% till date of award, from a date mentioned in the award.</p> <p>ii. Payment to be made within 60 days of the award (stipulated period = 60 days from the date of award).</p> <p>iii. 12% for the period for which payment is delayed beyond the stipulated period.</p>
Award	Rs. 1,00,000/- in favour of contractor plus interest as indicated below.									
Interest	<p>Payable as per award:</p> <p>i. 10% till date of award, from a date mentioned in the award.</p> <p>ii. Payment to be made within 60 days of the award (stipulated period = 60 days from the date of award).</p> <p>iii. 12% for the period for which</p>									
Award	Rs. 1,00,000/- in favour of contractor plus interest(s) as indicated below.									
Interest	<p>Payable as per award:</p> <p>i. 10% till date of award, from a date mentioned in the award.</p> <p>ii. Payment to be made within 60 days of the award (stipulated period = 60 days from the date of award).</p> <p>iii. 12% for the period for which payment is delayed beyond the stipulated period.</p>									

		<p>payment is delayed beyond the stipulated period.</p> <p>Payments including modalities under this scheme will be as under:</p> <p>i. 10% till date of award, from a date mentioned in the award. (i.e. till the date of award calculation of amount payable, including interest, shall be as per the award).</p> <p>ii. No interest is to be paid for the period stipulated for making payments in the award (60 days in the current case).</p> <p>iii. 9% for the period beyond 60 days in case of delayed payments on 85% of court award i.e. Rs. 85,000/-.</p>	<p>Payments including modalities under this scheme will be as under:</p> <p>i. 10% till date of award, from a date mentioned in the award. (i.e. till the date of award calculation of amount payable, including interest, shall be as per the award).</p> <p>ii. No interest is to be paid for the period stipulated for making payments in the award (60 days in the current case).</p> <p>iii. 9% for the period beyond 60 days in case of delayed payments on 85% of court award. Hence <u>9% interest will be payable, in this case, on Rs. 85,000/- plus on the 85% of the interest accumulated till date of award.</u></p>
--	--	---	---



(Anil Kumar)

Deputy Secretary (PPD)

Tel. No. 24627920; email: anil.kumar14@nic.in

To

1. Secretaries of all Ministries/ Departments of Government of India for information and necessary action. They are also requested to inform these provisions to all procuring entities under their administrative control.
2. Secretary, Department of Public Enterprises with a request to reiterate these orders in respect to public enterprises.
3. Secretary, Department of Financial Services with a request to reiterate these orders in respect to public sector financial institutions.
4. Chief Secretaries/ Administrators of Union Territories without legislature.
5. CEO/ GeM.