


Government of West Bengal
Food and Supplies Department
11A, Mirza Ghalib Street, Kolkata-700087.

No. 1868-FS/Sectt./GE&EM/ 4M-30/2021

Dated, Kolkata, 10th May, 2022

MEMORANDUM

WHEREAS various construction work of food storage godowns of different capacities under RIDF/WIF/NWS, RKVY scheme and State Plan Budgetary Fund of this department executed by PSUs other than PWD, such as WBSFL, MBL, BEL and WBSWC throughout the state, Khadya Bhavans, Inspection Bungalow etc. under the schemes, including repair, renovation and extension work of existing ones are carried out by the Department by engaging the executing agencies as PSUs such as WBSFL, MBL, BEL and WBSWC ;

AND WHEREAS it is considered expedient to formulate the policy towards determining the Defect Liability Period (DLP) for such construction works;

NOW, THEREFORE, the Governor is pleased to formulate the following policy towards determining the Defect Liability Period (DLP) for the construction work of food storage godowns, Khadya Bhavans, Inspection Bungalow etc. under the schemes including the repair, renovation and extension work of existing ones engaging the executing agencies like WBSWC and PSUs, in the manner stipulated hereunder to be read with the provision as laid down in Para-3.1(v) of F.D's Memo. No. 4470-F(Y), dt. 05.06.2013 read with Memo. No. 1240-F(Y), dt. 18.02.2013 read with PWD's Notification No. 5784-PW/L&A/2M-175/2017, dt.12/09/2017.

In case of determination of Defect Liability Period on the work of the aforesaid construction etc. where WBSWC and other PSUs, if any, are the executing agency for the construction work, the guidelines of Para-3.1(v) of F.D's Memo. No. 4470-F(Y), dt. 05.06.2013 read with Memo. No. 1240-F(Y), dt. 18.02.2013 shall be followed along with the provisions of PWD's Notification No. 5784-PW/L&A/2M-175/2017, dt.12/09/2017 to determine the Test performance period/Defect Liability Period, as detailed therein, and the competent authority of the Department of F&S Department will fix the period of Defect Liability, as per such provision and if lapse period is there between the Completion Certificate issued by the respective Engineer-in-Charge to the contractor and the date of taking hand over of the construction, the Administrative Department in consultation with the executing agency shall fix the Defect liability Period subject to satisfactory performance certified by the officer-in-charge of the work in the Administrative Department.

Other than the provisions mentioned, the following provisions following the guideline of the PWD's as stated above, shall be followed in the following manner in case where other than PWD is the executing agency, namely:-

Type of Scheme	Proposed period of Defect Liability from the date of hand over of the construction following the Provisions as laid down in PWD's, Notification No. 5784-PW/L&A/2M-175/2017, dt.12/09/2017, Clause-17 with explanations.
New Construction (Godown and Office building)	As per para (iv) of the Notification No. 5784-PW/L&A/2M-175/2017, dt.12/09/2017, the provision of the Test Performance Period/ Defect Liability Period for new construction is 05(five) years with conditions, as defined, to release the 5% (Performance Security) of the awarded cost or tendered amount. Now, if the fact of taking hand over is there, the period of Defect Liability Period (DLP) will start from the date of taking hand over of the project .
Repair Work	As per para (i) of Clause-17 of the said Notification, the work if patch repair, the Defect Liability Period shall be 03(three) months and if the repair work is in rehabilitation in nature, as per para (ii) the period shall be one year from the date of completion of the work in both cases.

Renovation Work	For renovation work other than petty repair, viz. widening, strengthening or improvement of the construction, the defect liability period as per para (iii) shall be 03(three) years from the date of completion of the work and if the fact of taking hand over is there the period of Defect Liability Period (DLP) will start from the date of taking hand over of the project .
Extension Work (Vertical and Horizontal)	For Extension work as per para (iii) of Clause-17, the period of defect liability shall be 03(three) years from the date of completion of the work and if the fact of taking hand over is there the period of Defect Liability Period (DLP) will start from the date of taking hand over of the project.

PSUs being the executing agency, shall support the Administrative Department to fix the test performance period/Defect Liability Period for the various constructions above, taking into consideration of the lapse period accordingly.

2. 'Performance Security' (5% of the awarded cost or tendered amount) shall be released to such PSU at the final payment after Defect Liability Period (DLP) is over subject to the certification of the Office-in-Charge of the work of the Administrative Department on satisfaction.

This policy has been formulated with the concurrence of Finance Department, Govt. of W.B., and issues with the approval of the competent authority of this Department.

By order of Governor,



Secretary
to the Government of West Bengal.

No. 1868/1(10) -FS/Sectt./GE&EM/ 4M-30/2021

Dated, Kolkata, 10th May, 2022

Copy forwarded for information and necessary action, if any –

1. The Principal Accountant General (A&E), West Bengal, Treasury Buildings, Kolkata-1.
2. The Managing Director, WBSWC.
3. The Secretary, WBSWC.
4. The Managing Director, WBECSC Ltd.
5. The Joint Secretary, Finance Department, Audit Branch, Group-T, Nabanna.
6. The Joint Secretary, Finance Department, Budget Branch, Nabanna.
7. The P.A to Principal Secretary, Finance Department, Nabanna.
8. Copy to the Director of all the Directorates under Food and Supplies Department.
9. Office Copy.
10. Guard File.



Secretary
to the Government of West Bengal