



KERALA STATE ELECTRICITY BOARD LIMITED

(Incorporated Under the Companies Act, 1956 (No.1/1956)

Corporate Identity No.U40100KL2011SGCO27424

Regd. Office-Vydyuthi Bhavanam, Pattom, Thiruvananthapuram-

695004, India,Ph:+91-471-2446853, E-mail : cescm@kseb.in

ABSTRACT

Supply of Spot Billing Machines – Extension of delivery period without penalty due to Force Majeure Conditions – Orders issued.

Corporate Office (Supply Chain Management)

B.O. (FTD) No.399/2022(SCM/XC/AEE/SBM/2022-23)

Dated, Thiruvananthapuram - 13/05/2022

- Read:** - 1) Purchase Order.No.SCM.115/2020-21/8447 dated 26/02/2021.
2) Letter No.LWTS/KSEB/SCM/297/2022 dated 15/02/2022 of M/s. Linkwell Telesystems Pvt. Limited, Hyderabad.
3) Office memorandum No.F.18/4/2020-PPD-Govt.of India dated.19/02/2020.
4) Office memorandum No.F.18/4/2020-PPD-Govt.of India dated.12/05/2020.
5) G.O/Ms.No.119 & 121 of the Govt.of Telangana dated.08/06/2021 and 19/06/2021 respectively.
6) Note No. SCM/XC/AEE/SBM/2022-23/2222 dated: 20/04/2022 of The Chief Engineer (SCM) submitted to Full Time Directors. (Agenda-85/4/22).

ORDER

The Purchase Order read above was issued to M/s.Linkwell Telesystems Pvt. Limited, Hyderabad, for the supply of 728 Nos. Spot Billing Machines with warranty for five years and continued extended warranty for next two years.The delivery period is 'the supply and ensuring of working condition, demonstration of the equipment shall commence within 45 days with a minimum quantity of 500Nos. from the date of the Purchase Order and complete the balance quantity within 75 days from the date of the Purchase Order'.

The firm M/s. Linkwell Telesystems Pvt. Limited, Hyderabad informed as per note read (3), that there has been unintentional delay of their production schedules due to the second wave of COVID-19 pandemic as few components like Displays, Chips, Printers and Semiconductors could not reach them in time from International markets. Their consignments has been placed under freight embargo due to restrictions imposed on International Freight Cargo as priority shipments are assigned for COVID-19 related vaccines and other medical supplies. The first lot of 130 Nos. machines was supplied on 04/10/2021 and the balance 598 machines were supplied on 04/02/2022.

The Governments have declared lockdown in various cities and States, which restricted the movement of transport vehicles due to Pandemic Covid-19. This pandemic was unprecedented and unforeseen. Subsequent lockdowns/ night curfew/ restrictions had been imposed by the various State Governments, due to 2nd wave of Covid. The Government of Telangana has declared lockdown in Hyderabad and other districts of Teiangana, from 12/05/2021 to 19/06/2021 where their factory is situated, resulting into disruption/ suspension in operations. The Government of Kerala imposed lockdown in the entire state of Kerala from 02/05/2021 to 16/07/2021

It is notified by the Ministry of Finance, Government of India as per Office Memorandum read as 3rd that COVID -19 situation should be considered as a case of natural calamity and Force-Majeure clause may be invoked, wherever considered appropriate. It is clarified vide Office Memorandum dated 12/05/2020 that it may not be possible for the parties to the contract to fulfill contractual obligations due to the restrictions placed on the movement of goods, services and manpower on account of the overseas, countrywide lockdown in terms of guidelines issued under DM Act 2005 and the respective State and UT Governments.

The firm has requested to consider the above situation as a 'force majeure' as per clause No.28 of Purchase Order, since the delay was not anticipated and beyond their control. The firm ensures that they had taken all reasonable measures to eliminate the situation and requested not to make them liable for any causes of action for breach or damages that arise as a result of their inability to meet their delivery obligations due to these Force Majeure situations. The firm had requested for a delivery extension up to 04/02/2022.

The Clause-28 of Purchase Order for Force Majeure Conditions says that "The supplier will not be liable for any liquidated damages for such delay due to force majeure conditions such as acts of God, acts of public enemy, act of government, fire, floods, epidemics, quarantine, restrictions, riots, civil commotion and freight embargo.

The matter was placed before the Full Time Directors as per note read 6th above. Having considered the matter in detail, the Full Time Directors in its meeting held on 27/04/2022 resolved to accord sanction to grant extension of the delivery period against the Purchase Order No.SCM.115/2020-21/8447 dated 26/02/2021 for the supply of Spot Billing Machines placed with M/s.Linkwell Telesystems Pvt. Limited, Hyderabad for a period up to 04/02/2022, without imposing penalty by allowing applicable Force Majeure conditions.

Orders are issued accordingly.

By order of the Full Time Directors,

sd/

LEKHA.G.

COMPANY SECRETARY (In Charge).

To

The Chief Engineer (SCM)

Copy to:-

TA to Chairman & Managing Director/Director (Planning, Safety and SCM)/ Director (Soura, REES, Sports and Welfare)/Director (Distribution & IT)/Director (G-E)/ Director (G-C)/Director (Transmission and System Operation)/P.A to Director (Finance) /Sr. CA to Secretary.

The Chief Engineers, Distribution, South/Central/ North/ North Malabar

The Deputy Chief Engineer, Civil Circle, Pallom, for further necessary action.

The Executive Engineers, CMF Pallom/ MF-1, Angamaly/MF-2, Kolathara for N/A.

The Company Secretary.

The Library, KSEB.Ltd.

File

FORWARDED BY ORDER


Asst. Exe. Engineer.