

No.F.1/7/2022-PPD
Government of India
Ministry of Finance
Department of Expenditure
Procurement Policy Division

502, Lok Nayak Bhawan, New Delhi.
18.09.2023.

Office Memorandum

Subject: Vivad se Vishwas II (Contractual Disputes).

The undersigned is directed to refer to this Department's OM No. F.1/7/2022-PPD dated 29.05.2023 whereby the details of the subject scheme were issued. A representation has been received highlighting certain typographical errors which may lead to ambiguity in implementation of the scheme. Following corrections and clarifications are issued for compliance:

Para No.	Existing provision	Changed Provision							
10 (b)	Settlement Amount 65% of the net amount awarded/ <u>upheld by the court</u> or 65% of the claim amount lodged by the contractor under this scheme, whichever is lower.	Settlement Amount 65% of the net amount awarded or 65% of the claim amount lodged by the contractor under this scheme, whichever is lower.							
Para 10: Note for both (a) and (b) as above	Illustration 1	Illustration 1							
	<table><tr><td>Award</td><td>Rs. 1,00,000/- in favour of contractor plus interest as indicated below.</td></tr><tr><td>Interest</td><td>Payable as per award: i. 10% till date of award, from a date mentioned in the award. ii. Payment to be made within 60 days of the award (stipulated period = 60 days from the date of award). iii. 12% for the period for which</td></tr></table>	Award	Rs. 1,00,000/- in favour of contractor plus interest as indicated below.	Interest	Payable as per award: i. 10% till date of award, from a date mentioned in the award. ii. Payment to be made within 60 days of the award (stipulated period = 60 days from the date of award). iii. 12% for the period for which	<table><tr><td>Award</td><td>Rs. 1,00,000/- in favour of contractor plus interest(s) as indicated below.</td></tr><tr><td>Interest</td><td>Payable as per award: i. 10% till date of award, from a date mentioned in the award. ii. Payment to be made within 60 days of the award (stipulated period = 60 days from the date of award). iii. 12% for the period for which payment is delayed beyond the stipulated period.</td></tr></table>	Award	Rs. 1,00,000/- in favour of contractor plus interest(s) as indicated below.	Interest
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		<p>payment is delayed beyond the stipulated period.</p> <p>Payments including modalities under this scheme will be as under:</p> <p>i. 10% till date of award, from a date mentioned in the award. (i.e. till the date of award calculation of amount payable, including interest, shall be as per the award).</p> <p>ii. No interest is to be paid for the period stipulated for making payments in the award (60 days in the current case).</p> <p>iii. 9% for the period beyond 60 days in case of delayed payments on 85% of court award i.e. Rs. 85,000/-.</p>		<p>Payments including modalities under this scheme will be as under:</p> <p>i. 10% till date of award, from a date mentioned in the award. (i.e. till the date of award calculation of amount payable, including interest, shall be as per the award).</p> <p>ii. No interest is to be paid for the period stipulated for making payments in the award (60 days in the current case).</p> <p>iii. 9% for the period beyond 60 days in case of delayed payments on 85% of court award. <u>Hence 9% interest will be payable, in this case, on Rs. 85,000/- plus on the 85% of the interest accumulated till date of award.</u></p>
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(Anil Kumar)

Deputy Secretary (PPD)

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To

1. Secretaries of all Ministries/ Departments of Government of India for information and necessary action. They are also requested to inform these provisions to all procuring entities under their administrative control.
2. Secretary, Department of Public Enterprises with a request to reiterate these orders in respect to public enterprises.
3. Secretary, Department of Financial Services with a request to reiterate these orders in respect to public sector financial institutions.
4. Chief Secretaries/ Administrators of Union Territories without legislature.
5. CEO/ GeM.