

**GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
RAILWAY BOARD**

GST Circular No. 18/2020
24th March, 2020

No. 2018/AC-II/1/57 (Pt)

General Managers,
All Zonal Railway/Production Units and Director/Finance /CRIS

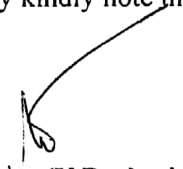
Sub:-Novation Agreement-EBR-IF Contracts

Refer: EDCE/G, Railway Board's Circular No. 2018/AC-II/1/57 (Pt.) dated 20th March, 2020.

Railway Board vide letter ibid (copy enclosed) had brought out the format of Standard Novation Agreement for ongoing works contracts funded through Indian Railway Finance Corporation Limited (IRFC) duly approved by Board (ME, MTR and FC).

IRFC has vide their email message dated 23.3.2020 has intimated that Shri N H Kannan, General Manager/Finance is nominated for executing the Novation Agreement for project finance funded through IRFC. All the Zonal Railways and Production Units may kindly note the above for finalizing the Novation Agreement.

Encl:- As above.


(V.Prakash)
Joint Director/Accounts
Railway Board



भारत सरकार Government of India
रेल मंत्रालय Ministry of Railways
(रेलवे बोर्ड) (Railway Board)

No. 2018/AC-II/1/57 (Pt.)

New Delhi, dated 20.03.2020

To,

As per list attached.

Sub: Standard Novation Agreement – EBR-IF Funded Contracts.

Ref: Railway Board's letter F.No. 2018/AC-II/1/57 dated 16/12/2019.

1. In continuation to Railway Board's letter under reference, kindly find enclosed herewith the format of Standard Novation Agreement for ongoing works contracts funded through Indian Railway Finance Corporation Limited, duly approved by Board (ME, MTR, FC).
2. The above Standard Novation Agreement has been finalized after Railway finance concurrence and legal vetting of Ministry of Law & Justice.
3. The Railways are therefore advised to incorporate the above Novation Agreement in all ongoing works contracts funded by IRFC, without any further legal and finance vetting at Zonal level.
4. Further, for all works tenders to be opened now onward for projects funded by IRFC, the tender documents may also be suitably modified to incorporate the provisions of Standard Novation Agreement.
5. This issues with the concurrence of Finance Directorate of Ministry of Railways.

Please acknowledge receipt.

Prem Sagar
20/03/2020
(प्रेम सागर गुप्ता)

कार्यकारी निदेशक/ सिविल इंजी(जी)/ रेलवे बोर्ड
[Phone: 011-23383379; Rly no. 44803]

No. 2018/AC-II/1/57 (Pt.)

New Delhi, dated 20.03.2020

Copy forwarded for information to:

1. The FA & CAOs all Indian Railways.
2. The Deputy Comptroller and Auditor General of Indian (Railways), New Delhi.

For Financial Commissioner/Railways

LIST FOR DISTRIBUTION (Letter No. 2018/AC-II/1/57 (Pt.)) dated 03.2020)

1. General Managers, All Indian Railways & Production Units
2. General Manager (Con), N.F. Railway, Guwahati
3. General Manager /CORE, Allahabad.
4. Chief Administrative Officers (Con), All Indian Railways (Except N.F. Railway)
5. Chief Vigilance Officers, All Indian Railways

(A)

1. CAO, COFMOW, Tilak Bridge, New Delhi
2. CAO, Diesel Locomotive Works, Patiala (Punjab)
3. CAO (Workshop Projects), Chamber Bhawan, Judge's Court Road, Anta Ghat, Patna-800001, Bihar

(B)

1. Director General, RDSO, Manak Nagar, Lucknow
2. Director General, NAIR, Vadodara
3. Director, IRICEN, Pune – 411 001 (Maharashtra)
4. Director, IRIEEN, PB No.-233, Nasik Road-422101 (Maharashtra)
5. Director, IRISSET, Taa Naka Road, Lalla Guda, Secunderabad-500017
6. Director, IRIMEE, Jamalpur Distt-Jamalpur, PIN-811214 (Bihar).
7. Director, IRITM, Sarswati Residential Estate, IRITM Campus, Manak Nagar, Lucknow

(C)

1. General Secretary, IRCA, DRM Office, New Delhi.
2. General Secretary, AIRF, Rail Bhawan, New Delhi
3. General Secretary, NFIR, Rail Bhawan, New Delhi
4. General Secretary, IRPOF, Rail Bhawan, New Delhi
5. General Secretary, FROA, Rail Bhawan, New Delhi
6. General Secretary, AIRPA, Rail Bhawan, New Delhi

7. General Secretary, AISC & STREA, Rail Bhawan, New Delhi
 8. The Secretary, RBSS, Group (A) Offices Association, Rail Bhawan
 9. The Secretary, RBSS, Group (B) Offices Association, Rail Bhawan
 10. General Secretary, RBSSS Association, Rail Bhawan
 11. The Secretary, RBMSA, Rail Bhawan
 12. The Secretary, Railway, Group (D) Employees Association, Rail Bhawan
- Copy to:**

