

The logo for jsa, featuring the lowercase letters 'jsa' in a white, sans-serif font. A thin red arc is positioned above the 'j' and 's'.

advocates & solicitors

A long-exposure photograph of a multi-lane highway at sunset. The sky is a mix of orange, pink, and purple. Light trails from cars create long, curved streaks of white and red across the road. The road curves to the right, and there are trees and a bridge in the background.

Highways and Logistics Compendium 2023

January - December 2023



This Compendium consolidates all developments pertaining to the highways and logistics sector which are circulated as JSA Prisms during the calendar period from January 2023 till December 2023.

Amendment to the standard RFP for BOT (Toll) and HAM Projects

On March 31, 2023, the Ministry of Road Transport and Highways (“**MoRTH**”), Government of India notified certain amendments to the standard RFP document for build-operate-transfer (“**BOT**”) (Toll) and hybrid annuity model (“**HAM**”) projects in the roads sector. These amendments were mostly in relation to the eligibility criteria and have been summarised below:

1. HAM projects:

- a) The definition of eligible projects for the purpose of technical qualification of the bidders now includes projects related to widening/ reconstruction/upgradation works on national highway/state highway/expressway or on any category of roads taken up under Central Road Fund Scheme, Economic Importance/ Inter State Connectivity Scheme, Special Accelerated Road Development Programme, program for development of roads in Left Wing Extremism affected areas; widening/ reconstruction/upgradation works on major district roads with loan assistance from multilateral agencies or on BOT basis; widening/ reconstruction, upgradation works on roads in Municipal Corporation limits, construction of bypasses; construction of standalone bridges, road overbridges, tunnels; and construction/reconstruction of linear projects like airport runways, railways (construction/re-construction of railway tracks, yards for keeping containers etc.),

metro rail and ports (including construction / reconstruction of jetties).

- b) The definition of ‘highways sector’ in the standard RFP has been expanded. Earlier the RFP stated that highway sector included highways, expressways, bridges, tunnels and airfields. The new definition of ‘highways sector’ will, in addition to the above, also include runways, railways (construction/re-construction of railway tracks, yards for keeping containers etc.) metro rail and ports (including construction/reconstruction cost of Jetties or any other linear infrastructure including bridges, etc.);
 - c) The definition of core sector under the standard RFP has been expanded to take into consideration projects with the title of Rural Infrastructure Development Fund, Pradhan Mantri Gram Sadak Yojana, road, link road, city roads, rural road, sector/ municipality road, real estate projects which demonstrate road development/ construction of bridges or culverts. However, railways and metro rail has been excluded from the meaning of ‘core sector’.
2. BOT (Toll): The eligibility criteria for projects under this model has been revised whereby different eligibility criteria has been prescribed for normal highway projects (including major bridges/ROB/flyovers/tunnels) on one hand and for standalone specialized projects.

The details of the changes proposed by the amendment can be viewed [here](#).

Proposal to extend the time for automated testing of vehicle fitness



The MoRTH on March 29, 2023, issued a notification proposing to extend the deadline from April 1, 2023, to April 1, 2024, for adoption of mandatory testing of vehicle fitness through automated testing stations. This deadline extension is in relation to heavy goods vehicles and heavy passenger motor vehicles.

Source: [Gazette Notification](#)

MoRTH issues guidelines for the grant of permission for construction of access to fuel stations, wayside amenities.

The MoRTH on August 21, 2023, issued clarification-cum-amendment to the Guidelines / Norms for grant of permission for construction of access to fuel stations, wayside amenities, connecting roads, other properties, rest area complexes and such other facilities which were originally issued on June 20, 2020, and amended from time to time (“**Wayside Amenities Guidelines**”).

As per the clarification/ amendment issued, the following are the key clarifications to the Wayside Amenities Guidelines:

1. It has been clarified that any changes in internal configuration of the fuel outlet such as number of fuel dispensing units, installation of electric vehicle charging stations/CNG/LNG/Biofuel etc. filling units will not lead to relaxation of norms which were laid down in the Wayside Amenities Guidelines and will also not require approval of Highway administration.
2. As per the Wayside Amenities Guidelines, after payment of a prescribed fee for provisional permission to establish fuel stations, wayside

amenities, etc., the applicant has to submit an online application along with certain supporting documents to the prescribed authority. It has now been clarified that documents/clarifications/comments will be sought by the prescribed authority and highway administration from the applicants only once and seeking documents/clarifications/ comments multiple times must be done away with.

3. As per the Wayside Amenities Guidelines, in case any relaxation is required in the Wayside Amenities Guidelines, the same may be granted with the approval of MoRTH. The amendment streamlines the process with the following:
 - a) Permission for access to proposed retail outlets and other commercial establishments will be processed by concerned PIU/NH Division and sent to Regional Officer of MoRTH/NHAI/ NHIDCL. The Regional Office will process the case and send it to the concerned Chief Engineer/ Chief General Manager/ Executive Director for recommending to Additional Director General, MoRTH/Member (NHAI)/Director (T), NHIDCL.
 - b) Proposals of relaxation cases recommended by the Regional Office will be supported with Road Safety Audit 1 (one) km on either side of the highway. The proposal will also include (1) remedial measures for mitigating the road safety issues; (2) undertakings for meeting the related cost; and (3) all supporting drawings. The proposals submitted by the Regional Office will be examined for road safety issues by concerned Chief Engineer/ Chief General Manager/ Executive Director and recommend to concerned Additional Director General, MoRTH/Member (NHAI)/ Director (T), NHIDCL for approval.
 - c) The proposal recommended at the level of Additional Director General, MoRTH/ Member (NHAI)/ Director (T), NHIDCL will be submitted to Highway Administration Cell of MoRTH for seeking permission from the competent authority
 - d) In cases involving the NHAI/ NHIDCL, the proposal seeking relaxation to the Wayside Amenities Guidelines will be routed through

AS (H)/Joint Secretary (NHIDCL) in MoRTH dealing with the matters of NHAL or NHIDCL, as the case may be. In case of State Public Works Departments the proposal will be routed to Highway Administration Cell through Chief Engineer of the concerned zone.

- e) The clarification also makes it clear that a request for relaxation from the Wayside Amenities Guidelines will not be considered in the following cases will not be considered unless separate service road is constructed and related costs such as land acquisition, service road and properly designed junction improvement, as per IRC standards, is borne by the applicant: (1) Distance of any intersection with any category of road and median gap is less than 300 (three hundred) meters in rural stretch and 100 (one hundred) meters in urban/mountainous stretches; and (2) Distance of outlet from barriers/toll plaza and railway level crossing is less than 1000 (one thousand) meters in rural and urban/mountainous stretches

The remaining clarifications and amendments may be perused in the link provided below.

Source: [Clarification/ Amendment issued by MoRTH dated August 21, 2023](#)

NHAI looking to invite bids for development of wayside amenities

On March 2, 2023, it was announced that National Highways Authority of India (“NHAI”) plans to develop 600 (six hundred) wayside amenities by the end of financial year 2024-25 along the stretches of national highway.

