

तार : 'फूडकोर्प'

Gram : 'FOODCORP'

फैक्स नं: एचएफसीआई एन डी

Fax No.: HFCI ND

00911123413241

00911143527433

भारतीय
खाद्य
निगम



FOOD
CORPORATION
OF INDIA

मुख्यालय
नई दिल्ली
Head Quarters
New Delhi

16-20, बाराखम्बा लेन, नई दिल्ली-110001, दूरभाष: 011-43527697, 43527698
16-20, BARAKHAMBA LANE, NEW DELHI - 110001, PHONE: 011-43527697, 43527698

सं: एफ-1(5)/Shillong/2019/272/Contempt Case/Suvajit Paul

दिनांक: 09.07.2019

Executive Director (Zone)
Food Corporation of India
Zonal Office
(North/West/East/South/NE)
Noida/Mumbai/Kolkata
Chennai/Guwahati

General Manager (Region), Food Corporation of India,
Regional Office
Delhi/Punjab/Haryana/U.P./Uttarakhand/Rajasthan/H.P./J&K
Andhra Pradesh/Karnataka/Tamilnadu/Kerala/Telangana
Maharashtra/Chhattisgarh/Gujarat/M.P.
Bihar/Jharkhand/Odisha/West Bengal
Assam/NEF/Nagaland/Manipur/Arunachal Pradesh

Sub: Addition of Note/Explanation to Clause No. X(a) Liability of Contractor for losses suffered by Corporation in Road Transport Contract (RTC) MTF reg.

Sir,

Please refer to the subject cited. The matter regarding "Liability of Contractors for incurrence of demurrage/wharfage in Road Transport Contracts (RTC)" has been examined in consultation with Legal and Finance divisions and it is clarified that liability of the contractor includes the expenses incurred by FCI on account of demurrage/wharfage due to failure of the contractor. Therefore, to avoid any confusion it has been decided with the approval of Competent Authority to add a note/explanation to Clause No. X(a) Annexure-I (Term & Conditions Governing Contracts) in Road Transport Contract (RTC) MTF and clause shall be read as under:

"X. Liability of Contractor for losses suffered by Corporation

(a) *The Contractor shall be liable for all costs, damages, registration fees, charges and expenses suffered or incurred by the Corporation due to the Contractor's negligence and unworkmanlike performance of any services under this Contract, or breach of any terms of the Contract, or failure to carry out the work under the Contract, and for all damages or losses occasioned to the Corporation, or in particular to any property or plant belonging to the Corporation, due to any act, whether negligent or otherwise, of the Contractor or his employees. The decision of the General Manager regarding such failure of the Contractor and their liability for the losses, etc. suffered by the Corporation, and the quantification of such losses, shall be final and binding on the Contractor.*

Note/Explanation: The expression 'expenses suffered or incurred' also includes demurrage, wharfage etc."

Therefore, it is requested to add above note/explanation in the MTF of RTC for the tenders to be floated henceforth.

This issues with the approval of Competent Authority.

Yours Faithfully

(Vinod Kumar)

Dy. General Manager (S&C)

Copy to: General Manager (Finance/Legal), FCI, Hqrs, New Delhi.....for information please.

Dy. General Manager (S&C)