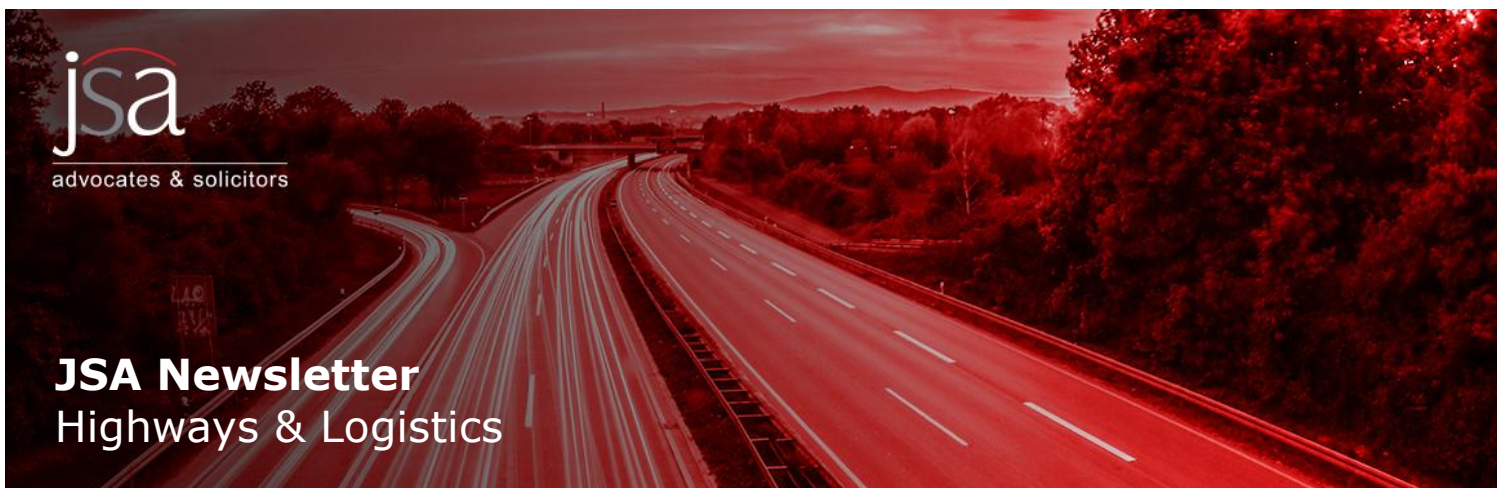




October 2025

This JSA Highways and Logistics Newsletter focuses on key developments undertaken in the Indian roadways and logistics sector between July – September 2025.

Ministry of Road Transport and Highways releases circular on foreclosure of delayed Detailed Project Reports

The Ministry of Road Transport and Highways (“**MoRTH**”), vide circular dated July 1, 2025, has issued directions for the foreclosure of Detailed Project Reports (“**DPRs**”). The circular aims to streamline the project preparation process, ensure timely implementation of national highway projects, and optimise the use of prior consultancy work.

Key points

1. **Foreclosure of DPRs:** Where the project underlying the DPR has not been awarded or have not been taken up for appraisal for a period of 3 (three) years from the date of commencement of DPR consultancy services, the DPR for such projects will be foreclosed.
2. **Other criteria for foreclosure:** In addition to the above, in the following scenarios, DPRs will also be foreclosed: (a) where the draft DPR or alignment plan has not been submitted by the DPR consultant and where the DPR consultancy was initiated prior to or in financial 2022-23; (b) where the alignment of the DPRs was approved by Alignment Approval Committee but where the DPRs are still pending statutory clearances such as wildlife clearance or forest clearance and there being no likelihood of the DPRs fructifying into projects in Financial Year (“**FY**”) 2025-26.
3. **Review of other DPRs:** All other DPRs will be reviewed by zonal head (MoRTH), member (National Highways Authority of India (“**NHAI**”)) and director (National Highways & Infrastructure Development Corporation Limited (“**NHIDCL**”)) to ascertain whether such DPRs need to be foreclosed on account of factors such as ongoing court cases, defense restrictions, lack of Archaeological Survey of India clearance, forest clearance, etc.
4. **Exemptions:** Projects included in the Annual Plan 2025-26 of MoRTH are exempt from foreclosure.
5. **Foreclosure procedure:** (a) DPRs identified for foreclosure will be closed on an “as-is-where-is” basis; (b) As part of the foreclosure, a one-time consolidated proposal will be submitted to MoRTH to determine final payments and financial revalidation; (c) All DPR-related work must be preserved digitally for potential future use; and (d) If revived, previous consultant work should be leveraged to reduce costs.