The amenities proposed to be provided to the commuters would include, fuel station, electric vehicle charging facilities, food court, retail stores, ATMs, vehicle repair facilities, etc. It is proposed that 150 (one hundred and fifty) wayside amenities will be tendered out during financial year 2023-24, and the highway stretches include corridors like Amritsar-Bathinda-Jamnagar Corridor, Delhi - Mumbai Expressway and Delhi-Amritsar-Katra Expressway.

Source: [PIB](#)

Hindustan Construction Company closes its sale of Baharampore-Farakka Highways

On March 29, 2023, it was announced by Hindustan Construction Company (“HCC”) that it had closed the sale of its special purpose vehicle, Baharampore-Farakka Highways Limited (“BFHL”), to Cube Highways and Infrastructure V Pte Ltd (“Cube”).

As part of the transaction, HCC receives a total of INR 941,00,00,000 (Indian Rupees nine hundred and forty one crore) which includes upfront amount of INR 677,00,00,000 (Indian Rupees six hundred and seventy seven crore) and INR 264,00,00,000 (Indian Rupees two hundred and sixty four crore) which is payable by the third quarter of FY 2023-24 and first quarter of FY 2024-25 in 2 (two) tranches. Additionally, as part of the agreement with Cube, HCC is entitled to a revenue share from BFHL over the entire concession period.

Source: [Press Release- HCC](#)

NHAI makes it mandatory to use plastic waste for construction of service roads along national highways

As part of the increasing number of green initiatives in the transportation sector, the MoRTH on February 6, 2023, announced through a circular that going forward it would be mandatory to use plastic waste as part of the wearing coat for service roads and slip roads along all national highways. This would be in addition to plastic waste being used in the periodical renewal coat used for main carriageway which are within 50 (fifty) kms periphery of urban area having a population of more than 5,00,000 (five lakhs).

Source: [Circular dated February 6, 2023](#)

NHAI to undertake safety audit of all under construction tunnels

Following the collapse of the Silkariya tunnel in Uttarkashi, the NHAI on November 22, 2023, announced that it will be conducting an audit on all 29 (twenty nine) under construction tunnels across India. Under this process, NHAI officials will collaborate with teams from the Delhi Metro Railways Corporation (DMRC) as well as other tunnel experts.

The inspection and audit will be conducted in a time bound manner, with the team submitting a report to NHAI within 7 (seven) days of completion of the inspection. NHAI has stated that the 29 (twenty nine) under-construction tunnels are located across the country with 12 (twelve) tunnels in Himachal Pradesh, 6 (six) in Jammu and Kashmir, 2 (two) each in Maharashtra, Odisha, Rajasthan and 1 (one) each in Madhya Pradesh, Karnataka, Chhattisgarh, Uttarakhand and Delhi respectively.

Source: [PIB](#)

Use of phosphor-gypsum in construction of national highways



The NHAI announced on February 22, 2023, that it would be looking to collaborate with the Department of Fertilizers, Ministry of Chemicals & Fertilizers, to explore the feasibility of using phosphor-gypsum while constructing national highways.

As per the announcement, an Indian fertilizer company has constructed a road using phosphor-gypsum and the road was evaluated by Central Road Research Institute (“**CRRI**”) and based the evaluation, the Indian Road Congress has accredited neutralized phosphor-gypsum waste material for road construction for a period of 3 (three) years.

The fertilizer company and CRRI have been asked to take up field trials on an NHAI project to evaluate performance of phosphor-gypsum on national highways.

Source: [PIB](#)

NHAI awards the concession for toll, operate and transfer - Bundle 9

As part of the efforts to monetize the assets in various infrastructure sectors, including the roadways sector,

the NHAI, on January 24, 2023, awarded the concession for the 6 (six)-lane stretch of Handia-Rajatlab Section of NH-19 (Bundle 9) under Toll, Operate and Transfer (“**TOT**”) model. The concession was awarded to National Investment and Infrastructure Fund pursuant to an international competitive bidding process for an amount of INR 3,144,00,00,000 (Indian Rupees three thousand one hundred forty four crore).

NHAI awards TOT Projects under bundles 11, 12, 13 and 14

On October 28, 2023, NHAI awarded 2 (two) TOT bundles 11 and 12 for INR 6,584,00,00,000 (Indian Rupees six thousand five hundred and eighty four crore) in the states of Uttar Pradesh and Madhya Pradesh. The TOT projects will cover a combined length of 400 kms (four thousand kilometers). Subsequently, on November 15, 2023, NHAI awarded TOT bundles 13 and 14 of a combined length of 273 kms. (two hundred and seventy three kilometers) for INR 9,384,00,00,000 (Indian Rupees nine thousand three hundred and eighty four crore) to further boost the TOT model of monetization of national highways.

Source: *TOT Bundle 11 and 12-* [PIB](#)

Source: *TOT Bundle 13 and 14-* [PIB](#)

Highway contractors permitted to convert bank guarantees to insurance surety bonds



The MoRTH, vide circular dated May 31, 2023, has approved changes to the standard bidding documents for EPC, HAM and BOT (Toll) projects, including e-bank guarantee and surety bonds as forms of performance security, following changes to the General Financial Rules, 2017.

Further, MoRTH has declared that any instrument submitted by a highway contractor as a bid security and/or performance security may now be replaced by insurance surety bond. It is also clarified that physical bank guarantees can be accepted as bid security or performance security if e-bank guarantees cannot be furnished.

Source: [MoRTH Circular dated May 31, 2023](#)

NHAI accepts submission of Insurance Surety Bond as bid security for the first time

The MoRTH *vide* circular dated May 31, 2023, had approved changes to the standard bidding documents for engineering, procurement and construction (“EPC”), HAM and BOT (Toll) projects, including e-bank guarantee and surety bonds as forms of performance security, following changes made to the General Financial Rules, 2017 allowing for submission of performance security in the form of insurance surety bonds.

Following these changes, for the first time, on November 10, 2023, NHAI accepted submission of insurance surety bond as performance security under the TOT bid for monetization of assets under bundle 14. This insurance surety bond has been issued @ 0.25% by the insurer without any margin money.

Source: [PIB](#)

NHAI signs concession for development of Multi Modal Logistics Park at Nagpur

In December 2023, the government has entered into an agreement with the SPV incorporated by the name of DC Multi Modal Park (Nagpur) Limited (which is the SPV of DeltaBulk Shipping India Private Limited), for the development of Multi Modal Logistics Park (“MMLP”) in Nagpur over a land admeasuring 150 (one hundred and fifty) acres. From the side of the government, an SPV, Nagpur MMLP Pvt. Ltd. has been formed between National Highways Logistics Management Limited (“NHLML”), a 100% owned company of NHAI and Jawaharlal Nehru Port Authority (“JNPA”). JNPA has provided land for development of the MMLP and NHLML is providing the external rail, road connectivity as well as water and power supply

The MMLP will provide facilities such as warehouses, cold storages, intermodal transfers, handling facilities for container terminals, bulk/break-bulk cargo terminals along with value added services such as sorting/ grading and aggregation/ desegregation areas, bonded warehouse and customs facilities as well as support logistics facilities such as offices for freight forwarders and transporters and truck terminals.

