

5 Extension of delivery period in instalment delivery contracts-

5.1. A Contract for the sale of goods to be delivered by instalments may be-

- (a) an entire contract ; or
- (b) a severable contract.

The fact that the contract is divisible in performance does not affect the matter. The following stipulation of delivery may be indicated as an example for (a) above.

" Delivery to commence after 45 days from the date of receipt of the order and to be completed within 3 months at the rate of 20,000 units per month *i. e.*, 30th April 1968 or earlier. "

The delivery date in contacts for the type (b) above is generally indicated as follows

"Delivery date: 7410 units by 15 th February 1968
8510 units by 31st March 1968."

5.2. According to legal advice in the case of a severable contract each instalment constitutes a Separate contract, but this is not so in the case of an entire contract though a delivery schedule has been provided. In the case of severable contracts (*i.e.*, contracts providing delivery in instalments and not delivery schedule) extension in delivery period are necessary for each instalment separately as according to legal advice if stores are accepted after the expiry of the delivery date of a particular instalment without extension in delivery period being given reserving our right to levy liquidated damages, the Government will not be legally entitled to claim the liquidated damages. In the case of an entire contract providing delivery schedule, it is not, however, necessary, to grant extension in delivery period in the case of delay in intermediate instalments and such extension would be necessary only in case of delay beyond the final date for completion of delivery.

ANNEXURE-II/4-17

MINISTRY OF RAILWAYS, (RAILWAY BOARD)

No. 76/RS (G)/779/18
June 1976

New Delhi, dated 26th May 1976/11th

The General Manager (Stores),
All Indian Railways Production Units and M.T. P, Calcutta.

Sub : **Consideration of unsolicited Offers against Limited / Bulletin tender enquiries.**

The question regarding the consideration of unsolicited Offers received against Limited / Bulletin tender enquiries from unregistered firms has been reviewed by the Ministry of Railways and it has been decided in supersession of existing instructions that unsolicited Offers against Limited tender enquiries and offers from the firms against / Bulletin tender enquiries for items for which they are not registered with the Railways, should normally be ignored. However, under exceptional circumstances, where it is felt necessary to consider

such offers, on account of inadequate competition, Non-availability of suitable quotations from Registered suppliers, Urgent demand, capacity/capability of the firm offering to supply the relevant item being known etc. the acceptance should be at next higher level and in any case not below the rank of a Junior Administrative Officer.

(S. N. Pandey)
Dy. Director, Railway Stores (G)
Railway Board

ANNEXURE-II/4-18

MINISTRY OF RAILWAYS, (RAILWAY BOARD)

No. 76/F(S)/I/PW-4/1

New Delhi; dated 5th October 1976

The General Manager, Northern Railway, New Delhi.

Sub : **Powers for classifying work as ' Very urgent ' for dispensing with calling of fresh tenders in cases where only one tender is received in response to a limited tender enquiry.**

1. Please refer to your letter No. 84-S/1/Pt. VI(SI) dated 4th August 1976 on the subject mentioned above. In regard to the powers of the Controllers of Stores your attention is invited to Board's letter No. 49/145/1/S dated 12th June 1950 where from it would be seen that they can exercise these powers in case of purchases made by them. As such the question of fixing any upper Limit for their powers in this matter, doesn't arise.

2. As regards the question of delegating these powers to the Additional Controller of Stores, Ministry of Railways have decided that they can exercise these powers upto a limit of Rs. 25,000/- as recommended in your letter No. 84-S/1/Pt. VI/SI dated 1st March 1976.

3. These powers are to be exercised only if the limited tender enquiries had been issued to firm who had supplied the materials earlier or where likely to supply the materials and the prices obtained were reasonable. In all such cases full reasons should be recorded justifying the course of action.

(A. C. MENDIRATTA)
Deputy Director, Finance (Stores), Railway Board

ANNEXURE II/4-19

Copy of letter No. 77/RS (G)/779/17 dated 23rd / 27th January 1979 from Director, Railway Stores, Railway Board, New Delhi, to the General Managers, All Indian Railways and I. C. F.

Sub : **Placement of Contracts on Unregistered & Untried firms through advertised tenders.**

1.0. Para **325-S** of the Stores Code stipulates that when tenders are invited by Public Advertisement, the issue of tender forms should not be restricted to firms whose names are on the list of approved suppliers (either approved by R. D. S. O. or by Railways themselves).