6. **Future DPR foreclosure:** In the future, if the projects underlying the DPR have not been taken up for appraisal or approval within 3 (three) years from the date on which the DPR consultancy services were awarded, then such DPRs will also be foreclosed and payments will be released accordingly.
7. **Compliance:** Executing agencies, including NHAI, NHIDCL, State Public Works Departments, Border Roads Organisation, and Project Implementation Units (“PIUs”) have to submit compliance reports to MoRTH’s Planning Zone.

Source: [MoRTH circular dated July 1, 2025](#)

MoRTH issues comprehensive guidelines for bridge inspections and maintenance on national highways

MoRTH, *vide* circular dated July 4, 2025, has issued instructions for the regular inspection and maintenance of bridges and other structures on national highways and expressways. The circular mandates that states and highway authorities conduct inspections and maintenance of bridges and culverts with emphasis on conducting regular audits to ensure structural safety and public safety.

The circular provides detailed guidelines for conducting inspections which are yet to be carried out by executive agencies or through the Authority Engineer, Independent Engineer, or Supervision Consultant, in accordance with IRC SP 35:2024. As per IRC SP 35:2024 the following types of inspections are to be carried out:

1. routine inspections (at least once a year, preferably twice, before and after monsoon, and twice in hilly terrain);
2. principal/detailed inspections (before opening the stretch to traffic, at the end of the defect liability period, or at 3 (three)-year intervals);
3. emergent/special inspections (after unusual occurrences); and
4. underwater inspections (for submerged structures or post-flood scour assessments at 5 (five) to 6 (six) year intervals).

Routine inspections of minor bridges and culverts are to be conducted by junior-level officers (below executive engineer/project director), while responsibility of inspection of major bridges will lie with senior officers (executive engineer/project director and above).

Further, based on the findings from these inspections, the regional office of the project executing agency i.e., NHAI, NHIDCL, etc., in consultation with the PIUs/project management unit (PMU)/ national highway division, may formulate an annual inspection and maintenance programme, including detailed examinations and plans for repair, rehabilitation, or replacement.

Source: [MoRTH circular dated July 4, 2025](#)

MoRTH issues directions an extension of time limit for arbitral award

MoRTH has issued a circular on September 4, 2025, addressing the extension of the time limit for arbitral awards under Section 29A (3) of the Arbitration and Conciliation Act, 1996 (“**Arbitration Act**”). Section 23(4) of the Arbitration Act stipulates that the statement of claim and defense must be completed within 6 (six) months from the date the arbitrators receive written notice of their appointment while Section 29A (1) of the Arbitration Act provides that the arbitral award will be made by the tribunal within 12 (twelve) months from the completion of pleadings under Section 23(4).

Further, Section 29A (3) allows the parties, by mutual consent, to extend this period to an additional term not exceeding 6 (six) months. Section 29A (4) of the Arbitration Act stipulates that if the award is not made within the period specified under Section 29A (1) of the Arbitration Act or the extended period under Section 29A (3) of the

Arbitration Act, the arbitrators' mandate will terminate unless the court grants an extension before or after expiry. Where an application under sub-section (5) is pending, the mandate of the arbitrator continues until such application is disposed of.

Noting delays in processing extension requests for the mandate of arbitration tribunals, MoRTH has directed the following:

1. **Extension under Section 29A (3):** For seeking an extension under Section 29A (3) of the Arbitration Act, the concerned regional officer has to forward the extension proposal to MoRTH headquarters for approval of Director General (Road Development) and Special Secretary at least 1 (one) month before the completion of the 12 (twelve) month period under Section 29A (1) of the Arbitration Act.
2. **Application under Section 29A (4):** If an application has to be made seeking further extension arbitrator's mandate under Section 29 (4) whereby an application has to be filed on behalf of the project implementing authority before the relevant High Court, then in such case the proposal along with all relevant details, causes and justifications has to be submitted to MoRTH headquarters at least 2 (two) months prior to the completion of the period prescribed in Section 29A (3) of Arbitration Act.

Source: [MoRTH circular dated September 4, 2025](#)

NHAI clarifies no toll collection from 2 (two) wheelers on national highways and expressways

In response to misinformation circulating on social media regarding toll collection from 2 (two) wheelers at toll plazas, NHAI, *vide* press release dated August 21, 2025, clarified that no user fee will be levied on 2 (two) wheelers at toll plazas on national highways and expressways across the country. User fees on national highways are collected in accordance with the National Highway Fee (Determination of Rates and Collection) Rules, 2008 ("**Fee Rules**"). Under the Fee Rules, user fees is leviable only on 4 (four) wheeler or larger vehicles, which include cars, jeeps, vans or other light motor vehicles/light commercial vehicles, light goods vehicles or minibuses, buses or trucks, heavy construction machinery, earth-moving equipment, multi-axle vehicles 3 (three) to 6 (six) axles, and oversized vehicles 7 (seven) or more axles.

