

JNPT

AS ON 03.05.2017.

Sub: Measures to revive the Construction sector.....reg OM-I and Initiatives on the measures for revival of the Construction Sector.....reg OM-II dated 5th Sept. 2016.

Ref : Ministry of Shipping's Email dated 25th Nov 2016.

2.1 ACTION TAKEN REPORT ON THE DECISIONS TAKEN BY THE CCEA IN RESPECT OF CONSTRUCTION SECTOR

NAME OF THE DEPARTMENT / MINISTRY / PSU: - JNPT

1 Measures to revive the Construction Sector				
Sr No	Measure	Action Taken Report		
		Whether a decision taken by the Port under their administrative control or not (Yes / No)	Intermediate Steps (e.g. communicated the decision to the concerned affected parties)	Final Action Taken (e.g. completed in the No. of cases)
(i)	Switching over to the provisions of amended Arbitration Act in cases pending arbitration filed under the pre-amended Act with the consent of the parties	Yes	Yes	NIL
(ii)	Release of 75% of the Arbitral Amount against a Bank Guarantee	Yes	YES	NIL
(iii)	Setting the process of taking refunds – working out the cost of capital (wherever so ordered by courts) in place.	Yes	NIL	NIL
2. Initiatives on the measures for revival of the Construction sector'				
Sr No	Initiative	Action Taken Report		
		Completed the examination of the issue (Yes / No)	Agree or Disagree of Agree with some qualification / modification	Likely Date of Implementation
(i)	Substitution of the existing item-rate contract by the EPC (turnkey) contracts.	Yes	Agree for adoption only for major projects.	During financial year 2017-18 for green field projects / major infrastructure projects of Port (Excluding
(ii)	Adoption of model bidding documents and model EPC contracts	Yes	Agree for adoption only for major projects.	

	(with or without any modifications).			berths and jetties.)
(iii)	Setting up of Conciliation Committees / Councils to ensure speedy disposals of pending or new cases of disputes.	Included in model document	Agree	
(iv)	Standardization of the Agreement documents with provision for Conciliation Committee / Board / Council built therein as a measure of Dispute Resolution	Yes	Agree	

ACTION TAKEN REPORT (FORMAT) ON THE DECISIONS TAKEN BY CCEA IN RESOPECT OF CONSTRUCTION SECTOR FOR THE WEEK ENDING:-

Name of the Ministry / Department / PSU:- **JNPT**

1.	Switching over to the provisions of amended Arbitration Act		
(i)	Number of ongoing Arbitration proceedings	03	
(ii)	Number of cases in which communications have been sent to the contractors / concessionaries to seek their consents.	Communications is sent to four agencies to seek their consent.	
(iii)	Number of cases in which consent from the contractors / concessionaries have been received.	The award is in final stage.	
2	Release of 75% of the Arbitral Amount against a Bank Guarantee.		
		No. Of Cases	Amount
(i)	Number of cases along with amount involved in which the arbitral award has been challenged in the court by the Ministry/Dept/PSU	02+01*	NIL
(ii)	Number of cases, along with the amount involved, in which communications have been sent to the contractors / concessionaries for opening of the Escrow Accounts and submission of the Bank Guarantee Number of cases, along with the amount involved, in which communications have been sent to the contractors / concessionaries for opening of	02+01*	2,91,40,090.45 + 2,96,98,732*

	the Escrow Accounts and submission of the Bank Guarantee		
(iii)	Number of cases along with amount involved in which the contractors / concessionaries have opened the Escrow Account and furnished the Bank Guarantee	02**	NIL
(iv)	Number of cases along with the amount in which 75% of the Arbitral Award has been released.	NIL.	NIL

NOTE:- * Communications is sent to M/s. Seatrans Shipping Ltd on 29.03.2017 & again on 29.04.2017 as per NITI Aayog letter no. N-14070/14/2016-PPPAU (Part-I) dt. 23.03.2017. The reply from them is awaited.

**** M/s. AFCONS on 03.05.2017 (T) have submitted BG, Escrow Agreement & details of Bank Account. The proposal is processed for approval of competent authority for release the amount within 5 days (T+5).**
