



D.O. No P-17028/1/2006-P-III

13th January, 2022

Subject: Timeline for submission of Action Taken Report (ATR) in respect of ongoing and completed project-regarding

Dear Madam/Sirs,

It may be recalled that with a view to immediately start corrective action on NQM's observations, if so required, the NQMs hand over the inspection reports to PIU concerned, before leaving the district headquarter. The PIU after getting all the defects rectified, informs the SQC about the compliance made, who in turn gets the work re-inspected through SQM. The SQM examines the work with respect to NQM observation through appropriate tests and verifies the action taken by the PIU and submits the compliance report to SQC. The SQC examines the ATR and ground verification carried out by SQM. If the SQC is satisfied with the compliance made, he recommends acceptance of the ATR, recording his satisfaction on the adequacy of action taken and uploads the ATR in OMMAS for re-grading. NRIDA examines the ATR and re-grades the work based on SQC recommendation and updates the re-graded status of each work in OMMAS. In case the ATR is not found satisfactory, the ATR is not accepted after citing the reasons. In cases when ATR is inconclusive, the same is verified on ground by another NQM.

2. The status of ATR pendency was reviewed at NRIDA. It emerged that significant number of ATRs are pending with the states for a very long time.

3. In this regard letters were also issued by then JS(RC) & DG NRIDA dated 21st July, 2017 and 23rd May, 2018 to those States which had significant number of pending ATRs, defining the timeline for submitting the ATRs. It was decided that projects for which ATRs were not furnished after the lapse of five years, since the NQM inspection, States will submit their contention by recommendation of CEO of SRRDA. Projects for which ATRs were not furnished for a period of 3 to 5 years after NQM inspection, the States had to furnish ATRs from an officer not below CE level.

4. Based on above communications and rigorous follow up with States, substantial number of ATRs have been received. However, a number of ATRs are still pending for several years. This situation cannot be called acceptable.

5. Therefore, with a view to expedite the process of ATR submission and **retain the credibility of the quality inspection system**, the following timeline is to be enforced:

- (i) All ATRs for 'Ongoing' works should be furnished within a period of six months from the date of NQM inspection. If the ATR is not submitted within 6 months, the entry of physical progress of the work would automatically be suspended in OMMAS till the ATR is uploaded. After suspension of entry of physical progress, PIU would not be able to make payment as well.

If the 'Ongoing' work is physically completed within six months of NQM inspection, such works will not be allowed to be closed physically and financially on OMMAS before submission of ATR.

If the 'Ongoing' work is held up due to issues pertaining to *force majeure*, court cases, forest clearance and under disputes, the six months time for submission of ATRs would be further extended for duration till the issue is resolved.

- (ii) In case of 'Completed' works ATRs, post rectification/re-doing shall be submitted within six months from the date of inspection.

If the ATR of 'Completed' work is not submitted after 6 months of the inspection, it shall only be considered on the recommendation of the CEO of SRRDA. However, if the ATR of completed work is not submitted even after 12 months of NQM's inspection, the state's contention about rectification would not be considered and the work would be notified as work having defects of 'non-rectifiable' nature.

Non-rectifiable works will be dealt with according to NRIDA DO# P-17022/2/2006-P-III dated 08 Sep 2009 and 28 June 2013. The expenditure incurred on such works would be treated as infructuous and an equivalent amount is recoverable. This amount would be deposited by the State Govt. in the programme fund account of SRRDA. Also appropriate action will be taken against contractor and the officers found responsible for failure of supervision mechanism.

6. This provision will be applicable from all the works inspected from 1st January, 2022 onwards. For the pending ATRs the states are advised to furnish ATRs latest by 31st March 2022, failing which the aforesaid provisions would be made applicable.

With regards,

Yours sincerely,



(Dr. Ashish Kumar Goel)

To:

1. Additional Chief Secretaries / Principal Secretaries / Secretaries dealing with PMGSY & RCPLWEA in all the States/ UTs.
2. Chief Executive Officers/ Engineers-in-Chief / Chief Engineers dealing with PMGSY & RCPLWEA in all the States/ UTs.
3. SQCs in all the States/ UTs.

J.K. Mohapatra

Joint Secretary (RC, IC & CVO)

Telephone: 2338 3553

Fax : 2338 8207

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

September 8, 2009

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

Dear

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

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

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

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

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

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

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

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

Recovery of Expenditure

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

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

Yours sincerely,

(J. K. Mohapatra)

To
All State Secretaries in-charge of PMGSY

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

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

Dated 28th June, 2013

ORDER

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


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

2. As per para-4 of the above letter, the expenditure incurred on projects having non-rectifiable defects would be treated as infructuous and an equivalent amount is recoverable.

3. As per para-3 of the above letter, a clear procedure for fixing responsibility has also been laid down, however, in spite of the fact that a number of works have been notified as “works having non-rectifiable defects”, States have not furnished any information on action taken in this regard.

4. Therefore, with a view to make recoveries more effective and ensure fixation of appropriate responsibility, it has been decided that the amount incurred on works notified as “works with non-rectifiable defects” would be deposited by the State Government in the Programme Fund account of the State Rural Road Development Agency.

5. This order would be effective with immediate effect.


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

Copy to:

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