Source: [NHAI circular dated August 21, 2025](#)

NHAI signs agreement to implement India's first multi-lane free flow system in Gujarat

On August 30, 2025, the Indian Highways Management Company Limited, a company promoted by NHAI, signed an agreement with ICICI Bank to implement India's first comprehensive Multi-Lane Free Flow ("**MLFF**") tolling system on NH-48 in Gujarat. Further, an agreement was also signed with ICICI Bank for the implementation of MLFF on NH-44 in Haryana.

MLFF is a barrier less tolling system that enables transactions through reading of FASTag and vehicle registration number by high performance radio frequency identification (RFID) and automatic number plate recognition (ANPR) cameras. Furthermore, this system facilitates toll collection without requiring vehicles to stop at fee plazas. It is expected to significantly enhance the efficiency and sustainability of the national highway network across the country. By leveraging advanced technologies, MLFF will lay the foundation for a more efficient, transparent, and user-friendly tolling ecosystem.

Additionally, NHAI is planning to roll out MLFF based tolling at around 25 (twenty-five) national highway fee plazas in FY 2025-26. The process of identifying such fee plazas is presently underway.

Source: [NHAI press release dated August 30, 2025](#)

NHAI strengthens reporting process for 'Loose FASTags' to ensure efficient tolling

NHAI, on July 11, 2025, announced that it has introduced stricter measures requiring toll collecting agencies and concessionaires to promptly report and blacklist 'loose' / 'tag-in-hand' FASTags i.e., FASTags which are not affixed on the windscreen of vehicles by its owners. NHAI has ascertained that having such loose FASTags leads to misuse, congestion, and false chargebacks that compromise system efficiency.

A dedicated reporting mechanism has been established for quick action – the toll collection agencies must report such cases via a specified email channel, after which the reported FASTags will be blacklisted or hotlisted.

Source: [PIB press release dated July 11, 2025](#)

Goods and Services Tax Council approves major Goods and Services Tax rationalisation for road transport and automobile sector

The Goods and Services Tax ("GST") Council in its 56th meeting, approved a significant rationalisation of GST rates applicable to the road transport and automobile sector, providing tax relief for 2 (two) wheelers, cars, tractors, buses, commercial vehicles, and auto components. The following were the key changes:

Sector-wise GST rate changes

S. No.	Category	Previous GST Rate	New GST Rate
1	Two-Wheelers	28%	18%
2	Small Cars	28%	18%
3	Large Cars	28% + Cess	40% (Flat)
4	Tractors	12%	5%
5	Buses	28%	18%
6	Commercial Goods Vehicles	28%	18%
7	Auto Components	28%	18%
8	Insurance for Goods Carriage	12%	5% (with ITC)

Source: [PIB press release dated September 12, 2025](#)

MoRTH issues circular on implementation of Annual FASTag Pass

MoRTH, on June 17, 2025, has notified an amendment to Fee Rules, whereby it was specified that a person who owns a motor vehicle registered for non-commercial purpose and having a valid and functional Fastag, will be eligible to obtain an annual FASTag pass on payment of fee of INR 3,000 (Indian Rupees three thousand). This pass will be valid for 1 (one) year or for 200 (two hundred) crossings through any fee plaza on a national highway, whichever is earlier, irrespective of the fee leviable at each fee plaza. On August 11, 2025, MoRTH issued another policy circular directing that the annual pass facility is made available at all fee plazas located on national highways and national expressways.

It has been clarified in the circular dated August 11, 2025, that this amendment will be treated as a 'Change in Law' event for the purpose of any contractual implications in Build, Operate, and Transfer (Toll) ("BOT (Toll)") and Toll, Operate, and Transfer ("TOT") and Infrastructure Investment Trust ("InvIT") projects whose bid due date was prior to June 17, 2025.

Source: [MoRTH circular dated August 11, 2025](#).

NHAI issues uniform compensation mechanism for toll operators following introduction of annual FASTag pass

In continuation of the circular dated August 15, 2025, MoRTH, *vide* circular dated September 1, 2025 has announced a uniform compensation mechanism for User Fee Collection Agencies (“UFCAs”) and which will also apply to concessionaires operating under BOT (Toll) and TOT models. The mechanism aims to ensure fair reimbursement for toll operators following the introduction of the annual FASTag pass for non-commercial vehicles from August 15, 2025.

A formula and mechanism for daily compensation to be provided to the UFCAs has been set out in the aforementioned circular dated September 1, 2025. The daily compensation to be paid to the UFCAs must be a direct function of the number of annual pass transactions, single side fare of car/jeep/van applicable on the day and ‘plaza constant’. The computation of ‘plaza function’ is as per a formula provided in the circular.

Compensation for each individual vehicle is capped to 2 (two) crossings per vehicle per day even if the vehicle crosses the plaza multiple times. The compensation payable to the UFCAs will be subject to a quarterly reconciliation on account of reduction in number of exempted vehicles.

