



File No.: NESTS/Civil/EMRS/EOT/519/2023
Comp No. 26482

Date: 02.02.2024

To,

Zonal Managers,
PSUs
(As per standard list).

Subject: - Guidelines on submission of Milestone shifting/EoT cases of ongoing /completed EMRS works-reg.

Ref.: (i) NESTS guidelines dated 21.10.2022.
(ii) Minutes of Meeting dated 04.10.2023.

Sir,

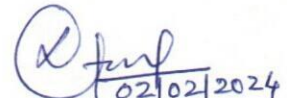
While going through the cases submitted by PSUs, on the subject matter some discrepancies have been observed in the basic information furnished in the Proforma of Milestone shifting/ EoT cases. In view of this, following directives/guidelines are being issued, in continuation to earlier guidelines issued by NESTS on the subject matter:

- 1. Stipulated Date of Start:** The EMRS projects wherein formal sanction was issued prior to revision of MoU/Agreement on 13.12.2022, it shall be in accordance to the provisions contained in initial MoU/Agreement where it is mentioned that "*the total time period required for completion of works shall be mentioned in the A/A & E/S*". Accordingly, for allotted time period and stipulated date of start, NESTS order conveying approval to A/A & E/S shall be referred. In case, the requisite details are inadvertently missing in A/A & E/S document, the order containing approval of DPR shall be referred. Generally, in Phase-I projects, a total time period of 17 months (14 months reserved for construction work) has been allotted w.e.f. date of issue A/A & E/S. A few cases may be exceptional wherein desired information may be determined judicially based on MoU/Agreement/records. Whereas in projects, wherein formal sanction has been/is being issued subsequent to revision of MoU/Agreement on 13.12.2022, the stipulated date of start and total allotted time period shall strictly be as mentioned in revised MoU/Agreement.
- 2. Stipulated Date of Completion:** The stipulated date of completion of the project shall be unitedly worked out considering the total period allotted to the project (combined for pre-construction & construction work) w.e.f the date of start as determined under para 1 above.
- 3. Hindrances occurred during pre-construction & construction period:** The hindrances of pre-construction & construction periods shall be listed out separately as illustrated in the proforma. The EoT for pre-construction & Construction period shall be scrutinized as a combined case based on total time period allotted to project. However, to avoid misappropriation of hindrances of preconstruction period & its consequent undue advantage in justifying delay in construction period, the total net hindrance period of preconstruction period, if claimed/justified for more than actual delay period, shall be restricted to actual delay period (calculated beyond allotted quota of time till date of issue of letter of Intent). The cases wherein all the pre-construction activities are completed well before allotted quota of time, even the total period allotted to PSU for completing the project shall remain intact while working out delay period.

Furthermore, the data related to fund release demands of PSU with progress related information sent at various stages shall also be referred while analysing hindrance of construction period. The recorded justification of Zonal Head of PSU shall be given due consideration on hindrance being claimed on circumstantial evidences.

4. **“Completion date of Milestone” -Shifting cases in phase-I projects:** The request of PSUs for shifting of Mile stone of completion date in phase -I projects which are received for approval, **if found in order with respect to** basic data contained therein duly supported with list of hindrance, reasons justifying them by referring attached documents, shall be considered on case-to-case basis for processing, with a holistic view. On the basis of merit of cases, in-principle approval of NESTS for shifting of mile stone, accompanying an observation sheet shall be conveyed, However such **approval is/will not be treated at par with grant of Extension of Time and NESTS will have absolute right to order or recover liquidity damages/compensation, in accordance to the provisions of relevant applicable clauses of the MoU/Agreement.** In all such cases, any PMC charges payable to PSU beyond 80 % payment shall only be released after settlement of final EoT, besides fulfilment of other obligations under particular milestone as per MoU/Agreement. PSU shall submit the final EoT in a time-bound manner. Any compensation, if levied, during scrutiny of final EoT shall be accounted for against the balance 20% PMC charges payable to the concerned PSU. However, for cases, wherein there are strong grounds to believe that a specific case does not qualify for processing on merit either due to incorrect basic data like information sought, dates, delay period etc. or prima facie, the hindrance appear arbitrary (claimed by citing personal or other illogical reasons), all such cases shall be returned to the PSU unactioned for review with an instruction to resubmit after compliance in a time bound manner.
5. In view of above, PSUs are requested to submit Milestone Shifting/EoT cases in line with the above directives/guidelines.