Source: [PIB](#)

NHAI subsidiary signs Agreement to Develop Multi Modal Logistics Park at Bengaluru



NHAI, the wholly owned subsidiary of the NHLML have executed a concession agreement for the development of a MMLP in Bengaluru on a public private partnership basis mode under the Design Build Finance Operate Transfer (“DBFOT”) model. The concession is granted for a period of 45 (forty five) years. The concession agreement has been signed by the executing special purpose vehicle (“SPV”) of the Government of India, namely Bengaluru MMLP Private Limited and the concessionaire named PATH Bengaluru Logistics Park Private Limited on September 18, 2023. The government SPV is owned jointly by NHLML, Rail Vikas Nigam Limited and Karnataka Industrial Area Development Board (“KIADB”).

The MMLP is proposed to be developed at an estimated cost of INR 1,770 crore (Indian Rupees one thousand seven hundred and seventy crore) and is advantageously situated adjacent to the upcoming KIADB industrial area on East side, abutting the NH 648, Dabbaspet to Hosur as well as Satellite Town Ring Road on North side and Bengaluru – Hubli – Mumbai rail line on South side. The MMLP is located at a distance of 58 (fifty eight) km from Bengaluru Airport and 48 (forty eight) km from Bengaluru city railway station.

The MMLP is proposed to be developed in three phases with Phase 1 proposed to be completed in the next 2

(two) years. This MMLP will be able to handle 30 (thirty) million metric tonnes of cargo by the end of the concession period and is the first MMLP which will be developed under the aegis of the PM Gati Shakti Master Plan.

Source: [PIB](#)

NHAI amends the Policy Guidelines for determination of cost of Change of Scope ("COS")/Reduction in Scope ("RIS") in relation to EPC Projects

On June 10, 2020, the NHAI had issued Policy Guidelines for Determination of cost of COS / RIS due to Withdrawal of works/ alteration in works in EPC projects ("**COS Guidelines**") in order to provide further clarification on the applicable schedules of rates, design charges and maintenance charges in relation to the unapproved COS/ RIS. NHAI on November 10, 2023, has further amended these COS Guidelines, which are as follows:

1. Para 6 of the original draft of the COS Guidelines allowed the escalation in cost only when the completion period for the construction works is more than 18 (eighteen) months. Further, it was clarified that the concessionaire is not expected to take up any additional work under the COS provisions of the concession agreement which will require more than 18 (eighteen) months to complete. However, this provision has now been amended to state that the price adjustments on account of COS will be dealt in accordance with Clause 19.10 of the concession agreement for EPC projects read with Clause 13.2 (iii) for projects signed on the basis of model concession agreement for EPC projects (issued by MoRTH) on November 20, 2018 or later and in case of concession agreements signed on the basis of model concession agreement issued prior to November 20, 2018, Clause 19.10 is to be read in conjunction with Clause 13.2.2 of the relevant concession agreement
2. Under Para 9 of the original draft of the COS Guidelines it was provided that the value of the works that have been withdrawn, i.e. in case of reduction in scope due to withdrawal of work on the project would be determined as per the terms of Schedule-H of the concession agreement, and in

case it was not possible to determine the value from Schedule-H, then reference would be made to Clause 13.2 of the concession agreement for EPC. This provision has been amended to also introduce and clarify that only wholesome withdrawal of works due to non-availability of right of way under Clause 8.3 of the concession agreement for EPC projects will be treated as RIS.

Source: [Amendment to the COS Guidelines issued by NHAI on November 10, 2023](#)

MoRTH amends the User Fee notification in place for National Highways

The MoRTH on October 6, 2023, issued a notification amending Rule 6 (6) (b) of the National Highways Fee (Determination of Rates and Collection) Rules, 2008, as amended from time to time ("**NHAI Fee Rules**").

As per the existing Rule 6 (6) (b) during the period of concession under a concession agreement the user fee will be levied as notified under the concession agreement and after the concession period is over, the fee is collected by the Government of India or its executing authority at a reduced rate of 40% of the fee being levied under the concession. The reduced fee is applicable from the date of transfer of national highway, bridge, tunnel or bypass, as the case may be, from the concessionaire to the government.

However, as per the notification, after the concession period is over, the fee which will be collected by the Government of India or its executing authority will be as per the fee prescribed under the NHAI Fee Rules and there will be no automatic reduction of the user fees to 40% of the fee being levied under the concession.

The same will be applicable for a publicly funded project where previously the position for such publicly funded projects was that after the recovery of capital cost through realized user fee, the fee leviable would be reduced to 40% of the notified user fee for such section of national highways, bridge, tunnel or bypass as the case may be.

Source: [Notification dated October 6, 2023](#)

MoRTH issues circular clarifying process to be followed for determination, levying and collecting user fee

On July 6, 2023, the MoRTH issued a circular clarifying that as per an earlier guideline issued on November 2, 2018, wherein it had stated that fee plazas must be established and located in accordance with Rules 8 (1) and 8 (2) of the NHAI Fee Rules.

The circular states that it had come to the notice of the MoRTH that in majority of fee notification proposals received by it, relaxation from distance criteria prescribed under the NHAI Fee Rules is being proposed with ex-post facto approval by Head of Executing Authority i.e., Chairman for NHAI, Director General (RD) & SS for Road Wing.

MoRTH has come down on this practice strongly and has stated that any deviation from the norms prescribed under Rules 8 (1) and 8 (2) under NHAI Fee Rules from the competent authority solely at time of detailed project report acceptance/land acquisition stage itself especially for projects at planning/to be bid stage.

Source: [Circular dated July 6, 2023](#)

NHAI issues SOPs for implementation of Government's Vivad se Vishwas II (Contractual Disputes) Scheme

The Department of Expenditure, Ministry of Finance, Government of India on May 29, 2023, launched the Vivad se Vishwas II – (Contractual Disputes) Scheme (“Scheme”). Under this scheme, depending on the category of contractual disputes and the stage of the dispute which has arisen between government entities and the private contractor, the government will pay a one time settlement amount to the private contractor on the fulfillment of certain conditions and as per the procedure prescribed under the scheme.

On July 4, 2023, the NHAI issued SOPs for implementation of this scheme in the roads sector. As per the SOPs, the following have to be complied with:

1. Registered contractors of NHAI will submit the eligible disputes on the Government e-Marketplace (“GeM”) portal. GeM will notify NHAI of the contractor's submission.

