



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

Abstract

Liquidated damages waiver due to delay in deliveries due to epidemic - Request by M/s. Larsen & Toubro Limited – Granting Force Majeure - Sanctioned - Orders issued.

Corporate Office (Supply Chain Management)

B.O.FTD)No.537/2020 (XD/AE/SCM 134/2019-20) Dated, Thiruvananthapuram 19.08.2020

- Read:-
1. Additional P.O. No.SCM 134/2019-20/ 8047 dated 05.02.2020
 2. Office Memorandum dated 19th February, 2020 regarding Force Majeure Clause from the Ministry of Finance, Government of India.
 3. Office Memorandum dated 13th May, 2020 regarding Force Majeure Clause from the Ministry of Finance, Government of India.
 4. Letter Nos.MPS/KBO/JRD/2019-20/Notice of Force Majeure Event dated 30.03.2020 of M/s.Larsen & Toubro Limited.
 5. Letter Nos.MPS/KBO/JRD/2019-20/Notice of Force Majeure Event_Letter2 dated 24.04.2020 of M/s.Larsen & Toubro Limited.
 6. Letter Nos.MPS/KBO/JRD/2019-20/Notice of Force Majeure Event_Letter3 dated 02.06.2020 of M/s.Larsen & Toubro Limited.
 7. Note No.XD/AE/SCM 134/2019-20/2139 dtd 27.07.2020 of the Deputy Chief Engineer submitted to the Full Time Directors through Director(Gen.Ele & SCM) vide Agenda 16/8/20.

ORDER

The Purchase Order read as 1st above was placed with M/s. Larsen & Toubro Limited on 05.02.2020 for the supply of 2,27,500 nos Single phase energy meters as additional order to the original Purchase Order No. SCM 49/2019-20 dtd 04.09.2019.The inspection was waived for all the lots and the test reports were submitted by the firms and MDCC issued accordingly. In the first two lots of 75000 nos each, there was a lapse of 56 days (less than two months) and 12 days (less than one month) in supplying the third lot of 77500 nos. The entire supply details are tabulated below:-

Quantity	Schedule of Delivery	Inspection call	Date of Insp Waival	Test report submission Date	MDCC date	Delivery Date	Period of Lapse
60000	20.04.20	15.05.20	20.05.20	23.05.20	26.05.20	30.05.20	40 days
15000	20.04.20	04.06.20	08.06.20	12.06.20	12.06.20	16.06.20	56 days
35000	19.05.20					17.06.20	29 days
40000	19.05.20	05.06.20	18.06.20	22.06.20	22.06.20	29.06.20	41 days
77500	19.06.20					01.07.20	12 days
227500							

M/s. Larsen & Toubro Limited as per letters read as 4 to 6th above requested for extending the delivery schedule by minimum 60 days due to lock down restrictions imposed. They requested to consider the Clause No.21, Force-Majeure condition(FMC) as per the original Purchase Order No. SCM 49/ 2019-20 dtd 04.09.2019.

It is notified by the Ministry of Finance, Government of India as per the order read 2nd above, that COVID -19 situation should be considered as a case of natural calamity and FMC may be invoked, wherever considered appropriate. As per the order read as 3rd 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 Disaster Management 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.

As the occurrence of the pandemic and the subsequent country wide lockdown was unexpected and the scheduled date of delivery of the material as per Purchase order falls on 20.04.2020, it is recommended to grant time extension for two months for 1st and 2nd lot and one month for 3rd lot from scheduled date of delivery, to M/s. Larsen and Toubro. The matter was placed before Full Time Directors as per note read as 5th above.

Having considered the matter in detail, the Full time Directors in the meeting held on 12.08.2020 resolved to accord sanction to grant time extension to M/s. Larsen and Toubro for two months for 1st and 2nd lot and one month for 3rd lot from scheduled date of delivery, for delayed delivery invoking FMC as per Government of India orders during Covid -19 period, considering the fact that the period of lapse towards supply is within the time limit as per Office Memorandum dated 13th May 2020 regarding Force Majeure clause from Ministry of Finance, Government of India.

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:-

The Chief Engineer (Distribution South/Central/ North/North Malabar)

The Legal Advisor & Disciplinary Enquiry Officer.

The Financial Advisor, Vidyuthi Bhavanam, Thiruvananthapuram.

The Deputy Chief Engineer (IT), KSEB Limited.

The Deputy Chief Engineer, Electrical Circles, Thiruvananthapuram, Kottayam, Perumbavoor, Shornur, Kannur.

The TA to Chairman & Managing Director/ Director (Distribution, IT & HRM)/

Director (G-E & SCM)/ Director (Transmission, System Operation & REES),

Director(Planning& Safety)/ Director (Generation-Civil)

The PA to Director (Finance)/Senior C.A. to Secretary(Administration)

✓ The Fair Copy Superintendent, Board Secretariat

The Library, KSEB Limited/Stock file.

Forwarded/ By Order



Assistant Engineer