Yours faithfully,


(R P Joshi)

Executive Engineer

Copy to:

1. PS to CMDs of all PSUs.
2. PS to Commissioner, NESTS.
3. Addl. Commissioner, NESTS.
4. Guard File.

राष्ट्रीय आदिवासी छात्र शिक्षा समिति

(जनजातीय कार्य मंत्रालय के अंतर्गत
एक स्वायत्त संस्थान, भारत सरकार)
भू-तल, गेट नंबर-3ए, जीवन तारा बिल्डिंग,
संसद मार्ग, नई दिल्ली-110001
दूर. 011-23340280



National Education Society for Tribal Students

(An Autonomous Organization under
Ministry of Tribal Affairs, Govt. of India)
Ground Floor, Gate No.3 A, Jeevan Tara Building,
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वेबसाइट/Website: www.tribal.nic.in
Email: nests-tribal@tribal.gov.in

F.No. NESTS/Construction/PRM/04/2020-21

Date: 17.10.2023

To,

Chief Managing Director/ Managing Director
(TCIL, WAPCOS, NPCC, HSCL, B&R, MTDC, MANIDCO and EPIL)

Subject: Minutes of the meeting held on 04.10.2023 to discuss the EoT Cases/Shifting of Milestone.reg-

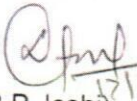
Sir/Madam,

Please find enclosed approved Minutes of the Meeting held on 04.10.2023 under the chairmanship of Additional Commissioner, NESTS to discuss the submission of Extension of Time (EoT)/ Shifting of Milestone proposals for Pre-Construction and Construction activity undertaken by the construction agencies.

2. This issues with the approval of the competent authority.

Encl: as mentioned.

Your faithfully,


(R.P Joshi) 17/10/23

Executive Engineer

Copy to:

1. Nodal officer HQ, EMRS Work TCIL, WAPCOS, NPCC, HSCL, B&R, MTDC, MANIDCO and EPIL for information please
2. All Zonal Manager concerned TCIL, WAPCOS, NPCC, HSCL, B&R, MTDC, MANIDCO and EPIL for necessary action
3. PS to Commissioner, NESTS
4. PS to Additional Commissioner, NESTS
5. Guard File

MINUTES OF THE MEETING HELD BETWEEN NESTS AND CONSTRUCTION AGENCIES (PSUs) ON 04-10-2023 REGARDING SUBMISSION OF EOT/ SHIFTING OF MILESTONE PROPOSALS.

A virtual meeting was held under the chairmanship of Additional Commissioner, NESTS, Ministry of Tribal Affairs, Govt. of India on 04.10.2023 to discuss the submission of Extension of Time (EoT)/ Shifting of Milestone proposals for Pre-Construction and Construction activity by the construction agencies.

List of participants is enclosed at **Annexure-A**.

Sh. KC Meena, Additional Commissioner, NESTS welcomed the participants and briefed the objective of the meeting. Sh. ADP Keshri, stated that there may be more than 100 cases where construction agencies have crossed the stipulated time assigned for pre-construction and construction activity but proposal for Extension of Time/ shifting of milestone are yet to be received from construction agencies.

Shri Keshri also reminded the agencies that there is hardly any action by the PSUs in respect of EoT cases between PSUs and Contractors. Besides this Variations cases, engagement of site engineers, submission of site compliances, quality parameters etc are also affecting the progress of works and planned expenditure adversely. Progress has been very slow for past six months in majority of locations for reasons best known to PSUs. It is a matter of serious concern that completion of EMRS will be extended further. The agencies were also made aware that recruitment of over 10,000 teachers is on fast track and the recruitment process is likely to be completed by Dec'2023. Thereafter there may be sudden demand for handing over of schools to make EMRS functional. The PSUs were again requested to make all out efforts to expedite the progress to meet the assigned target for completion of work.

NESTS requested all PSUs to share the issues which are delaying submission of EoT cases. No major issue was put forth by PSUs except M/s HSCL Jharkhand, who had some query of Clause 4.3 (c) of MoU which was inducted in the MoU at later stage. In this regard, it was clarified that the time period mentioned in respective MoU shall be honoured.

To expedite settlement of EoT cases the following actions were agreed upon by PSUs and NESTS.