Source: [MoRTH circular dated September 1, 2025](#)

NHAI issues revised policy on standard Request for Proposal for procurement of DPR consultancy services

NHAI, *vide* circular dated August 23, 2025, introduced modifications to the standard RFP document for procurement of DPR consultancy services, amending the earlier policy circular dated June 14, 2024. The circular updates the procurement process and eligibility criteria for DPR consultancy services to enhance transparency and efficiency. Modifications have been made to the technical and financial evaluation parameters to align with current industry standards and best practices.

Some of the key modifications are as follows:

1. **Bid capacity calculation:** The Residual DPR Bid Capacity formula has been revised to consider completed feasibility work for 2 (two) lane with paved shoulders, 4-6 laning of state/national highways, and expressways in the last 10 (ten) financial years, replacing the previous focus on 4/6 laning of national highways and expressways over 5 (five) years.
2. **Evaluation criteria:** For roles such as team leader and senior highway engineer, eligible project experience is now based on projects of a minimum length of 40 (forty) km, compared to the previous 20 (twenty) km threshold. A detailed grading scale has been introduced for scoring based on the number of projects handled by the relevant individual.
3. **Special projects clause:** The guidelines specifically exclude special projects, including standalone tunnels, bridges, flyovers, emergency facilities, and underpasses, from the standard DPR consultancy evaluation.

Source: [NHAI circular dated August 23, 2025](#)

NHAI introduces revised qualification criteria for bidders for Hybrid Annuity Mode projects

NHAI, *vide* circular dated July 10, 2025 (and further amended on August 6, 2025), has introduced revised qualification criteria for bidders seeking to undertake Hybrid Annuity Mode (“HAM”) projects.

The following are the key revisions which have been carried out:

Clause	Previous provision	Revised provision
Net worth at the close of the preceding financial year	The threshold financial capacity will be 15% of the estimated project cost.	The threshold financial capacity will be 20% of the estimated project cost.
Net worth of consortium members	Each member of the consortium will have a minimum net worth of 7.5% of estimated project cost in the immediately preceding financial year.	Each member of the consortium will have a minimum available net worth of 10% of estimated project cost in the immediately preceding financial year.
Available net worth calculation method	No such provision	Bidders meeting the minimum qualification criteria will be considered eligible only if their available net worth is equal to or greater than the required net worth value. The available net worth will be calculated as: Assessed available net worth = $A - (B \times 20\%)$, where: A = Net worth of the bidder; and B = Balance value of existing commitments, public private partnership projects won but not yet awarded or ongoing works to be completed during the period of completion of the project for which tender has been floated. The status of assessed available net worth of the bidder to be updated on the date before opening the financial bids.
Single work criteria	The bidder will demonstrate experience in at least 1 similar work with a value of 20% of the estimated project cost. A project will be considered completed if more than 90% of the total value of work has been executed and such executed value is equal to or exceeds 20% of the estimated project cost.	The bidder will demonstrate experience in either: 2 similar completed works, each costing at least 25% of the estimated project cost; or 1 similar completed work costing at least 35% of the estimated project cost. A project will be considered completed if more than 90% of its total value of work has been executed and such executed value meets or exceeds the above cost criteria in last 5 financial years preceding the bid due date or till the bid due date. Client certificates are required, and for subcontracting or joint venture projects, government/client approval is needed within allowable limits. It has also been clarified that 'similar completed work' will mean completed work comprising all major components similar to the work for which bids have been invited. Execution of work which does not include all major components will not be considered.

