

**Subject: Record Note of discussion of the meeting of Public Private Partnership  
Appraisal Committee held on 11.10.2006**

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The third meeting of the Public Private Partnership Appraisal Committee (PPPAC) was held on 11.10.2006 at 12.15 PM in Room No.131-A. The list of participants is annexed.

2. Empowered Committee considered the Six/Four laning of Delhi Haryana Border to Rohtak Section of NH-10 project posed by NHAI. The proposal was seeking final approval as the proposal was based on Model Concession Agreement issued by GOI.

3. NHAI while explaining the project indicated that the project was on NH-10 stretching over 63 Kms from Bahadurgarh on Delhi-Haryana border to Rohtak including two bypasses of 40 Kms at Bahadurgarh and Rohtak. Under the project six-laning of the main route for through traffic that is for 23 kms and four-laning of the bypasses are proposed.

4. 70% of land on the project site has been acquired and for the remaining 30%, notification has been published and the land is expected to be available by April to May, 2007 which is before the Appointed Date.

5. NHAI noted that Ministry of Law had suggested several drafting changes, which would be incorporated by NHAI. Planning Commission mentioned that these changes have already been incorporated and the revised MCA has been issued. However, on the issue of advertising on the national highways it was indicated that a formulation would be finalized by Planning Commission and Ministry of Law and forwarded to DORTH subsequently.

6. NHAI mentioned that the project is based on the new MCA issued by Planning Commission barring the Tolling Policy, State Support Agreement and the Standards and Specifications, which were yet to be finalised. Secretary, DORTH informed that the Tolling Policy is being finalized and it would form part of the MCA before the approval of the Cabinet on the MCA is sought. He indicated that by the end of this month, it is proposed to circulate the Cabinet Note on this subject.

7. Planning Commission made the following comments:

- (a) whether to go for six-laning at this stage or at a later stage given the level of traffic
- (b) Two stage bidding should be followed by NHAI instead of the single stage being followed now
- (c) To determine the concession period for each project in relation to the traffic and carrying capacity of the project
- (d) NHAI should indicate the level of existing traffic in the bidding document prior to issue of the document to the bidders
- (e) Structure projects of longer length and not the small stretches that are being proposed
- (f) NHAI should appoint legal consultants for vetting the project documents of the above proposal as well as other projects being posed to the Empowered Committee seeking approval of PPPAC.

8. NHAI took note of the above comments.

9. NHAI stated that as per the PPPAC guidelines the project would need to be approved by competent authority before any further action is taken by them. It was noted that the approval of the Cabinet would be required. Joint Secretary, DEA clarified that NHAI need not await the approval of the Cabinet as the guidelines state that the bids can be sought after the approval of PPPAC pending approval of the competent authority. Thus DoRTH could seek the Cabinet approval in parallel without delaying the project implementation in any manner.

10. The Empowered Committee granted final approval to the Six/Four laning of Delhi Haryana Border to Rohtak Section of NH-10 project subject to the following conditions:

- (a) the Concession Agreement may stipulate six – laning of bypasses after 12 years;
- (b) the concession period may be determined in accordance with foot note at No. 2 at page 28 of the MCA, i.e., in accordance with the traffic projections and carrying capacity of the highway. This could mean a concession period longer than 20 years, say 25 years;
- (c) the present traffic may be indicated in Clause no. 29.1.1 as this is material for enforcing several provisions of the Concession Agreement;
- (d) NHAI should undertake two-stage bidding, which implies that in the first stage, it would short-list and pre-qualify the bidders for inviting financial bids in the second stage. However, for projects where bids are being called prior to 1<sup>st</sup> January, 2007 this condition will be relaxed and NHAI could follow the extant practice in case they so desire;
- (e) the Concession Agreement would be revised in view of the above decisions and got vetted by competent legal consultants who should also address the issues raised by legal consultants of the Planning Commission.

11. The meeting ended with a vote of thanks to the Chair.

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**List of Participants in the meeting of Public Private Partnership  
Appraisal Committee taken by Secretary (EA) on 11.10.2006 at 12.15 PM in Room No.  
131-A, North Block**

1. Shri Ashok Jha, Secretary, Department of Economic Affairs
2. Shri Vijay Singh, Secretary, Deptt. of Road Transport and Highways
3. Shri Ashok Chawla, Additional Secretary, Department of Economic Affairs
4. Shri Gajendra Haldea, Advisor to Dy. Chairman, Planning Commission
5. Shri A.P. Aggarwal, Additional Secretary, Ministry of Law
6. Shri Arvind Mayaram, Joint Secretary, Department of Economic Affairs
7. Dr. Anuradha Balaram, Director, Deptt. of Expenditure
8. Ms Anna Roy, Joint Director, Deptt. of Economic Affairs
9. Shri K.R. Reddy, Dy. Secretary, Planning Commission
10. Shri Nirmal Jeet Singh, Member, NHAI