



Uttam Kumar

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DO# P-17022/2/2006-P-III

25th May 2018

Subject: Action to be taken in respect of completed projects having non-rectifiable defects.

Sir,

Kindly refer the D.O letter dated 27th September, 2017 from Secretary (RD) addressed to Chief Secretary Government of Arunachal Pradesh requesting to send the detailed action taken report (ATR) on the corrective action taken by the State on NQM observationS for the road work **Patum to Pankeng under package no. AR-12-100/15** in West Siang district of Arunachal Pradesh. It was also indicated that if the report is not received within 60 days time, the Ministry would eventually notify the work as having defects of non-rectifiable nature and the expenditure made on the road work would be treated as infructuous.

2. In this regard, NRRDA vide communication dated 15th February, 2018 had also requested the Rural Works Department to expedite sending the report latest by end of February, 2018. Subsequently, the Department vide communication dated 23rd February, 2018 had indicated that final report will be furnished by 1st week of April, 2018, however, the report has not been received yet.

3. In view of above, it has now been decided to notify the PMGSY project- **Patum to Pankeng under package no.AR-12-100/15** (Length-4.9 km, Sanctioned Cost-208.23 Lakhs) of West Siang district as having non-rectifiable defects. The expenditure made on this project shall now be treated as infructuous as per the provisions of letter dated 08th September, 2009 from JS (RC) and DG, NRRDA. You are requested to initiate action for depositing equivalent amount in the Programme fund of SRRDA, as per provisions of NRRDA letter dated 28th June, 2013 (copy enclosed). You may also consider initiating action against defaulting contractors and erring officials responsible for lapses. I shall be grateful if the action taken in this regard is also shared with us within a months' time.

With regards,

Encl.: as above.


Yours sincerely,


25/5/18
(Uttam Kumar)

Shri T. H. Tayung
Secretary,
Rural Works Department,
Government of Arunachal Pradesh,
'C' Sector, Post Box No. 108,
Itanagar-791111.

ARUNACHAL PRADESH

- Copy to: (i) PS to Director General, NRRDA, New Delhi- for information please.
(ii) Smt Shrabhi Rai, Director (RC), Ms. Mamta Joint Director (RC) -for needful action.
(iii) Director (F&A), NRRDA, New Delhi- for needul action.


25/5/18

J.K. Mohapatra

Joint Secretary (RC, IC & CVO)

Telephone: 2338 3553

Fax : 2338 8207

D.O.No.P-17022/2/2006-P-III

September 8, 2009

Subject: Action to be taken in respect of completed projects having non-rectifiable defects.

Dear

Under the revamped quality monitoring system evolved for inspection of projects by the National Quality Monitors (which has been made effective from January, 2007), completed PMGSY projects are rated '**unsatisfactory**' if there are structural defects of the following kinds in the different layers of the pavement:

- *Earthwork*: Quality of material and degree of compaction.
- *Granular sub-base*: Quality of material in respect of grading and plasticity. Degree of compaction and thickness.
- *Base Course–Water Bound Macadam*: Quality of material in respect of gradation of course aggregate, quality of filler material in respect of plasticity and its quantity. Compaction through volumetric analysis and thickness.
- *Bituminous Layer*: Surface unevenness and thickness.

2. While such defects in respect of ongoing projects can be rectified, these defects are not ordinarily amenable to rectification in respect of completed projects. Therefore, whenever a completed project is rated 'unsatisfactory' on the basis of field inspections conducted by the NQMs, supported by the prescribed field tests, the defects found in the pavement are treated to be of non-rectifiable nature. Since these deficiencies cannot ordinarily be rectified, unless the defective layer of the payment is fully re-laid, special measures are required to be taken in such cases.

3. With a view to further strengthening quality monitoring processes and systems, it has been decided to adopt the following course of action if PMGSY projects are found to be having non-rectifiable defects on the basis of field inspections by the NQMs.

Step 1: After detailed analysis of the NQMs reports in respect of such projects, the State Governments concerned will be notified about the projects having non-rectifiable defects indicting the reasons why these projects are proposed to be rated as such. The State Governments will be advised to rebut these findings within two weeks, in case they wish to do so, by providing adequate justification as to why the findings of the NQMs are not acceptable.

Step 2: Response of the State Governments contesting the findings of the NQMs if any would be considered by NRRDA and on that basis NRRDA will take a final view as to whether any review of the grading of the projects concerned is merited. In case no change in the grading of the project is warranted the State Government will be accordingly notified within 2 weeks.

Step 3: Once the final grading as to the status of the projects having non-rectifiable defects is notified by the NRRDA, the State Government concerned would be advised to initiate to fix responsibility as follows:

- (a) The NQM report shall be thoroughly examined by a technical officer not below the rank of CE with a view to ascertaining the reasons for the non-rectifiable construction defects. Responsibility for the defects shall be fixed by the State Government on the basis of this examination.
- (b) Appropriate action against the contractor may be taken under appropriate clause of agreement including action for disqualifying or blacklisting the contractor as per the rules of the State Government.
- (c) Appropriate disciplinary action may be taken against the officers found responsible for failure of supervision mechanism.
- (d) Action Taken Report in such cases shall be forwarded by the officer of the level of Chief Engineer after due verification within a period of 90 days.

Recovery of Expenditure

4. In case of projects having non-rectifiable defects, the expenditure incurred would be treated as infructuous and an equivalent amount will be set-off against the future release of programme funds to the State Governments concerned. This action to recover the entire expenditure of projects having non-rectifiable defects from the future releases due to the State Governments concerned is expected to incentivise stricter quality monitoring of PMGSY projects by the State Governments themselves.

5. The above procedure for dealing with completed PMGSY projects having non-rectifiable defects would be applicable in respect of inspections carried out by NQMs with effect from April 1, 2009.

Yours sincerely,

(J. K. Mohapatra)

To
All State Secretaries in-charge of PMGSY

File No.Q-17022/2/2006/P-III
National Rural Road Development Agency
Ministry of Rural Development
Government of India

5th Floor, 15 NBCC Tower,
Bhikaji Cama Place, New Delhi – 66


Dated 28th June, 2013

ORDER

Subject: Recovery of expenditures made on “works with non-rectifiable defects”.

Ministry of Rural Development vide its D.O. letter No. P-17022/2/2006 P-III dated 08th September, 2009 had issued detailed guidelines for action to be taken in respect of completed projects having non-rectifiable defects under Pradhan Mantri Gram Sadak Yojana (PMGSY). This is essential to ensure requisite quality of PMGSY roads as per programme guidelines.

2. As per para-4 of the above letter, the expenditure incurred on projects having non-rectifiable defects would be treated as infructuous and an equivalent amount is recoverable.
3. As per para-3 of the above letter, a clear procedure for fixing responsibility has also been laid down, however, in spite of the fact that a number of works have been notified as “works having non-rectifiable defects”, States have not furnished any information on action taken in this regard.
4. Therefore, with a view to make recoveries more effective and ensure fixation of appropriate responsibility, it has been decided that the amount incurred on works notified as “works with non-rectifiable defects” would be deposited by the State Government in the Programme Fund account of the State Rural Road Development Agency.
5. This order would be effective with immediate effect.


(Dr. P.K. Anand)
JS (RC) & DG NRRDA

Copy to:

1. All State Secretaries (dealing with PMGSY)
2. All CEOs of SRRDAs
3. All Chief Engineers (dealing with PMGSY)
4. Director (RC-YSD)/Director(RC-PMK)/ Deputy Secretary (RC-MR)
5. All Directors of NRRDA
6. PPS to Secretary (RD)