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No. 5/2 /PVVNL-MM/MT/RDSS/FS/92,93,94&95/24-25

Dated: 25 OCT 2024

Corrigendum – I

Amendment in tender no – PVVNL-MM/MT/RDSS-FS/92/24-25, PVVNL-MM/MT/RDSS-FS/93/24-25, PVVNL-MM/MT/RDSS-FS/94/24-25 & PVVNL-MM/MT/RDSS-FS/95/24-25 for the work of “Segregation of Agriculture Feeders on Turnkey basis in CLUSTER-I (Bulandshahr & Hapur Districts), CLUSTER-II (Saharanpur District), CLUSTER-III (Moradabad, Bijnor, Rampur, Sambhal & Amroha Districts) & CLUSTER-IV (Muzaffarnagar, Shamli & Meerut Districts) of PsVVNL, Uttar Pradesh under Revamped Reforms Based and Results-Linked, Distribution Sector Scheme is hereby made as under: -

S. No	Clause/Condition	Original	Amended As
1	Value of EMD in NIT published on date – 12.07.2024	Cluster – I (Rs. 55,16,000.00) Cluster – II (Rs. 1,11,00,000.00) Cluster – III (Rs. 63,65,000.00) Cluster – IV (Rs. 35,77,000.00)	Cluster – I (Rs. 1,05,00,000.00) Cluster – II (Rs. 2,11,00,000.00) Cluster – III (Rs. 1,19,00,000.00) Cluster – IV (Rs. 68,12,000.00)
2	45 of Part III (Condition of Contract & Contract Forms)	Irrespective of the values of the contract, the dispute resolution mechanism to be followed by a way of two stage meditation for: a) Disputes with value up to Rs.10 crore b) Disputes with value greater than Rs 10 crore. <b><u>Disputes with value up to Rs crores will be dealt in the following manner:</u></b> i) In case of disputes with value less than / up to Rs. 10 crore, the contractor /vendor will refer the matter to the Managing Director, UPPCL(MD), except in cases where MD, UPPCL himself is the other party in dispute, who will examine the dispute /grievances impartially and try to settle the same through the process of mediation in a time bound manner. For this purpose, MD may seek necessary advice /inputs from domain experts, finance experts and/ or legal experts. ii) In the event that the contractor(s)/vendor(s) is/are not satisfied by the proposed solution that may refer the matter to a Conciliation Committee of Independent Experts (CCIE) for	The dispute resolution will be according to the following two categories: a) Disputes with value less than and up to Rs. 10 crores. b) Disputes with value greater than Rs. 10 crores <b><u>Disputes with value up to Rs. 10 Crore will be dealt in the following manner: -</u></b> a) The contractor or vendor will refer the matter to the Managing director, UPPCL, except in cases where MD, UPPCL himself is the other party in dispute (in which case para 5 will be applicable, who will examine the dispute or grievance impartially and try to settle the same through the process of mutual discussion for an amicable resolution in a time bound manner. For this purpose, MD may seek necessary advice and inputs from

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Mediation/Negotiation or Adjudication. In order to deal with such disputes, one or more CCEIs may be set comprising the following members:

a) Former/retired officers of the rank of Principal Secretary to the Government of UP or above.

b) Sector experts, either retired or serving, having substantial domain knowledge of project development, execution and O&M of distribution systems not below the rank of Chief Engineer L1.

c) Experts in Finance and taxation, with experience in senior positions in the sector/financial institutions, not below the rank of Chief General Manager/General Manager.

iii) In exceptional cases of disputes (even with value less than Rs. 10 Cr), where the decision would result in a policy change or a much wider impact than just being limited to the dispute hand, MD, UPPCL may refer the same to the Chairman, UPPCL for adjudication. The Chairman may adjudicate the dispute himself or refer the same to the High Level Committee (HLC) as mentioned herein after.,

**Disputes with value greater than Rs 10 crore will be dealt in the following manner:**

i) In case of disputes with greater than Rs 10 crore, the contractor/vendor will refer the matter to the Chairman, UPPCL who will examine the dispute/ grievance impartially and try to settle the same through the process of mediation in a time bound manner. For this purpose, Chairman may seek necessary advice /inputs from domain experts, finance experts and/or legal experts.