Clause	Previous provision	Revised provision
Additional work criteria (bridge and tunnel)	In case the project includes any major bridge, road over bridge, flyover, or tunnel, the bidder must demonstrate experience of having constructed at least one similar major bridge, road over bridge, flyover, or tunnel within the last 10 financial years preceding the bid due date. For major bridge/road over bridge/flyover works with a span of more than 60 meters, the bidder must have experience in constructing a structure with a span equal to or greater than 50% of the longest span or 100 meters of the proposed structure in this project, whichever is less. For tunnel projects exceeding 200 meters in length, the bidder must have experience in constructing a tunnel covering at least 50% of the cross-sectional area of the proposed tunnel or a two-lane highway tunnel, whichever is less, along with at least 20% of the length of the tunnel to be constructed under this project or 2 kilometers, whichever is less.	The revised criteria reduces the look back period to the last 7 financial years and increases the technical thresholds: (a) for bridges/road over bridges/flyovers, the bidder must have experience covering 80% of the longest span or 100 meters, whichever is lower, and 40% of the length of longest structure in the project for which tender has been floated or 2 kilometres, whichever is lower; and (b) for tunnels where the length of tunnel to be constructed exceeds 200 meters in length, experience must cover 80% of the cross-sectional area (excluding cut and cover method) of the widest proposed tunnel to be constructed as part of the project or 2 lane highway tunnel cross sectional area, whichever is less, and 40% of the longest tunnel to be constructed or 2 kilometres, whichever is less.
Stand-alone specialised projects	1. If the cost of the specialised project is equal to or less than INR 1000,00,00,000: The sole bidder or, in case of a joint venture, lead member must have completed at least one similar major bridge/road over bridge/flyover project in the last 10 financial years preceding the bid due date, with: Span: equal to or greater than 50% of the longest span proposed in this project or 100 meters, whichever is less. Cost: equal to or greater than 20% of the estimated project cost. A project is considered complete if over 90% of the work is done and completed value of work is equal to or greater than 20% of the estimated project cost. 2. If the cost of the specialised project is greater than INR 1000,00,00,000: The sole bidder or, in case of a joint venture, lead member must have completed at least one similar major bridge/road over bridge/flyover project in the last 10 (ten) financial years preceding the bid due date, with: Span: equal to or greater than 50% of the longest span proposed in this project or 100 (hundred) meters, whichever is less; and	1. If the cost of the specialised project is equal to or less than INR 1000,00,00,000: The revised prior experience criteria reduce the look back period to the last 7 financial years preceding the bid due date or up to the bid due date, with such prior experience projects having: Span: equal to or greater than 80% of the longest span proposed in this project or 100 meters, whichever is less. Cost: a) 1 similar project with cost equal to or greater than 35% of the estimated project cost; or b) 2 similar projects, each with cost equal to or greater than 25% of the estimated project cost. A project is considered complete if over 90% of the work is done and the completed value meets or exceeds the above mentioned percentage of the estimated project cost. 2. If the cost of the specialised project is greater than INR 1000,00,00,000: The revised prior experience criteria reduces the look back period to the last 7 financial years preceding the bid due date or up to the bid due date, with the following:

Clause	Previous provision	Revised provision
	Cost: equal to or greater than 20% of the estimated project cost or INR 100,00,00,000 (Indian Rupees Hundred Crores), whichever is less. The project will be considered complete if over 90% of the work is done and the completed value is equal to or greater than 20% of the estimated project cost or INR 1000,00,00,000, whichever is less.	a) Span: equal to or greater than 80% of the longest span proposed in this project or 100 meters, whichever is less; b) Length: equal to or greater than 40% of the length of the major bridge/road over bridge/flyover to be constructed in this project or 2 kilometres, whichever is less; and c) Cost: i) 1 similar project with cost equal to or greater than 35% of the estimated project cost; or ii) 2 similar projects, each with cost equal to or greater than 25% of the estimated project cost or INR 100,00,00,000, whichever is less. A project is considered complete if over 90% of the work is done and the completed value is equal to or greater than the required percentage of the estimated project cost or INR 1000,00,00,000, whichever is less. Client certificates are required, and for subcontracting or joint venture projects, government/client approval is needed within allowable limits.
Tunnel project	The sole bidder or, in case of a joint venture, the lead member must have completed at least 1 tunnel project in the last 10 financial years preceding the bid due date. The bidder must demonstrate experience in: 1. Cross-sectional area: at least 50% of the proposed tunnel's cross-sectional area or that of a 2-lane highway tunnel, whichever is less; and 2. Length: at least 20% of the proposed tunnel length in this project or 2 kilometres, whichever is less. The cost of such a project will be at least 20% of the estimated project cost or INR 1000,00,00,000, whichever is less. For this purpose, a project will be considered completed if the value of completed work is equal to or more than 20% of the estimated project cost or INR 1000,00,00,000, whichever is less.	The revised criteria reduce the experience period to the last 7 financial years preceding the bid due date or up to the bid due date. The bidder must demonstrate experience in: 1. Cross-sectional area: at least 80% of the inner cross-sectional area of the widest tunnel to be constructed in this project or that of a two-lane highway tunnel, whichever is less; and 2. Length: at least 40% of the length of the longest tunnel to be constructed in this project or 2 (two) kilometres, whichever is less. The bidder must meet cost criteria through either: 1. 1 similar project with a cost of at least 35% of the estimated project cost or INR 1000,00,00,000, whichever is less; or 2. 2 similar projects, each with a cost of at least 25% of the estimated project cost or INR 1000,00,00,000, whichever is less. A project is considered complete if over 90% of the work is done and the completed value is equal to or greater than the required

Clause	Previous provision	Revised provision
		percentage of the estimated project cost or INR 1000,00,00,000, whichever is less. Client certificates are required, and for subcontracting or joint venture projects, government/client approval is needed within allowable limits.
Technical capacity-minimum value of works to be considered	The capital cost of the project should be more than 5% of the estimated project cost; and any receipts less than 5% of the estimated project cost will not be considered.	The capital cost of the project should be more than 10% of the estimated project cost; and any receipts less than 10% of the estimated project cost will not be considered.