2. Disputes where the award by the court or arbitral tribunal is solely for monetary value will be eligible for settlement under the Scheme. In case the award stipulates specific performance of contract (either fully or partially); such awards will not be eligible for settlement under the Scheme.
3. Where the claimed amount by the Contractor is up to INR 500,00,00,000 (Indian Rupees five hundred crores), technical division of NHAI will evaluate the settlement amount within 1 (one) week and the same will be forwarded to the general manager (Finance) for concurrence. The general manager (Finance) will examine the evaluation by technical division, including interest and taxes and forward the same to the concerned member through member (Finance) within 3 (three) days and the settlement amount will be determined by Member (Finance).
4. In case the claimed amount exceeds INR 500,00,00,000 (Indian Rupees five hundred crore), technical division will have an option to accept/reject the settlement request of the contractor, only with the approval of Executive Committee, NHAI.
5. Contractor will accept or otherwise, the offer within 30 (thirty) days of the offer being uploaded by NHAI on GeM. Immediately upon acceptance of the offer by the contractor, an acknowledgement through email will be automatically generated and sent to both the parties from GeM. Once the offer is accepted by the contractor and the e-mail is generated, NHAI cannot amend or withdraw the offer. If the contractor does not accept the offer, the ongoing litigation may continue.
6. Thereafter, post acceptance of offer, depending upon the person who has filed the case, either NHAI or the contractor will make an application and withdraw ongoing court case or litigation, if any.
7. The contractor will submit the court document indicating permission to withdraw the case within 45 (forty-five) days of generation of e-mail from GeM. On submission of the same settlement agreement will be signed within 30 (thirty) days. The format of the settlement agreement is annexed with the SOP.

Source: [SOP issued by NHAI dated July 4, 2023](#)

NHAI issues circular descopeing the construction of wayside amenities from scope of work of a road contractor



NHAI issued a circular dated July 5, 2023, declaring that the construction of wayside amenities is not to be included in scope of road contractor (EPC/HAM/BOT projects) for Greenfield Expressways and Brownfield National Highway Projects. The construction of boundary wall, approach road, levelling/filling will only be included in the scope of the road contractor.

The circular also issues certain standard operating procedures in this regard:

1. No construction will be included in the scope of road contractor across Greenfield Expressways and Brownfield National Highways for wayside amenities except construction of boundary wall, approach road and levelling/filling.
2. In case, construction of wayside amenities is in scope of road contractor and development work is not started and at initial stage, the same will be de-scoped from the contract.
3. The work of wayside amenities will be stopped immediately for sites where work is started. In these cases, committee is constituted to visit the site and assess the site condition in next 30 (thirty) days and assess the feasibility of de-scoping and amount of work already carried out by road contractor or continuation as per the scope of the road contractor, in case deletion is inevitable.

Source: [NHAI Circular dated July 5, 2023](#)

NHAI issues policy circular outlining the personnel to be deployed by EPC contractors

The NHAI *vide* its policy circular dated November 10, 2023, has provided further clarity in terms of interpretation of Clause 4.4 of the model concession agreement for EPC projects initiated by NHAI. As per Clause 4.4, the EPC contractor has to ensure that the contractor shall ensure that the personnel engaged by it or by the are at all times appropriately and adequately qualified, skilled and experienced in their respective functions in conformity with Good Industry Practice.

NHAI has now spelt out the qualifications which the said personnel of the EPC contractor or the contractor's subcontractor would need to possess. As per the policy circular, the EPC contractor would have to ensure that there has to be a deployment of 2 (two) project managers, a pavement engineer, quality manager, a bridge engineer, a design director and a safety manager. The qualifications for each of the above personnel have also been set out in the policy circular.

Source: [NHAI Policy Circular dated November 10, 2023](#)

NHAI revises delegation of power for approval of change of scope, pre-construction cost and revised project capital cost

On November 3, 2023, the NHAI issued a policy circular stating that as per the decision taken by its board in a meeting held on October 18, 2023, it has been decided to revise and clarify the delegation of powers for approval of change of scope, revision of pre-construction cost and revision of project (capital) cost.

The aforesaid policy circular has revised the matrix for delegation of powers for approval of change of scope and revision of project cost for: (i) BOT (Toll), EPC projects under Bharatmala scheme; (ii) TOT/InvIT related projects; and (iii) BOT (Toll)(involving viability gap funding), annuity/ HAM projects. The specific revisions in the delegation of powers may be seen from the policy circular and the link has been provided below.

Source: [NHAI Policy Circular dated November 3, 2023](#)

NHAI revises the interest rate applicable for HAM Projects

The NHAI, on October 10, 2023 announced the 1 (one) year marginal cost of the fund-based lending rate (“MCLR”) interest rates for the top 5 (five) scheduled commercial banks as on October 10, 2023 which is payable by NHAI to the concessionaire in terms of Clause 23.6.4 of the concession agreement related to HAM projects.

Article 23 of the aforementioned concession agreement deals with payment of Bid Project Cost to the Concessionaire and in terms of Clause 23.6, the NHAI is required to pay the remaining completion cost during the operation period in accordance with the milestones stipulated therein.

As per Clause 23.6.4 of the concession agreement, an interest amount is due and payable on the reducing balance of completion cost at an interest rate equal to the average of 1 (one) year MCLR of top 5 (five) scheduled commercial banks in India plus 1.25%. In this regard, the NHAI declares the list of top 5 scheduled commercial banks every calendar year based on the balance sheet size as declared in the banks’ annual reports. The 1 (one) year MCLR of the top 5 (five) scheduled commercial banks is taken at the start of every quarter. Accordingly, the rates of the top 5 (five) banks were revised.

Source: [NHAI Policy Circular dated October 10, 2023](#)

NHAI introduces policy for implementation of ATMS on National Highways and Expressways

With the focus on digital enforcement of traffic rules and to ensure comprehensive approach towards road safety and accident response, the NHAI *vide* its policy circular dated October 10, 2023, has implemented updated functional and technical specifications for advanced traffic management system (“ATMS”) to be used for national highways and expressways through “Updated ATMS Document”. Prior to this, the ATMS standards and specifications were issued on September 15, 2016. The NHAI examined the relevance of the erstwhile standards and has now implemented the Updated ATMS Document in supersession of the earlier standards. The Updated ATMS Document provides for benchmark requirements and

improvements to be made so as to cater to the latest technologies in the field of Intelligent Transport System and harness latest advancement of the artificial intelligence (AI) technology.

Some of the key features of the Updated ATMS Document are as follows:

1. Dedicated workstations in the command and control centre for traffic police representatives will be provided to strengthen collaboration with local traffic agencies. Further, there are provisions made that will enable sharing camera feeds over the network to enhance real-time coordination and response.
2. The new specifications have introduced the video incident detection and enforcement System (“VIDES”) replacing the earlier cameras.
3. VIDES has also been integrated with the vehicle with speed detection system (VSDS) which will enhance the use of automatic number plate recognition (ANPR) cameras.
4. Online sharing of highway status and other important information and inputs that will help both the enforcement agencies and the highway users in planning for disaster management effectively.
5. Upgraded traffic monitoring camera system (TMCS) will be installed at every 1 km (one kilometer) on the national highways, that will enable automated detection of accidents and stalled vehicles.

Source: [PIB](#)

MoRTH approves schemes under Central Road and Infrastructure Fund for regions in Himachal Pradesh

With a view to improve and strengthen infrastructure in the state of Himachal Pradesh, under the direction of the MoRTH, Shri Nitin Gadkari has approved schemes amounting to INR 154,25,00,000 (Indian Rupees one hundred and fifty four crore and twenty five lakh) for development of road infrastructure in Una and Kangra regions. The funds will be allocated from the Central Road and Infrastructure Fund (CRIF) and the approval for the same has already been received by MoRTH.

This initiative will also support in the recovery from the natural disasters that affected Himachal Pradesh in the recent past and will cater to the smooth transportation needs of the state.

