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P.No RW/NH-37013/05/2012/PPP
GOVERNMENT OF INDIA
MINISTRY OF ROAD TRANSPORT & HIGHWAYS
Transport Bhawan, 1, Parliament Street, New Delhi-110 001

Date : June 7, 2013

OFFICE MEMORANDUM

Subject: Guidelines for ensuring provisions for the Highway Projects being undertaken on Operation, Maintenance and Transfer (OMT) basis for issuing fee notification.

In continuation to Ministry's OM No. RW/NH-37013/05/2012/PPP dated 25.04.2013 and to bring about clarity and uniformity in the fee notification proposals for the Highway Projects being undertaken on Operation, Maintenance and Transfer (OMT) basis, the Competent Authority has decided that the following provisions are required to be incorporated/ensured while forwarding the proposals by NHAI for fee notification to the Ministry:

(i) The public funded projects which were already under tolling and now are being developed under OMT packages, the amount of the toll recovered till the stretch is passed on to the OMT Concessionaire must be taken into account while calculating the balance recoverable capital cost of the project. Further the capital cost for OMT projects needs to be calculated as per the MoRTH OM No. RW/NH-37013/05/2012/PPP dated 25.04.2013 entitled 'Guidelines for calculating Capital Cost for the Highway Projects being undertaken on Operation, Maintenance and Transfer (OMT) basis.'

(ii) The following clause is required to be incorporated in the Fee Notifications for the projects for which the bids are yet to be received by NHAI:

The present value of Capital Cost of the Project to be recovered from the date of COD is Rs.----- crores. From the Commercial Operation Date (COD) toll shall be collected by the Concessionaire at the applicable rates provided under the National Highways Fee (Determination of Rates and Collection) Rules, 2008 and further amendments till bid due date. After the day on which the Capital Cost is recovered the toll rates chargeable shall be reduced to 40% of rate being charged. In case, due to any reason, COD is advanced/ postponed upto 90 days, the Capital Cost to be recovered shall be reworked and intimated to the Concessionaire within 30 days after actual COD, by the Engineer/ Independent Engineers.

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- (iii) For the projects for which the bids have already been received in NHAI and the Fee Notification proposals are under process, the clause regarding present value of the capital cost of the project to be recovered from the COD, reduction of toll rates and amount of concession fee to 40% after recovery of the capital cost, may be incorporated in the Fee Notification if the same is available in Schedule M of the Concession Agreement.
- (iv) These orders shall come into force with immediate effect.

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To

The Chairman, National Highways Authority of India (NHAI), New Delhi

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(N.K. Sharma)
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