Source: [NHAI circular dated August 6, 2025](#)

NHAI revises qualification criteria for Engineering Procurement and Construction projects under standard RFP

NHAI, *vide* circular dated July 8, 2025 (and further amended on August 8, 2025), has introduced comprehensive modifications to the qualification criteria under the standard RFP for Engineering Procurement and Construction ("EPC") projects.

The following are the key revisions which have been carried out:

Clause	Previous provision	Revised provision
Single work criteria	The bidder will demonstrate experience in at least 1 similar work with a value of 20% of the estimated project cost. A project will be considered completed if more than 90% of the total value of work has been executed and such executed value is equal to or exceeds 20% of the estimated project cost.	The bidder will demonstrate experience in either: 1. 2 similar completed works, each costing at least 25% of the estimated project cost; or 2. 1 similar completed work costing at least 35% of the estimated project cost. A project will be considered completed if more than 90% of its total value of work has been executed and such executed value meets or exceeds the above cost criteria in last 5 financial years preceding the bid due date or till the bid due date. Client certificates are required, and for subcontracting or joint venture projects, government/client approval is needed within allowable limits. It has also been clarified that 'similar completed work' will mean completed work comprising all major components similar to the work for which bids have been invited. Execution of work which does not include all major components will not be considered.
Additional work criteria	In case the project includes any major bridge, road over bridge, flyover, or tunnel, the bidder must demonstrate experience of having constructed at least 1 similar major bridge, road over bridge, flyover, or tunnel	The revised criteria reduces the experience period to the last 7 financial years and increase technical thresholds: for bridges/road over bridges/flyovers having length of more than 60 metres, the bidder

Clause	Previous provision	Revised provision
	within the last 10 financial years preceding the bid due date. For major bridge/road over bridge/flyover works with a span of more than 60 meters, the bidder must have experience in constructing a structure with a span equal to or greater than 50% of the longest span or 100 meters of the proposed structure in this project, whichever is less. For tunnel projects exceeding 200 meters in length, the bidder must have experience in constructing a tunnel covering at least 50% of the cross-sectional area of the proposed tunnel or a two-lane highway tunnel, whichever is less, along with at least 20% of the length of the tunnel to be constructed under this project or 2 kilometers, whichever is less.	must have experience covering 80% of the longest span of the structure proposed to be constructed or 100 (hundred) meters, whichever is lesser; and 40% of the total length of the longest structure proposed to be constructed or 2 kilometres, whichever is lesser. For tunnels having length greater than 200 metres,, experience must cover 80% of the inner cross-sectional area of the widest proposed tunnel or two lane highway tunnel cross sectional area and 40% of the length of the tunnel to be constructed in this project (excluding cut and cover method) or 2 kilometres, whichever is lesser.
Standalone specialised projects	The bidder must have completed at least 1 similar work involving a major bridge, road over bridge, or flyover project within the last 10 financial years preceding the bid due date. The completed work should have a span equal to or greater than 50% of the longest span or 100 metres, whichever is less, of the proposed structure under this project, and the cost of such similar completed work will be at least 20% of the estimated project cost.	The revised criteria reduce the experience period to the last 7 financial years. The completed work should have a span equal to or greater than 80% of the longest span or 100 metres, whichever is less, of the proposed structure, and a total length of at least 40% of the length of the proposed major bridge/road over bridge/flyover or 2 kilometres, whichever is less. Further, the cost of such similar completed work will be at least: 2 similar projects, each of value not at least 25% of the estimated project cost mentioned in the tender; or 1 similar project having value of at least 35% of the estimated project cost mentioned in the tender. A project is considered complete if over 90% of the work is done and such completed value is equal to more than the above criteria. Client certificates are required, and for subcontracting or joint venture projects, government/client approval is needed within allowable limits.
Tunnel projects	The sole bidder or, in case of a joint venture, any member must have completed at least 1 tunnel project in the last 10 financial years preceding the bid due date. The bidder must demonstrate experience in: Cross-sectional area: at least 50% of the proposed tunnel or a two-lane highway tunnel, whichever is less.	The revised criteria reduce the experience period to the last 7 financial years. The bidder must demonstrate experience in: Cross-sectional area: at least 80% of the proposed tunnel (other than cut and cover method) or a two-lane highway tunnel, whichever is less.