Source: [PIB](#)

NHAI issues standard operating procedures for preventing altercation at toll plazas

The NHAI has on October 9, 2023 issued standard operating procedures (“SOPs”) in order to prevent altercations at toll plazas.

As per the SOP, field offices of NHAI will monitor the performance of the toll collecting agency and the toll collecting agency will ensure that staff wear the prescribed NHAI uniform with a name badge.

In case of any anticipated violence the same will only be handled by toll plaza manager/ lane supervisors, who will wear body cameras to record instances of violence at the toll plazas. In case of unruly behavior by a road user, the lane supervisor shall intervene and try to resolve the issue peacefully and the toll plaza staff shall not use provocative language or resort to violence.

Toll plaza officials have been empowered to take help from local police and lodge a FIR in case the issue persists or escalates and videography by the staff has been permitted to submit proof of the incident to the police.

NHAI field offices have been directed to ensure that toll collecting agency possesses police verification of each and every staff deployed at the toll plaza. The toll collection agencies have also been obligated to give monthly statement of incidents/ FIRs to the concerned NHAI Project Implementation Unit (PIU), so that in case of inaction by the authorities, NHAI field officials can report the same to the District Collector and request action.

In addition to all of the above, a special drive named “Toll par Calm” has been initiated by NHAI at plazas. Under this drive, NHAI will collaborate with professional psychologists to provide for anger management and customer delight training to toll plaza staff.

Source: [PIB](#)

MoRTH issues draft policy guidelines on usage of inert material for national highway construction

MoRTH through its office memorandum dated December 27, 2023, issued draft policy guidelines regarding the mandatory usage of urban solid waste for construction of embankments on highways and other roads in the country and has invited comments and feedback on the draft policy.

The policy has been introduced by MoRTH to plan alternative use of generated solid waste in highway road projects in light of the Solid Waste Management Rules and relevant order/guidelines/rules/amendments by the courts, National Green Tribunal, Ministry of Environment, Forest and Climate Change or other concerned departments.

With the use of inert materials, MoRTH aims to resolve the issue of disposal of urban solid waste and move towards more sustainable construction of highways which have minimum impact on the environment.

Source: [Office Memorandum dated December 27, 2023](#)

Report on Assessment of Avoided CO2 Emissions during Construction and Operation of National Highways released



The Minister for Environment, Forest and Climate Change Shri Bhupender Yadav, on February 22, 2023, released a report titled “Assessment of Avoided CO2 Emissions during Construction and Operation of National Highways”. The report assesses the extent of carbon dioxide (“CO2”) which can be avoided per km of construction of national highways. Some of the key steps suggested by the report, going forward, to reduce the CO2 emissions arising from development of highways are as follows:

1. In order to continuously enhance avoidance of CO₂ emissions from highway construction, developing decision-tree based standard operating procedures that would ensure integration of the best green technologies in the entire cycle of national highway construction, operation and maintenance. The use of affordable green technologies such as green road materials for roads and sidewalks, green fuel for construction, better practices of highway maintenance, and local climate specific plantations amongst others can be continuously evaluated and integrated.
2. The report recommends that resource efficiency, including optimization of pavement design, reducing lead distance of material sources, use of local and recycled materials etc., can lead to a reduction in emissions arising from the highways sector. The report suggests that prior to using any technology for road construction, a comparative assessment study of the alternative technologies and materials has to be conducted to ascertain the amount of greenhouse gas emissions from usage of such technology.
3. The report states that its limitation is that the estimation of fuel consumption on different sections of highways has been done with limited data and certain logical assumptions. These limitations can be overcome by conducting studies on a large number of highway sections in order to develop a generalized methodology for fuel consumption estimations on national highways.
4. The report highlights the fact that the assessment of afforestation initiatives has been entirely based on proposed plantation data as indicated in the Environmental Impact Assessment and Project Design documents of highway stretches. The report has also been prepared assuming uniform growth rate of trees across all the highway stretches. In reality, growth rates vary from tree species and across regions. Further, there are data documentation gaps in some stretches, such as the number and species of trees that were felled and are proposed to be planted. The Environmental Impact Assessment and Project Design documents do not have complete information on the total number of median trees/bushes planted, girth of trees felled by species and does not report the status of soil carbon in forest area lost. No post-plantation monitoring data is available that can

provide actual growth rates and survivals or status of soil organic carbon.

Considering the above, it is important that systematic documentation of data for the above points is ensured and access to all plantation information is made available for replantation as and when required. The availability of data will capture the species-wise regional diversity in growth rates, and survival rates of the trees planted and, as a loss will give an accurate assessment of the extent of carbon loss due to the felling of forest areas, carbon sequestration due to different avenue tree and median tree species planted and carbon sequestration due to compensatory afforestation.

The full report can be accessed [here](#).

Relief measures to contractors on account of COVID

The MoRTH issued a circular dated May 4, 2023 extending certain relief measures, available to the contractors/developers of HAM/ EPC projects in the road sector, until March 31, 2024. The relief measures include:

1. Schedule G/H of the relevant HAM/ EPC contracts pertaining to the release of portion of contract price for different stages of construction, will continue to remain relaxed allowing contractor/developer monthly payments for completed work as per specifications.
2. The competent departmental authority will continue to make direct payments to the approved subcontractors for the works completed by the approved subcontractors and wherever the competent authority is of the view that such direct payments are required for the early completion of works.
3. Performance security for all existing contracts will remain reduced from 5-10 % to 3% of the contract value, excluding the disputed contracts (whether commenced or completed). All tenders /contracts issued/ concluded till March 31, 2024 will have a reduced performance security value. However, as per the circular, to ensure quality of work being executed, the project executing agencies have been advised to ensure that in case of abnormally low bids, additional performance security is realized as

per the latest guidelines provided by Department of Expenditure, Ministry of Finance.

The circular clarifies that retention money is a part of the performance security till construction period. Hence, release of retention money may be continued in proportion to the work already executed and no reduction of retention money may be made from the bills raised by the contractor till March 31, 2024. The circular states that for HAM/BOT contracts, performance guarantee may be released on pro-rata basis, as provided in the contract, if concessionaire is not in breach of the contract.

Source: [Notification dated May 4, 2023](#)

Clarifications for accommodation of public utility services along national highways



The MoRTH issued a clarification dated April 17, 2023, (“**Clarification**”) amending the policy circular dated November 22, 2016 (“**Policy Circular**”) in relation to permissions and right of way granted for laying down optical fiber cables and telecom cables. The key amendments to the Policy Circular are as follows:

1. The Clarification allows horizontal directional drilling without casing/ conduit pipe for petroleum products pipelines crossing national highways, provided certain safety precautions and codes mentioned in the Clarification are complied with.
2. The Policy Circular stated that the public utilities' license fee/ lease rental for using highway land would be 33% of the fee prescribed for industrial utilities. However, as per the Clarification, this condition has been done away with, and the following new fee calculation method for both sectors has been prescribed:
 - a) License fee for industrial utilities = Utilized National Highway Land Area X prevailing circle rate of land per unit area X 10% per annum

Utilized National Highway Land Area will include projection of utility on ground including area of support system / tower.