1. Concerned PSO for kind information of CRB, ME, MTR, MRS, FC, MS, MST, MMM.
2. DG(RHS), DG(RPF), AM/Revenue, AM(CE), AM(Works), AM(B), AM(Elec.), AM(RS), AM(ME), AM/Tele, AM/C&IS, AM/Sig., AM(Plg.), PED(Accounts), PED/SDE, PED(Bridges), PED(Vigilance), PED/Transformation, EDCE(G), EDCE(P), EDTK(M), EDTK(MC), EDTK(P), EDCE(B&S), EDF(X)-I, EDF(X)-II, ED(Works), EDW(Plg.), ED/Project(Mon.), ED(L&A), ED/SDE, ED(PSU), EDVE, ED(Safety), ED(Sig. Dev.), ED(Tele), EDRS(G), EDRE, EDEE(G), EDFE, EDE(N), ED/T&MPP, EDME(Chg.), EDME(Frt.), ED/Plg., EDFB & RM, ED/MTP, JS(conf), JS(P), JS(G), JS(D), Vigilance-III, Vig(Conf), JD(Accounts), DD/FeX of Railway Board.
3. Managing Director, Indian Railway Finance Corporation Limited, Regd Office: UG-Floor, East Tower, NBCC Place, Bhishmah Pitamah Marg, Pragati Vihar, Lodhi Road, New Delhi 110 003.

NOVATION AGREEMENT

Articles of agreement made on this day _____ in the year Two Thousand and Twenty between the President of India, acting through the _____ <Zonal Railway> Administration having its office at _____ hereinafter called the 'Railway' of the first part and < _____ Name of Contractor _____ > hereinafter called the 'Contractor' of the second part and Indian Railway Finance Corporation Limited hereinafter called the 'IRFC' of the third part having its office at _____ with GSTIN _____ <GSTIN of billing unit (IRFC)>.

First part, second part and third part collectively hereinafter called the 'Parties'.

Whereas the party hereto of the second part executed an agreement with the party hereto of the first part being agreement no. _____ dated _____ with contract cost of Rs. _____ for performance of _____ hereinafter called the 'Principal Agreement'.

Now it is hereby agreed by and between the parties that Indian Railway Finance Corporation shall be made an additional party to the Principal Agreement executed between Railway and Contractor with effect from date of this agreement.

It is agreed by and between the parties that Railway shall continue to be held responsible for all obligations, risk and liabilities, whatsoever, arising out of or in connection with the Principal Agreement and this Novation Agreement, whether during the progress of the work or after its completion.

It is further agreed and understood by and between the parties that IRFC shall be the owner of assets, if any, arising out of execution of works as defined in the Principal Agreement, except the land whose ownership shall continue with Railway. Accordingly, the invoices shall be issued by capturing GSTIN of contractor (*as the supplier*) and GSTIN of IRFC (*as the bill-to party*). Also, the contractor shall submit the invoice, issued in the name of IRFC, to Railway for processing payment by Railway to Contractor subject to applicable TDS under the Income Tax, GST or any other applicable laws.

It is further agreed by and between the parties that IRFC shall be responsible to comply with Income Tax and GST laws in relation to filing of returns.

It is further agreed and understood by and between the parties that, except for the amended obligations as mentioned above, the terms of the Principal Agreement for all kind of contractual/performance and legal obligations shall remain in full force and effect.

All the communication in relation to the Principal Agreement and said Novation Agreement, would only be between party hereto of first part and second part.

Inding

Prem Sagar
20/03/2020

For and on behalf of the
President of India
Witness of the Signature

1. _____

2. _____

Address: _____

For and on behalf of the
Indian Railway Finance Corporation
Witness of the Signature

1. _____

2. _____

Address: _____

Signature of Contractor
<Name of Authorised Signatory>
Witness of the Signature

1. _____

2. _____

Address: _____

Prem Sagar
20/03/2020

Dr. Singh

(भारत सरकार) GOVERNMENT OF INDIA
(रेल मंत्रालय) MINISTRY OF RAILWAYS
(रेलवे बोर्ड) RAILWAY BOARD

जीएसटी परिपत्र सं. 18/2020

सं. 2018/एसी-II/1/57 (पार्ट)

24 मार्च, 2020

महाप्रबंधक,

सभी क्षेत्रीय रेलें/उत्पादन इकाइयां एवं निदेशक/वित्त/क्रिस

विषय:-नवीनता करार - ईबीआर-आईएफ संविदाएं

संदर्भ: ईडीसीई/जी, रेलवे बोर्ड का दिनांक 20 मार्च, 2020 का परिपत्र सं. 2018/एसी-II/1/57 (पार्ट)-I

रेलवे बोर्ड ने उपर्युक्त पत्र के तहत(प्रति संलग्न) बोर्ड (एमई, एमटीआर और एफसी) द्वारा विधिवत् रूप से अनुमोदित भारतीय रेल वित्त निगम (आईआरएफसी) द्वारा वित्तपोषित चालू निर्माण कार्य संविदाओं के लिए मानक नवीनता करार का प्रारूप तैयार किया था।

आईआरएफसी ने 23.3.2020 के अपने ईमेल संदेश के माध्यम से सूचित किया है कि श्री एन. एच. कन्नन, महाप्रबंधक/वित्त को आईआरएफसी द्वारा वित्तपोषित परियोजना के लिए नवीनता करार के निष्पादन हेतु नामित किया गया है। सभी क्षेत्रीय रेलें एवं उत्पादन इकाइयां कृपया नवीनता करार को अंतिम रूप देने के लिए उपरोक्त को नोट करें।



(वी. प्रकाश)

संलग्नक:- उपरोक्त.

संयुक्त निदेशक/लेखा

रेलवे बोर्ड