Clause	Previous provision	Revised provision
	2. Length: at least 20% of the tunnel length proposed in this project or 2 (two) kilometres, whichever is less. The cost of such a project will be at least 20% of the estimated project cost or INR 1000,00,00,000, whichever is less.	2. Length: at least 40% of the tunnel length proposed in this project or 2 (two) kilometres, whichever is less. The cost of such project will be at least: 1. 2 similar projects, each having value of at least 25% of the estimated project cost mentioned in the tender; or 2. 1 similar project having value of at least 35% of the estimated project cost mentioned in the tender. Client certificates are required, and for subcontracting or joint venture projects, government/client approval is needed within allowable limits.
Technical capacity- minimum value of work to be completed	The capital cost of the project should be more than 5% of the estimated project cost, and any receipts less than 5% of the estimated project cost will not be considered.	For projects up to INR 100,00,00,000: the capital cost of the project being used for prior experience by the bidder has to be more than 5% of the estimated project cost set out in the tender. For projects exceeding INR 100,00,00,000: 1. the capital cost of the project being used for prior experience by the bidder should be more than 10% of the estimated project cost; and 2. any receipts less than 10% of the estimated project cost will not be considered.

Source: [NHAI circular dated August 8, 2025](#)

NHAI issues revised policy for utility shifting reimbursement in highway projects

NHAI, *vide* policy circular dated September 3, 2025, has announced clarifications and revisions for reimbursing statutory and ancillary charges associated with utility shifting works on national highway projects executed under HAM and EPC models. This crucial policy update aims to expedite project timelines, especially where transmission line shifting is a major barrier to timely completion.

Key Points

1. **Expanded reimbursement scope:** Earlier, only direct supervision charges were reimbursed to Utility Owning Agencies ("UOAs"). The revised policy now covers additional levies such as survey charges, application/registration fees, and Safety NOC fees wherever applicable, making the process more comprehensive and aligned with practical requirements.
2. **Payment and recovery process:** NHAI will directly pay the identified charges to relevant UOAs without delay. These outlays will subsequently be recovered from the next interim payment certificate of the concerned EPC contractor or concessionaire.

3. **Modifications in model concession agreements:** The updated provisions also modify specific clauses such as survey charges, safety NOC fees in the model concession agreements for EPC and HAM contracts so that project and utility shifting costs are now more accurately captured and administered.
4. **Enhancing project execution:** By expanding reimbursable items, the policy seeks to remove key impediments in utility relocation, a frequent cause of project delays. The change is expected to accelerate highway construction schedules nationwide.

Source: [NHAI circular dated September 3, 2025](#)

NHAI clarifies technical division's role in management of monetised highway stretches

NHAI, *vide* policy circular dated September 9, 2025, has outlined the responsibilities of its Technical Division regarding stretches awarded for monetisation under the TOT and InvIT models.

Once a highway section is awarded and the concession agreement is signed, the management of tolling, operation, and maintenance transitions to the concessionaire, overseen by local PIUs. From this point, all contract management will be led by the Technical Division at NHAI headquarters and regional offices, and Asset Monetisation Division will assist Technical Division on a case-to-case basis.

The circular also states that the technical consultants engaged for monetisation assignments will assist the Technical Division with preparation of RFPs, technical schedules, etc., i.e., with all tasks that remain within NHAI's scope.

Source: [NHAI circular dated September 9, 2025](#)

Modification in empanelment process for agencies undertaking risk and cost measures

NHAI, *vide* policy circular dated September 16, 2025, has updated the Standard Operating Procedure ("SOP") for empanelling agencies to implement risk and cost measures i.e., agencies which would complete the works which have not been completed by the original contractors at original contractor's risk and cost. Previously, regional offices of NHAI were required to identify and empanel a pool of qualified agencies once every 2 (two) years. The revised policy now mandates this empanelment process will take place annually, in each financial year, to ensure a sufficient number of empanelled agencies are available. Additionally, if fewer than 5 (five) agencies are empanelled in any category (A/B/C/D), the relevant regional office can now seek approval to invite applications twice within a financial year to address the shortfall.

The categories under which agencies are to be empanelled are as follows:

1. **Class D:** Suitable for executing the work up to INR 25,00,00,000 (Indian Rupees twenty-five crore);
2. **Class C:** Suitable for executing the work up to INR 50,00,00,000 (Indian Rupees fifty crore);
3. **Class B:** Suitable for executing the work up to INR 75,00,00,000 (Indian Rupees seventy-five crore);
4. **Class A:** Suitable for executing the work up to INR 100,00,00,000 (Indian Rupees one hundred crore).

Source: [NHAI circular dated September 16, 2025](#)

NHAI clarifies time of payment under 'Change in Law' provisions for EPC portion of HAM Projects

NHAI, *vide* policy circular dated September 17, 2025, has clarified its earlier policy circular of December 23, 2022 regarding the payments to be made under 'Change in Law' provisions of contracts for EPC portion of HAM projects on account of change in GST. The previous circular stated that the amount attributable to change in law Impact will be paid at the time of completion of the construction work whereas the circular of September 17, 2025 has now clarified that this amount will be payable at the time of issuance of the provisional completion certificate or completion certificate of construction work.