- b) License fee for public utilities = Utilized National Highway Land Area X prevailing circle rate of land per unit area X 1.5% per annum, subject to a minimum of INR 10,000 (Indian Rupees ten thousand), with 6% annual increment. *Utilized National Highway Land Area* will include area of support system / tower but will not include projection of utility on ground.

For both of the above, the fee has to be deposited in advance.

The Clarification removes the classification for the purpose of computation of license fees which bifurcated utilities between: (a) localized infrastructure facilities such as towers, repeaters and junction boxes; and (b) other utilities.

There will be no license fee payable for optical fiber cables crossing national highways through horizontal directional drilling.

Source: [Clarification dated April 17, 2023](#)

Proposal to set up control rooms for monitoring issues on national highways due to heavy rains

On June 27, 2023, the MoRTH issued an office memorandum to set up a control room for monitoring issues impacting national highways on account of heavy rainfall. The control rooms are made operational with immediate effect and the terms of reference of the officers in the control room include: (a) receiving calls from the public and government agencies and informing the concerned implementing agencies to resolve the issue; (b) monitoring electronic media platforms for any issues arising on national highways on account of heavy rainfall; (c) receiving input/ collect information from regional officers in relation to any problems being faced on the national highways.

As per the office memorandum, the officers in the control room are required to ensure that any information relating to blockage or damage to national highways on account of rainfall is brought to the notice to the concerned regional officers. The control room is also required to keep a record of all calls received by them in chronological order.

Source: [Office Memorandum dated June 27, 2023](#)

All India Tourist Vehicles (Permit) Rules, 2023 notified

The MoRTH notified the All India Tourist Vehicles (Permit) Rules, 2023 on April 18, 2023 (“**Tourist Vehicles Rules**”), superseding the All India Tourist Vehicles (Authorisation or Permit) Rules, 2021.

Some of the key provisions of the Tourist Vehicles Rules are as follows:

1. An All India Tourist Permit will only be granted to a tourist vehicle of a tourist vehicle operator. The application for a permit or for renewal of a permit has to be made electronically on the portal maintained by the relevant state transport authority and the prescribed fees has to be paid depending upon the capacity of the tourist vehicle.
2. If the relevant state transport authority does not make a decision within 7 (seven) days of receipt of application for a permit, the All India Tourist Permit will be deemed to have been granted to the applicant.
3. An exception has been created whereby for battery operated tourist vehicle and tourist vehicle driven on methanol or ethanol fuel, the All India Tourist Permit will be issued without payment of any fee.
4. A tourist vehicle will not be granted the All India Tourist Permit after the vehicle has completed 12 (twelve) years from the date of first registration of the vehicle. However, in the case of diesel vehicles registered in the National Capital Territory of Delhi, the All India Tourist Permit will not be granted after the vehicle has completed 10 (ten) years from the date of its first registration.
5. No person will use the registered tourist vehicle for the transport of tourists individually or in a group, unless the person has a valid All India Tourist Permit.
6. Tourist vehicles which have been granted All India Tourist Permit under these rules must prominently display the words “All India Tourist Permit” on rear left side of the vehicle in white letters against a blue background along with the validity of the permit.
7. A tourist vehicle plying under the All India Tourist Permit, will have to carry for a minimum period of

1 (one) year, a list of tourists in electronic form or in physical form, along with the details of origin and the destination of each tourist. The tourist vehicle operator must maintain electronic records of the tourists, including journey details, and these records must be made available to the jurisdictional transport authority or any other law enforcement officer on demand.

8. The All India Tourist Vehicle Permit may be cancelled if: (a) the permit holder ceases to own the vehicle covered by the All India Tourist Permit; (b) uses or causes or allows a tourist vehicle to be used in contravention to the provisions of Tourist Vehicles Rules or the Motor Vehicles Act, 1988; (c) the holder of the All India Tourist Permit acquires the citizenship of any foreign country; and (iv) the permit holder obtained the All India Tourist Permit by fraud or misrepresentation.
9. A permit issued under the Motor Vehicles (All India Permit for Tourist Transport Operators) Rules, 1993 or the All India Tourist Vehicles (Authorisation or Permit) Rules, 2021 will remain in force for the validity period of the permit as if they were issued under the Tourist Vehicles Rules.

Source: [All India Tourist Vehicles \(Permit\) Rules, 2023](#)

NHAI aims to create 10,000 km of digital highways by end of FY 2024-25

NHAI has announced that it aims to develop around 10,000 (ten thousand) km of optic fibre cables (“**OFC**”) infrastructure across the country by FY 2024-25. This project is proposed to be implemented by NHAI through its subsidiary NHLML. The proposal at the moment is to develop utility corridors along the highway stretches where the OFC can be laid down and established. It has been announced that approximately 1,367 (one thousand three hundred sixty seven) km on Delhi - Mumbai Expressway and 512 (five hundred twelve) km on Hyderabad - Bangalore corridor will act as the pilot routes for this initiative.

With the creation of digital highways, the Government of India hopes to implement telecom technologies like 5G & 6G in remote parts of India and fulfill the larger goal of digital transformation of the country. The government’s plan is to lease out the OFC network on a

fixed price allotment mechanism on 'Open for All' basis. The finer details of the policy for allotment will be decided by the Department of Telecommunications and Telecom Regulatory Authority of India.

Source: [PIB](#)

NHAI issues its first Sustainability Report

NHAI, on June 5, 2023, announced its first ever sustainability report highlighting the green initiatives it has undertaken during the financial year 2021-22. Some of the initiatives which have been showcased in the report are as follows:

1. NHAI has been using recycled materials for national highway construction. Use of fly-ash and plastic waste in construction has increased over the last 3 (three) years. NHAI has encouraged the use of recycled asphalt and recycled aggregates (RA) in highway construction.
2. Green House Gas emissions from energy consumption, operations, transport and travel measured in Metric Tonnes CO2 equivalent /km constructed saw a decline of 9.7% in FY 2020-21 and 2% in FY 2021-22.
3. On the operations front, energy intensity in Giga Joules/km has reduced by 37% in FY 2020-21 and 27% in FY 2021-22.
4. Around 2.74 crore saplings were planted by NHAI till 2021-22 to offset direct emissions from the vehicles.
5. NHAI has partnered with different stakeholders such as State Rural Livelihood Mission (SRLM), Self Help Groups, CSR partners and NGOs to collaboratively organize plantation drives. In July 2022, NHAI organized a nationwide plantation drive and planted around 1,10,00,000 (one lakh ten thousand) plants in a single day through simultaneous plantations at 114 (one hundred fourteen) identified locations across the country.

It is expected that with the issuance of this report, new avenues for infrastructure financing known as 'Green Finance' can be availed of.

Source: [PIB](#)

NHAI empowers Project Directors to rectify accident-prone spots

The NHAI, on June 16, 2023, issued guidelines delegating powers to the Project Directors of NHAI to *suo moto* undertake rectification of accident prone zones up to an amount of INR 10,00,000 (Indian Rupees ten lakhs) provided that these spots or zones have been identified by the State Police Chief or by the District Road Safety Committee.