ii) Chairman may seek advice of a retired judge from the Hon. High Court/Ho. Supreme Court, if so required at his discretion.

iii) In the event that the contractor(s)/vendor(s) is /are not satisfied by the proposed solution through mediation, they may refer the matter to a High-Level Committee (HLC). In order to deal with such disputes, one or more HLCs may be set up comprising the following members:

a) Former/retired officers of the rank of Additional Chief Secretary to the Govt. of UP or above.

b) Sector experts, either retired or serving, having substantial domain knowledge of

domain experts, finance experts and legal experts, as required. The result of such resolution (s) shall be duly recorded in writing and shall be signed by the parties concerned as well as by MD, UPPCL.

b) In the event that the contractor(s) or vendor(s) is/are not satisfied by the proposed solution they may refer the matter to a Conciliation Committee of Independent Experts (CCIE) for resolution, negotiation or adjudication.

c) In order to deal with such disputes, one or more CCIEs may be set up by UPPCL comprising the following members:

(i) Former/retired officer of the rank of Principal Secretary to the Government of UP or above.

(ii) Sector expert, either retired or serving, having substantial domain knowledge of project development, execution and O&M of distribution systems not below the rank of Chief Engineer L1 of UPPCL.

(iii) Expert in finance and taxation, commercial or mercantile law, as applicable, with experience in a senior position in the sector/financial institutions, not below the rank of Chief General Manager/General Manager of UPPCL.

d) In exceptional cases of disputes (even with value less than Rs. 10 Cr), where the decision may result in a policy change or a much wider impact than just being limited to the dispute in hand, MD, UPPCL shall refer the same to Chairman, UPPCL for resolution. The Chairman may adjudicate/resolve the dispute himself or refer the same to the High Level Committee (HLC) as mentioned here in after.

**Disputes with value greater than Rs. 10 crores will be dealt in the following manner: -**

a) The contractor or vender will

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project development, execution and O&M of distribution systems not below the rank of Director of UPPCL.

c) Experts in finance & taxation, experience in Senior position in the sector/ financial institutional, not below the rank of Director UPPCL.

iv) In exceptional cases, the Chairman UPPCL may provide that the HLC will be headed by a retired judge of Hon. High Court/Hon. Supreme Court with the order three members as proposed above.

refer the matter to the Chairman, UPPCL, who will examine the dispute or grievance impartially and try to settle the same through the process of mutual discussion for an amicable resolution in a time bound manner. For this purpose, Chairman may seek necessary advice and input from domain experts, finance experts and legal experts, as required. The result of such resolution (s) shall be duly recorded in writing and shall be signed by the parties concerned as well as by the Chairman, UPPCL.

b) Chairman may seek advice of a retired judge from the Hon. High Court/Hon. Supreme Court, if so required, at his discretion.

c) In the event that the contractor(s) or vendor(s) is/are not satisfied by the proposed solution, they may refer the matter to a High-Level Committee (HLC).

d) In order to deal with such disputes, one or more HLCs may be set by UPPCL comprising the following members:

i) Former/retired officer of the rank of Additional Chief Secretary to the Government of UP or above.

ii) Sector expert, either retired or serving, having substantial domain knowledge of project development, execution and O&M of distribution system not below the rank of Director of UPPCL.

iii) Expert in finance and taxation, commercial or mercantile law, as applicable, with experience in a senior position in the sector/financial institutions, not below the rank of Director of UPPCL.

e) In exceptional cases, the Chairman, UPPCL, may provide that the HLC will be headed by a retired judge of Hon. High Court / Hon. Supreme Court with the other three members as mentioned in para 5(d) above.

In case, the parties opt for mediation, then the dispute shall be settled as per the provisions of the Mediation Act, 2023, in which case the procedure, as under, may be followed:

a) The parties may negotiate the matter and place a tentative solution before the MD or Chairman UPPCL or CCI or HLC (as the case may be), or

b) The parties may conduct the mediation through a mediator and then place the mediated agreement before the MD or Chairman UPPCL or CCIE or the HLC, (as the case may be), or  
The parties may use the CCIE or the HLC, as the case may be, itself as a mediator.



(S.M. GARG)

CHIEF ENGINEER (MM)

9/10/23