1. EoT cases for pre-construction and construction period can be approved only after submission of justified supporting documents. PSUs also need to submit the details of RA Bills (amount and date of submission) along with EoT proposal.
2. PSUs shall submit the EoT case to NESTS for the year of 2021-22 and 2022-23 on priority latest by 15th Oct 2023 on the enclosed proforma at **Annexure-I**.
3. The time period of pre-construction and construction period shall be taken as per respective MoU and as per work commencement date.
4. Pre-construction period Phase-1/single phase: 06 months from date of initial formal sanction to date of work award and 05 months for phase-2 from the date of signing of MoU to date of work award as per revised MoU and 04 months as per initial MoU.
5. Construction period as per revised MoU.
 - a. Plain Area: **Phase-1**- 14 months (as per A/A E/S), **Single Phase**-18 months, **Phase-2**- 15 months.
 - b. LWE/NE Areas: **Phase-1**- 14 months (as per A/A E/S), **Single Phase**-24 months, **Phase-2**- 18 months.
6. PSUs shall regularly follow up with contractors to get the revised program chart and share with NESTS.
7. PSUs are only endorsing Lol, from which it is not clear whether the work has commenced or not. Hence PSU also needs to share letter of commencement indicating actual date of commencement, which is also, otherwise, important to decide EoT case.

319906/2023/NESIS categorically brought to the notice of PSUs that the settlement of EoT case is necessary for further processing the RA Bill. NESTS is also trying to run a special drive to resolve the EoT issues. The issue of slow progress of work will taken up separately. NESTS will start chain of meetings with each construction agency to discuss the progress and various pending issues shortly.

Meeting ended with thanks to all participants.

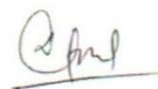
Annexure-A

List of participants from NESTS

1. Sh. K C Meena, Additional Commissioner
2. Sh. Anant Deo Prasad Keshri, Chief Technical Consultant
3. Sh. R.K Suryawansi, Chief Technical Consultant
4. Sh. R.P Joshi, Executive Engineer
5. Sh. Dayanand Keshri, Consultant

List of Participants from construction agency

1. Sh. A.K Choudhary, Nodal Officer, TCIL HQ, New Delhi
2. Sh. Rajeev Mishra, Zonal Manager, HSCL Odisha
3. Sh. Niladari Sarkar, Zonal Manager, HSCL Jharkhand
4. Sh. Rajesh Kumar, Zonal Manager, WAPCOS Jharkhand and Meghalaya
5. Sh. Amit Sinha, Zonal Manager, NPCC Jharkhand
6. Sh. Sunil Kumar, Zonal Manager, NPCC Chhattisgarh,
7. Sh. G. U Siddiqui, Zonal Manager, NPCC Madhya Pradesh
8. Sh. Anubhav Saxena, Zonal Manager, TCIL Arunachal Pradesh
9. Sh. Anoop Sharma, Zonal Manager, TCIL Assam and Mizoram
10. Sh. Prashant Bajpai, Zonal Manager, EPIL Maharashtra and Gujarat
11. Sh. Dara Vishwanandha Rao, Zonal Manager, EPIL Andhra Pradesh
12. Sh. Adarsh Kalia, Zonal Manager, WAPCOS Chhattisgarh and Tamilnadu
13. Sh. Mohd. Farooq Khan, Zonal Manager, WAPCOS Odisha
14. Amit Pandita, Zonal Manager, NPCC Jammu & Kashmir
15. Sh. Supriti Lehri, B&R Odisha, Jharkhand and WB
16. Sh. Ravindra Dutta, Project Manager, WAPCOS Limited, Odisha
17. Sh. Aman Agrawal, Project Manager, NPCC Chhattisgarh
18. Sh. Raghiv Yazdani, Nodal Officer, MANIDCO Manipur
19. Sh. Sagar Singh Thakur, NPCC Chhattisgarh
20. Sh. Newton, MANIDCO
21. Sh. Atul Sinha
22. Sh. Pritam Raj Saha
23. Other participants from construction agency



PROFORMA FOR APPLICATION OF EXTENSION OF TIME TO NESTS

1. Name of Work:
2. Date of Handing Over of the site to PSU: (Reference letter no. & date:)
3. Date of formal Sanction: (letter no. & date:)
4. Date of Issue of A/A & E/S Approval: (letter no. & date:)
5. Date of approval of DPR: (letter no. & date:)
6. Date of commencement of work as per Approval of NESTS:
7. Stipulated date of Completion as per Approval of NESTS:
8. Details for Construction Period: -
 - a. Stipulated date of commencement as per Award Letter(Lol):
 - b. Stipulated date of Completion of Construction Work: -
 - c. Actual date of Commencement: -
 - d. Likely date of Completion: -

9. Period for which extension of time has been given previously:

- i) 1st Extension vide NESTS No. _____ dtd _____
- ii) 2nd Extension vide NESTS No. _____ dtd _____

