



KERALA STATE ELECTRICITY BOARD LIMITED

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

Corporate Identity No.U40100KL2011SGCO27424

Vydyuthi Bhavanam, Pattom, Thiruvananthapuram- 695004, India,

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Abstract

Liquidated damages waiver due to delay in deliveries due to epidemic - Request by M/s. Genus - Granting Force Majeure - Sanctioned - Orders issued.

Corporate Office (Supply Chain Management)

B.O.[FTD] No. **495/2020** XD/AEE2/SCM 125/2019-20/

Dated, Thiruvananthapuram
27.07.2020

- Read:-
1. Additional P.O No.SCM125/2019-20/7617 dated 18.01.2020.
 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. Lr. No.GPIL/JPR/PKP/KSEBL/SCM/2/200524 dtd 28.5.2020 & Even No.200715 dated 15.7.2020
 5. Note No.XD/AEE2/SCM 125/2019-20/2022 dtd 21.7.20 submitted to the Full Time Directors through Director(Gen.Ele &SCM)vide Agenda 48/7/20.

ORDER

Purchase Order read 1st above was placed with M/s.Genus on 18.1.2020 for the supply of 20,125 nos 3 phase energy meters as additional order to the original Purchase Order No. SCM 23/22.07.2019. The energy meters were supplied in two lots, 15000 nos in the first lot and 5125 nos in the second lot. Although the scheduled date of delivery was on 02.04.2020 there was a lapse of 70 days (less than three months) in supplying 15000 meters and 102 days (just more than three months) in supplying the 5125nos.

M/s. Genus as per letters read 4th above requested for LD waiver due to delay in delivery of 15000 nos and 5125 nos of 3 phase energy meters. The contractor had intimated that the supply chain for various Electronic Components had virtually broken down as the industries in component manufacturing having production units in China were facing shutdown due to outbreak of Corona virus. They informed that the components of the electronic meter are imported and having multiple raw material & accessories etc., the delivery of which was also delayed. Their production unit in Haridwar was not running. Hence requested to consider the clause No.21. Force-Majeure condition as per the original Purchase Order No. SCM 23/22.07.2019 (original order).

The COVID-19 situation is declared as a Force-Majeure condition by the Ministry of Finance vide order read 2nd above. Due to the cessation of interstate and intrastate transportation in connection with the country wide lockdown from 24th March onwards till 17th May caused by the outbreak of COVID-19 pandemic all the services and resources were affected.

It is notified by the Ministry of Finance, Government of India as per 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 order read 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 02.04.20, it was recommended to grant time extension for 105 days from 2.4.20 (scheduled date of delivery) to M/s.Genus considering the fact that the production units are gradually picking up momentum and the period of lapse towards supply is within the limit as per Office Memorandum dtd 13th May,2020 regarding Force Majeure Clause from the Ministry of Finance, Government of India. The matter was placed before Full Time Directors as per note read 5th above.

Having considered the matter in detail, the Full time Directors in the meeting held on 22.7.2020 resolved to accord sanction to grant time extension to M/s.Genus for 105 days from 02.04.2020 (scheduled date of delivery) for delayed delivery invoking FMC as per GoI orders, during COVID-19 period, considering the fact that the period of lapse towards supply is within the limit as per Office Memorandum dtd 13th May,2020 regarding Force Majeure Clause from the 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 Deputy Chief Engineer (IT), KSEB Limited.
- The Deputy Chief Engineer, Electrical Circles, Thiruvananthapuram, Kollam, , Kottayam, , Perumbavoor, Shornur, Kannur.
- The Financial Advisor, Vydyuthi Bhavanam, Thiruvananthapuram
- 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 Executive Engineer