Further the guidelines have empowered the concerned Regional Office to implement short-term measures, costing more than INR 10,00,000 (Indian Rupees ten lakh) and up to INR 25,00,000, (Indian Rupees twenty five lakh) to rectify accident prone spots.

Source: [PIB](#)

Implementation of Fire Alarm System in buses delayed

On January 27, 2022, MoRTH had extended the scope of AIS 135 on school buses and type III category buses for incorporating provision of fire protection in the passenger compartment of the buses. The timeline for implementation was January 27, 2023. However, on the basis of several representations and comments from various stakeholders, MoRTH on April 28, 2023, deferred the implementation of AIS 135 i.e., the fire alarm system, on school buses and type III category buses to October 1, 2023.

Source: [Notification dated April 28, 2023](#)

Conversion of fully built vehicles into adapted vehicles for Divyangjan

The MoRTH *vide* notification dated April 13, 2023, amended Rules 53A and 53B of the Central Motor Vehicles Rules, 1989 to allow for temporary registration of fully built vehicles to be converted or altered to adapted vehicles in order to allow *Divyangjan* persons to access such vehicles.

Source: [Notification dated April 13, 2023](#)

NHAI enters into MoU with GAIL in relation to right of way for gas pipelines on national highways

NHAI has entered into a Memorandum of Understanding (“MoU”) with GAIL India Limited (“GAIL”) on August 3, 2023. Under the MoU both NHAI as well as GAIL have recorded certain obligations in relation to existing gas pipelines as well as new pipelines which are proposed to be laid down and established on national highways.

Some of NHAI’s key obligations under the MoU include:

1. In case the alignment of a National Highway crosses an already laid hydrocarbon pipeline, NHAI will construct portal structures over the existing pipeline or cause shifting of such operating pipelines at NHAI's cost under supervision of GAIL, if such lines obstruct the construction of the National Highway.
2. In case of new pipelines, NHAI will issue a no objection certificate (“NOC”) to lay down hydrocarbon pipelines within 60 (sixty) days from the formal application by GAIL. Beyond this period of 60 (sixty) days, the NOC will stand issued.
3. NHAI will not levy any charges from GAIL and its agencies for laying new gas/petroleum pipeline(s) along or across National Highways in national highways land.
4. NHAI will obtain performance security from GAIL before issuance of permission for laying natural gas/ LPG/ hydrocarbon pipelines along and across national highways on national highways land.

Some of the key obligations of GAIL under the MoU are as follows:

- a) Wherever, the alignment of a national highway crosses an already laid hydrocarbon pipeline GAIL will allow NHAI to either construct portal structures over the existing pipeline or cause shifting of such operating pipelines at NHAI's cost under supervision of GAIL.
- b) GAIL will not levy any charges on NHAI for constructing national highways over their already laid hydrocarbon pipelines.
- c) GAIL will obtain insurance cover from NHAI before permitting construction of national highways over existing hydrocarbon pipelines.

- d) GAIL will issue NOC to NHAI whenever under construction National Highway crosses over an already laid hydrocarbon pipeline(s) within 60 (sixty) days from the date of formal application by NHAI. Beyond this period of 60 (sixty) days, it is understood that the NOC stands issued unless and until any communication is not established by GAIL or any document submission as per GAIL’s requirement is not pending from NHAI.
- e) GAIL will bear all cost for laying of new pipeline along or across existing national highway land.
- f) GAIL will inform NHAI regarding crossing of GAIL's pipeline on national highways during the land acquisition stage to expedite the crossing related formalities.

Source: [MoU executed between NHAI and GAIL dated August 3, 2023](#)

MoRTH extends date for mandatory testing of Transport Vehicles through Automated Testing Stations



The MoRTH on September 12, 2023, issued a notification providing for an extension of the date of mandatory testing of transport vehicles through Automated Testing Stations which have been registered under Rule 175 of the Central Motor Vehicle Rules, 1989, with the new date of mandatory testing solely through Automated Testing Stations now being October 1, 2024.

Initially, MoRTH had notified that the date for mandatory testing through automated testing stations: (a) for heavy goods vehicles/heavy passenger motor vehicles would be effective from April 1, 2023; and (i) for medium goods vehicles/medium passenger motor

vehicles and light motor vehicles (Transport) would be effective from June 1, 2024.

Source: [Notification dated September 12, 2023](#)

Clarification related to levy of fee/passenger tax/border tax from tourist vehicles

The MoRTH has issued a clarification *vide* circular dated August 4, 2023, whereby it has been clarified that states and union territories should refrain from levying additional taxes in the form of passenger tax/border tax/check post tax from tourist vehicles which are plying with a registration under All India Tourist Vehicles (Permit) Rules, 2023.

The MoRTH has stated that All India Tourist Vehicles (Permit) Rules, 2023 were made with the objective of seamless and hassle-free movements of tourist vehicles, registered under the aforesaid rules, across the country on the strength of permit issued after making the payment of fee prescribed under the All India Tourist Vehicles (Permit) Rules, 2023. Therefore, apart from the fees prescribed under the rules, no additional border tax/ check post tax should not be imposed by states and union territories.

Source: [Circular dated August 4, 2023](#)

MoRTH issues guidelines for provision of signages on national highways and expressways

The MoRTH on July 20, 2023 issued guidelines for provision of signages on both national highways and the expressways.

As per the guidelines the road signages on national highways will have to follow Indian Road Congress ("IRC"): 67 Code of practice for road signs, IRC: 35 Code of Practice for Road Markings and Clause 800: traffic signs, markings and other appurtenances in MoRTH - Specifications for road and bridge works. The guidelines also contain certain provisions for better visibility and understanding of the road users on national highways which superseding all codal provisions/guidelines issued till date and it has been mandated that the guidelines must be followed in addition to all other provisions of IRC: 67, IRC: 35 and Clause 800 etc.

The guidelines categorize signages into 3 (three) categories namely mandatory/ regulatory signs, cautionary/warning signs and informative/guide signs. The guidelines specify the types of signs to be installed mandatorily in national highways under each of these categories as well as the size and dimensions to be followed while installing each such sign. Illustrations of the same have also been provided under the Guidelines and the same may be viewed in the link below.

Source: [Guidelines for provision of signages dated July 20, 2023](#)

ADB and India sign loan agreement to upgrade highways in Bihar

On July 27, 2023, the Government of India and the Asian Development Bank ("ADB") signed a loan of value of \$295,000,000 (US Dollars two hundred and ninety five million) to upgrade approximately 265 (two hundred and sixty five) kilometer state highway stretch in Bihar and make such highways climate and disaster resilient design, and include road safety elements.

The ADB's financial assistance will also be used to strengthen Bihar State Road Development Corporation's ("BSRDC") capacity as well as enhancing systems for road planning and safety in the state of Bihar.

Among the measures to strengthen BSRDC, development of a road asset management system will be looked into, and this will include providing climate change and disaster risk information. There will also be a plan to establish research laboratories in the Bihar Road Research Institute to enable the use of reusable and sustainable materials. The financing will also be used for creation of guidelines for gender-inclusive practices in road safety measures.