10. Total Period (Pre-Construction Period & Construction Period) for which extension is applied for:

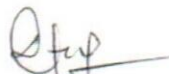
11. Details of Extension of time requested as under:

S.N.	Nature of Hindrance	Date of Occurrence of Hindrance	Date of Removal of Hindrance	Period of Hindrance	Extension of time applied by the PSUs	Overlapping Period if any	Net Period for which extension applied by the PSU	Documents attached in support justifying extension
Pre-Construction Activities								
1								
2								
3								
4								
5								
Construction Work								
1								
2								
3								
4								
5								
Total Period of Hindrance applied by PSU for Sanction =								

12. Up-to-date expenditure:
13. Extension of time required for extra works:
14. Details of Works and amount involved:
15. Total extension of time required for:

Certified that,

The reasons/events hindered the work are beyond the control of PSU and number of days claimed against each hindrance are true to my knowledge. Further such extension of time shall not involve any additional expenditure.



Signature
Zonal Head

राष्ट्रीय आदिवासी छात्र शिक्षा समिति
(जनजातीय कार्य मंत्रालय के अंतर्गत
एक स्वायत्त संस्थान, भारत सरकार)
भू-तल, गेट नंबर-3ए, जीवन तारा बिल्डिंग,
संसद मार्ग, नई दिल्ली-110001
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वेबसाइट/Website: www.tribal.nic.in
Email: nests-tribal@tribal.gov.in

F. No. NESTS/Civil/EMRSOrder/140/2021 22(Pt.)

Dtd. 21/10/2022

To,

Zonal Head/s,
NPCC/ HSCL/ B&R/ WAPCOS/ TCIL/MANIDCO/EPIL/MTDC

Subject: Guidelines to Construction Agency on submission of cases for Extension of Time for Construction of Eklavya Model Residential School (EMRS) in the designated tribal blocks of the country.

PSUs have been allotted construction of Eklavya Model Residential School/EMDBS in the designated tribal blocks across the country. The work is in progress in many locations and few schools are near completion. Recently, a few cases of Extension of Time have been received in this office for approval. PSU has been allotted time period for each EMRS. But when allotted time gets expired and construction is not completed within the time allotted, PSU may seek Extension of Time (EoT) from NEST for the period beyond its control.

A Guideline for submission of EoT cases is as under: -

1. A Request for Extension of Time for the Complete Project (For Pre-Construction period and Construction period, both) justifying each & every extension shall be submitted to NESTS with proper documentary evidence. The fair and reasonable extension of time shall be granted by NESTS based on the merit of the case. For submission of cases for Extension of Time by PSU to NESTS, a format has been enclosed vide Annexure I.
2. EoT cases between PSU/CA and their contractor needs to be settled in the light of the clauses of agreement between PSU and their respective contractor. PSU/CA shall ensure that contract period with the Contractor shall be extended from time-to-time based on justified hindrance till completion of the work as per the terms & conditions of the contract. A copy of such extension granted to the contractor may be intimated to NESTS time to time. **The PSU shall also ensure that contractor engaged for EMRS may not get undue advantage on grant of EoT.** When there is delay for the fault of contractor, the action to levy of compensation as per the terms & conditions of the contract shall be initiated immediately.
3. PSU is required to take advance action if the work is hindered due to reason beyond the control of the PSU/CA or due to any event/delay by the owner, the construction agency may intimate such cases within fifteen days of happening of the event.

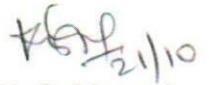
K. K. K.
21/10

In view of the above guidelines, NESTS Letter No. NESTS/Civil/JH/HSCL /EMRS/Tonto/RAB/220/2021-22 dated 04th of Oct., 2022 on the subject matter of issue of EoT to contractor is hereby withdrawn.

This issues with approval of the Competent Authority.

Encl. Annexure I.

Yours sincerely,


(K. C. Meena)

Addl. Commissioner (NESTS)

Copy to:

1. PS to Commissioner, NESTS;
2. PS to CMD, PSU Concerned.
3. DC (Finance);
4. AC (Finance);
5. Guard File.

12. Up-to-date expenditure:
13. Extension of time required for extra works:
14. Details of Works and amount involved:
15. Total extension of time required for:

Certified that,

The reasons/events which have hindered the work are beyond the control of PSU and number of days claimed against each hindrance are true to my knowledge. Further, such Extension of Time shall not involve any additional expenditure.

Zonal Head