



KERALA STATE ELECTRICITY BOARD LIMITED
(Incorporated Under the Companies Act, 1956 (No.1/1956)
Corporate Identity No.U40100KL2011SGCO27424
Registered Office: Vydyuthi Bhavanam, Pattom,
Thiruvananthapuram- 695004, India,
Ph:+91-471-2446853, E-mail: cescm@kseb.in, website:www.kseb.in

Abstract

Supply of 23790 Coils of 6mm² Twin Core Weather Proof Wire- Request for Liquidated damages waiver due to delay in deliveries due to COVID 19 epidemic by M/s.ATC Cables - Orders issued.

Corporate Office (Supply Chain Management)

B.O.[FTD] No.97/2021 (XH-AE/SCM.115/2019-20/ 6mm² WP/ATC) Dated,
Thiruvananthapuram 02/02/2021

- Read:- 1)Office Memorandum dated 19th February,2020 regarding Force Majeure Clause from the Ministry of Finance, Government of India.
2)Office Memorandum dated 13th May,2020 regarding Force Majeure Clause from the Ministry of Finance, Government of India
3)Purchase Order No. SCM.115/2019-20/6443 dated 02/12/2019 placed with M/s.ATC Cables .
4)Letter no. dated 05/05/2020 of M/s.ATC Cables,New Delhi
5) Note No.XH-AE/SCM.115/2019-20/ 6mm² WP/ATC/5443 dated 30/12/2020 submitted to the Full Time Directors through Director (Gen-Ele. & SCM) (Agenda Item No.12/01/21)

ORDER

Purchase Order was placed with M/s.ATC Cables,New Delhi on 02/12/2019 for the supply of 23,790 coils of 6mm² Twin Core Weather Proof Wire vide Purchase Order read as 3rd above .

The delivery period and schedule as per clause.7 of the Purchase order is as follows:-
Delivery shall commence within 60 days from the date of Purchase Order with a quantity of 3790 coils and to be completed within 4 month thereafter as per schedule detailed below .
The materials shall be delivered anywhere in Kerala without any extra cost if required by KSEBL.

Delivery Period	Quantity to Consignees(coils)				Total quantity in Coils
	SRS, Kollam	SRS, Thrissur	SRS, Kozhikode	SRS, Kannur	
Within 60 days from PO date	1790		2000		3790
Within 1 month thereafter		2500		2500	5000
Within 2 month thereafter	2500		2500		5000
Within 3 month thereafter		2500		2500	5000
Within 4 month thereafter	2500		2500		5000
Total	6790	5000	7000	5000	23790

Meanwhile COVID-19 situation is declared as a Force-Majeure condition (FMC) by the Ministry of Finance as per office memorandum read 1 above. Due to the cessation of interstate and intrastate transportation in connection with the country wide lockdown from 24th March to 17th May due to the outbreak of COVID-19 pandemic, all the services and resources were affected.

As per office memorandum read 2 above, it is clarified 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. The date for completion of contractual obligations which had to be completed on or after 20th February 2020 shall stand extended for a period not less than three months and not more than six months without imposition of any cost or penalty on the contract.

M/s.ATC Cables,New Delhi had intimated as per letter 4 read above that they had delivered the first 2 lots of material against the said P.O to the respective stores in time. From the 3rd lot which was despatched on the last week of March vide MDCC dated 31/03/2020, both Central and State Government issued lockdown notice for the pandemic COVID-19. In such situation, the transportation of the material to KSEBL store was badly effected and as such the 3rd lot of material was lying in the factory premises.The firm requested to refix the delivery schedule for a further period of 3 months to execute the balance lot of material by invoking FMC.

The details of supply during Covid 19 pandemic period are summarised as follows.

	Quantity	Scheduled delivery	Offer date	Inspection report date	MDCC date	Actual Supply date	Remarks
3 rd lot	5000	02/04/20	07/03/20	Inspection waived	31/03/20	Kollam-(1900Coils on 19/05/2020, 600 coils on 23/05/20) Kozhikode-(1900 Coils on 18/05/2020, 600 coils on 02/06/2020)	2% penalty 48 days to 63 days delayed
4 th lot	5000	02/05/20	02/07/20	21/07/20	22/07/20	Kollam-(nil) Thrissur- (1900 Coils on 29/07/2020 , 597 Coils on 04/08/2020) Kannur- (1900 Coils on 27/07/2020, 599.35 coils on 04/08/2020)	88 days to 94 days delayed
5 th lot	5000	02/06/20	25/08/20	11/09/20	16/09/20	Kollam-(1900 Coils on 22/09/2020, 600 coils on 05/10/2020) Kozhikode- (1899.678 Coils on 24/09/2020, 599.35 coils on 24/09/2020)	2% penalty 112 days to 125 days delayed

The matter was placed before the Full Time Directors as per note read as 4th above.

Having examined the matter in detail the Full Time Directors in the meeting held on 07/01/2021 resolved to accord sanction to grant time extension to M/s.ATC Cables, New Delhi for a period upto 3 months for the scheduled delivery period of 3rd, 4th and 5th lot invoking Force Majeure Clause as per Government of India orders, during COVID-19 period, considering the fact that the period of lapse towards supply is within the lockdown period as per Office Memorandum read as 2nd paper above regarding Force Majeure Clause from the Ministry of Finance, Government of India.

It is also resolved to amend Clause.7 Delivery period and schedule of the purchase order accordingly .

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:-

- 1) All Chief Engineers.
- 2) The Legal Advisor & Disciplinary Enquiry Officer.
- 3) The Deputy Chief Engineer (IT), KSEB Limited.
- 4) TA to Chairman & Managing Director/ Director (Distribution, HRM & IT)/ Director (G-E &SCM)/ Director (Transmission & System Operation)/Director (Generation-Civil)/Director (Planning, Safety &REES)
- 5) PA to Director (Finance)/Senior C.A. to Secretary(Administration)
- 6) The Company Secretary
- 7) The Library, KSEB Limited/Stock file.

Forwarded/ By Order



Assistant Engineer