Source: [PIB](#)

MoRTH issues circular on usage of fly ash for highway construction

MoRTH *vide* circular dated September 26, 2023 has interpreted notifications from time to time issued by the Ministry of Environment, Forests and Climate Change, regarding the mandatory usage of fly ash from for construction of embankments and approaches of

National Highways. Basis the interpretation provided by MoRTH, usage of fly ash in constructing embankments and approaches of National Highways, in case of thermal power plants located in a 300 (three hundred) kilometer radius from the highway project, will not be mandatory only in the following cases:

1. A 'No Availability Certificate' is obtained from the thermal power plants situated within a 300 (three hundred) kilometer radius; or
2. The Chief Engineer (Design) or Engineer-in-Chief, i.e., Highest Technical officer of NHAI/MoRTH/NHIDCL/ Public Works Departments/ Border Roads Organization ("Authority") approves a deviation from usage of fly ash.

In case of (2) above:

1. The contractors of the Authority will make arrangements for alternate material for embankment construction; and
2. The contractors to carry out due diligence at bid stage regarding availability of fly ash from the nearby thermal power plants and will take into consideration that in case of non-availability of fly ash from thermal power plants, the Authority will permit use of alternate material such as soil, sand, etc. which has to be arranged solely by the bidder/contractor for construction of embankment and/or approaches to the structures with the Authority not bearing the cost of such alternate material.

The non-availability of fly ash to the projects or inadequate supply of fly ash to the project will be considered as non-political event under force majeure clause of the contract between the contractor and the Authority and both parties will not have any claim on each other on this account.

Source: [Circular dated September 26, 2023](#)

MoRTH issues guidelines for improving mountainous road infrastructure

MoRTH with the assistance of Japan International Cooperation Agency, has developed 5 (five) guidelines aimed at enhancing mountainous road infrastructure. The guidelines were published by the Indian Road Congress on July 7, 2023, and they provide technical

specifications and best practices to be followed in the below domains:

1. Planning of Hilly Roads
2. Slope Protection and Embankment with Advanced Technology
3. Tunnel on Arterial Roads in Hilly Area
4. Mountain Bridge with Advance Technology
5. Operation and Maintenance of Mountainous Highways

Source: [PIB](#)

MoRTH issues draft notification for inclusion of provisions for BNCAP in the Motor Vehicles Act



On June 28, 2023, a draft notification had been issued by MoRTH proposing a new Rule 126-E in the Central Motor Vehicles Rules, 1989 facilitating the implementation of the Bharat New Car Assessment Programme ("BNCAP") on type approved vehicles of category M1 from October 1, 2023. These would be vehicles used for the carriage of passengers, comprising not more than eight seats, in addition to driver's seat. MoRTH had also issued the Draft Procedure for Regulating Bharat New Car Assessment Programme and the Draft AIS 197.

Pursuant to the above, the Union Minister for Road Transport and Highways formally launched the BNCAP on August 22, 2023, with BNCAP becoming effective from October 1, 2023. As part of the announcement, the Minister expressed confidence that BNCAP will ensure safety and quality of the vehicles in India, while simultaneously promoting competition among original equipment manufacturers to manufacture safer vehicles.

The BNCAP programme will be based on Automotive Industry Standard (AIS) 197.

Source: [PIB](#)

NHAI Launches 'Rajmargyatra' app

NHAI on August 3, 2023, has launched the *Rajmargyatra* mobile application which will provide travelers with comprehensive information on Indian National Highways while also offering an efficient complaint redressal system.

The key features of the mobile application will include:

1. One-stop repository of essential information including real-time weather conditions, timely broadcast notifications and access to details about nearby toll plazas, petrol pumps, hospitals, hotels, and other essential services that ensure a seamless and safe journey on the National Highways.
2. Over speeding notifications and voice-assistance to encourage responsible and safe driving.
3. The mobile application will integrate its services with various bank portals, allowing users to recharge their FASTags, avail monthly passes, and access other FASTag-related banking services.
4. Users of the mobile application will be able to report and complain about highway-related issues by attaching geo-tagged videos or photos for better clarity. The registered complaints will be handled in a time-bound manner, with system-generated escalations to higher authorities in case of any delays. Users can also track the status of their grievances for complete transparency.

Source: [PIB](#)

India signs memorandum of understanding to establish India-Middle East-Europe Economic Corridor during the G-20 Summit

On September 9, 2023, on the sidelines of the G-20 Leaders' Summit hosted by India, the United States and India co-chaired a separate special event, where the Governments of India, United States of America, Saudi Arabia, the United Arab Emirates, France, Germany, Italy and the European Union ("Participating Nations") signed the MoU to set up India-Middle East-Europe Economic Corridor ("IMEC") which will be

focused on infrastructure development and strengthening connectivity and cross border trade across India, Middle East and Europe. The MoU is aligned with Government of India's initiatives such as Sagar Mala and Atmanirbhar Bharat to give boost to India's economic and trade development. Click here to [read more](#).

FASTag Payments Enabled at Entry Points of Tiger Reserve

Indian Highways Management Company Limited, a subsidiary company of NHAI for the dedicated purpose of carrying out electronic tolling has signed a memorandum of understanding with the Nagarjunasagar-Srisaillam Tiger Reserve. The tiger reserve is located in the states of Andhra Pradesh and Telangana.

The initiative aims to provide FASTag based payment system at entry points of the tiger reserve and will extend the benefit of collection of Ecosystem Management Coordination fee via FASTag at various entrance points of the reserve. It is hoped that by enabling the FASTag system at the entry points, long queues and delays can be avoided and tourists can be allowed to savor the natural beauty and wildlife of these areas without hassles.

Source: [PIB](#)

NHAI launches a knowledge sharing platform with a view to a collaborative approach

With a view to take a more collaborative approach in highways development, the NHAI has launched a 'Knowledge Sharing' platform which is hosted on its website. Experts and citizens who want to share knowledge and insights related to topics such as road design, construction, road safety, environment sustainability and related fields will be able to do so by making submissions on the portal.

The submissions from citizens and experts can be in the form of video clips, power point presentation and PDF files. The suggestions and information uploaded on this platform will be reviewed by NHAI officials and will be evaluated for implementation.

The knowledge sharing platform of NHAI can be accessed at the following [link](#).

Highways & Logistics Practice

In the highways sector, JSA provides end to end assistance to its clients in all aspects of development and operations including but not limited to setting up of green field projects and documentation in respect thereof such as joint venture agreements, shareholders agreements, foreign direct investment approvals, project financing, EPC contracts, O&M contracts, vetting of tender documents including review of concession agreements and regulatory issues including competition, licensing and tariff matters before various regulatory fora.

JSA advises clients on across the spectrum of contractual, commercial, policy, regulatory and legal issues at all stages of the value chain in the logistics sector – infrastructure such as roads, railways, inland waterways, aviation, ports, and logistics parks, as well as services such as transportation, cold chain facilities, and warehousing. JSA has been regularly engaged in advising project developers, investors, suppliers and contractors on commercial/ transactional issues, advising financial institutions and borrowers in relation to financing transactions and dispute resolution (including arbitration, litigation and representation before various judicial fora).

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