Source: [NHAI circular dated September 17, 2025](#)

NHAI issues comprehensive maintenance manual for National Highways

NHAI through its policy circular dated September 27, 2025, has released a new maintenance manual, recognising the vital impact of road maintenance on safety, user comfort, project economics, and environmental factors, the manual aims to educate all stakeholders across the spectrum including NHAI officers, supervision consultants, contractors, concessionaires, and operation and maintenance agencies on the essential aspects and best practices of highway maintenance, defects, tests, rectification methods as well as technologies used for maintenance.

The manual offers a structured overview encompassing types of maintenance (routine, preventive, periodic, and major), processes for evaluating asset conditions, and guidelines for defect inspection (visual, close, thorough) with defined inspection items, rectification, and the use of technology. It includes protocols for maintaining not just roadways and pavements, but also structures (like bridges and culverts), road signs and furniture, highway lighting, safety barriers etc. The manual also provides overview of roles and responsibility of key-personnel.

The framework serves as a practical guideline, complementing (but not superseding) more specific IRC codes, contracts/concession agreements, and circulars issued by NHAI/MoRTH.

Source: [NHAI circular dated September 27, 2025](#)

NHAI standardises Joint Measurement Survey process under the National Highways Act, 1956

NHAI, *vide* policy circular dated July 2, 2025, has issued directions to standardise the Joint Measurement Survey ("JMS") process undertaken under Section 3 of the National Highways Act, 1956 ("NH Act"). The objective is to ensure uniformity, accuracy, and transparency in the land acquisition process for national highway development, while also mitigating disputes and claims relating to compensation. Under Section 3B of the NH Act, the Government of India, or any person authorised by it, is empowered to carry out surveys, inspections, measurements, valuations, and other related activities for the proposed construction or development of national highways upon a notification being issued under Section 3A (1) of the NH Act. Section 3A (1) states that if the Government of India is satisfied that for a public purpose any land is required for the building, maintenance, management or operation of a national highway, it may issue a notification in the Official Gazette declaring its intention to acquire such land.

The surveys specified under Section 3B are to be conducted jointly by representatives of NHAI, relevant State Government departments and landowners. In the light of recurring inconsistencies and omissions in JMS reports, often resulting in disputes or escalated compensation claims, NHAI has developed a standard template for JMS reports. Additionally, NHAI has prescribed that the following points have to be adhered to while conducting JMS.

Key points

1. **Timelines:** JMS must be completed within 15 (fifteen) days from the date of publication of the notification issued under Section 3A of the NH Act, and the report must be prepared strictly in the prescribed format.

2. **Stakeholder authentication:** The JMS Report must carry the full signatures, not initials, of all participating officials, clearly stating their name, designation, date, and affiliated agency.
3. **Survey accuracy:** Land parcel measurements must be carried out with due diligence and verified against GIS-based Land Acquisition Plan data. Special attention must be given to demarcation of boundaries between adjoining plots (khasras).
4. **Asset documentation:**
 - a) all structures, trees, plants, and crops falling within the proposed Right of Way (“**ROW**”), as covered under the Section 3A notification, must be photographed in high resolution, with geo-tagging and timestamping;
 - b) relevant details of each asset, including type, condition, size, and species, where applicable, must be recorded; and
 - c) in case of agricultural land, the type, location, and extent of existing crops must be clearly documented.
5. **Digital integration and upload:** All asset details and photographs are to be uploaded on the *Bhoomirashi* portal in the prescribed digital format. A separate SOP for this purpose will be issued.
6. **Graphical representation:** The dimensions and boundaries of khasras/structures within the ROW or proposed ROW (“**PROW**”) must be shown with solid lines, while areas falling outside the ROW/PROW should be depicted using dotted lines.

The data collected through the JMS exercise will form the basis for the issuance of the Section 3D notification and for the award under Section 3G (1) of the NH Act by the competent authority for land acquisition. JMS activities fall within the defined scope of work of the DPR consultant, who will be responsible for preparing a comprehensive, geo-tagged inventory of all land-attached assets. This must include photographic and video evidence in a verifiable and standardised format.

Source: [NHAI circular dated July 2, 2025](#)

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).

This Newsletter has been prepared by:



Vishnu Sudarsan

Partner



Ashish Suman

Partner



Kartikeya GS

Partner



Ayan Sinha

Principal Associate



Swapnil Singh

Associate



18 Practices and
41 Ranked Lawyers



7 Ranked Practices,
21 Ranked Lawyers



14 Practices and
12 Ranked Lawyers



12 Practices and 50 Ranked
Lawyers



20 Practices and
22 Ranked Lawyers



8 Practices and
10 Ranked Lawyers
Highly Recommended in 5 Cities



Recognised in World's 100 best
competition practices of 2025



Among Best Overall
Law Firms in India and
14 Ranked Practices



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of the Year 2024

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