



केन्द्रीय विद्यालय संगठन/Kendriya Vidyalaya Sangathan
18, संस्थानिक क्षेत्र/18, Institutional Area
शहीद जीत सिंह मार्ग/Shahed Jeet Singh Marg
नई दिल्ली-16/New Delhi - 16
011-26858570

फ.स.110239/51/2019/बजट /केवीएस(मुख्या.)/2116

दिनांक: 09.10.2020

भारत सरकार, वित्त मंत्रालय द्वारा जारी निम्न वर्णित कार्यालय जापन /आदेश, सूचना एवं आवश्यक कार्रवाही हेतु जारी किए गए हैं ।

1. भारत सरकार, वित्त मंत्रालय का O.M.No 18/4/2020-PPD, dated 19.2.2020 जो की एफ एम सी से संबन्धित है / Regarding Force Majeure Clause(FMC).
2. भारत सरकार, वित्त मंत्रालय का O.M.No 18/15/2020-PPD, dated 25.6.2020 जो की ओ एम दिनांक 13.05.2020 की प्रायोज्यता पर स्पष्टीकरण है / Regarding Clarification on the applicability of OMs dated 13.05.2020.

(ए के श्रीवास्तव)

सहायक आयुक्त (वित्त)

वितरण :

1. उपायुक्त, के. वी. एस. , सभी क्षेत्रीय कार्यालय।
2. वित्त अधिकारी , के. वी. एस. , सभी क्षेत्रीय कार्यालय।
3. सभी अधिकारी / अनुभाग , के. वी. एस. (मु.)।
4. प्राचार्य , के. वी. काठमांडू , मास्को एवं तेहरान ।
5. महासचिव , सभी मान्य संघ ।
6. निदेशक , जीट ग्वालियर , मुंबई , मैसूर , चंडीगढ़ एवं भूबनेश्वर।
7. उपायुक्त, ई डी पी , के वी एस (मु.) को के वी एस (मु.) की वैबसाइट के शीर्ष "सूचना पट(Announcements) " के अंतर्गत अपलोड करने हेतु प्रेषित ।
8. आर टी आई , के वी एस (मु.)।
9. गार्ड फ़ाइल

No.F.18/4/2020-PPD
Government of India
Ministry of Finance
Department of Expenditure
Procurement Policy Division

Room No.512, Lok Nayak Bhavan,
New Delhi dated the 19th February, 2020.

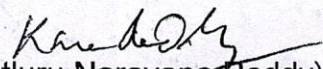
OFFICE MEMORANDUM

Subject: Force Majeure Clause (FMC)

Attention is invited to para 9.7.7 of the "Manual for Procurement of Goods, 2017" issued by this Department, which is reproduced as under:

*A Force Majeure (FM) means extraordinary events or circumstance beyond human control such as an event described as an act of God (like **anatural calamity**) or events such as a war, strike, riots, crimes (but not including negligence or wrong-doing, predictable/ seasonal rain and any other events specifically excluded in the clause). An FM clause in the contract frees both parties from contractual liability or obligation when prevented by such events from fulfilling their obligations under the contract. An FM clause does not excuse a party's non-performance entirely, but only suspends it for the duration of the FM. The firm has to give notice of FM as soon as it occurs and it cannot be claimed ex-post facto. There may be a FM situation affecting the purchase organisation only. In such a situation, the purchase organisation is to communicate with the supplier along similar lines as above for further necessary action. If the performance in whole or in part or any obligation under this contract is prevented or delayed by any reason of FM for a period exceeding 90 (Ninety) days, either party may at its option terminate the contract without any financial repercussion on either side.*

2. A doubt has arisen if the disruption of the supply chains due to spread of corona virus in China or any other country will be covered in the Force Majeure Clause (FMC). In this regard it is clarified that it should be considered as a case of natural calamity and FMC may be invoked, wherever considered appropriate, following the due procedure as above.


(Kotluru Narayana Reddy)

Deputy Secretary to the Govt. of India

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To,

Secretaries of all Central Government Ministries/ Departments

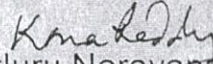
No.F.18/15/2020-PPD
Government of India
Ministry of Finance
Department of Expenditure
Procurement Policy Division

512, Lok Nayak Bhawan, New Delhi.
Dated the 25th June, 2020.

OFFICE MEMORANDUM

Subject: Clarification on the applicability of OMs dated 13.05.2020.

Attention is invited to the two OMs No.F.18/4/2020-PPD dated 13.05.2020 regarding Performance Security in terms of Rule 171 of GFRs 2017 and Force Majeure Clause issued by this Department in the time of COVID-19 pandemic (copies attached). A Doubt has arisen as to whether the Central Public Sector Undertakings (CPSUs) are covered under the term "Government Agencies" referred in these OMs. In this regard it is hereby clarified that these two OMs are applicable not only to all Central Ministries/ Departments, their attached and subordinate offices, Autonomous Bodies covered by GFR, 2017 but also to Central Public Sector Undertakings (CPSUs) subject to issue of any separate orders by Department of Public Enterprises in this regard.


(Kotluru Narayana Reddy)
Deputy Secretary to the Govt. of India
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To

All Secretaries of Central Ministries/ Departments

Copy to : Secretary, Department of Public Enterprises with a request to reiterate the instructions in the OMs cited for compliance of CPSUs, as these were part of the Government's 'Atmanirbhar Bharat' package.