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**Starred Assembly Question No. \*115**

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**KMP EXPRESSWAY**

**\*115. Sh. JAIVEER SINGH, M.L.A., Kharkhoda:** Will the Deputy Chief Minister be pleased to state whether any status has been given to the K.M.P. road i.e. National Highway or State Highway; if so, the details thereof ?

**Reply:-**

**Dushyant Chautala, Deputy Chief Minister, Haryana.**

No, Sir.

**Status of KMP Road**

**Assembly Question No. \*115**

**Note for Pad**

1. National Highways(NH) are the major arterial roads spanning in the length and breadth of the country and connects the Capital to the various other important cities. National Highways are declared as such by the MORTH (Ministry of Road Transport and Highway) Govt. of India.
2. State Highways(SH) are the roads which connect the state capital to other states and to the district headquarters within the state.  They have design specifications similar to those of the National Highways because they carry enough traffic.
3. As per IRC:SP:99 2013, Expressway is defined as an arterial highway for motorised traffic, with divided carriageways for high speed travel, with full control of access and provided with grade separators at location of intersections.
4. KMP road having length of 135.65 km is designed and developed as fully access controlled 6 lane with entry and exit at designated locations.

In view of the above, KMP road qualifies in the definition of an Expressway.

**The detail of the KMP Expressway Project is brought as under:-**

* + - 1. That HSIIDC was nominated as the Project implementing and steering Agency by the State Government for the development of Western Peripheral Expressway (also known as the Kundli-Manesar-Palwal Expressway) Project, which has been developed on Built-Operate Transfer (BOT) basis. This Expressway is 135.65 km long and it is fully access controlled with entry & exit points at designated locations. The work of KMP Expressway was completed by dividing the project into two sections as per details given below:

**(a) Manesar-Palwal Section:**

Manesar-Palwal Section, which is 52.33 km long, HSIIDC allotted the work to M/s KCC Buildcon Pvt. Ltd. – Dilip Buildcon Pvt. Ltd. (JV) on 28.03.2015 with contract value of Rs.457.81 Crore on Item Rate mode. The work in this Section was completed on 31.03.2016 and collection of Toll started w.e.f. 15.07.2016.

**(b) Kundli-Manesar Section:**

Kundli-Manesar Section, which is 83.320 km long, HSIIDC awarded the work to M/s Essel Infraprojects Limited on 31.07.2015 with the project cost of Rs.1863 crore on BOT (Annuity) basis and the Concession Agreement was executed with the Concessionaire i.e. M/s Kundli Manesar Expressway Ltd. (100% subsidiary of M/s Essel Infraprojects Limited) on 03.09.2015. The project was inaugurated by the Hon’ble Prime Minister on 19.11.2018 and collection of Toll started w.e.f. 12.12.2018.

2. The work of collection of User Fee through user fee collecting agency at 11 no. toll plazas of Kundli Manesar Palwal Expressway at km 7+680, km 17+550, km 35+618, km 53+265, km 66+466, km 73+691, km 82+684, km 83+474, km 98+111, km 107+803 and km 132+650 awarded to M/s Prakash Asphaltings and Toll Highways Ltd. with daily remittance as Rs.1,15,51,000/- for a period of six months w.e.f. 01.10.2022.

**3. Status of Arbitration matters of KMP Expressway Project:**

1. **M/s KMP Expressways Ltd. Vs. HSIIDC and another:**

The previous Concessionaire, M/s KMP Expressways Ltd., had initiated Arbitration Proceedings in the month of October 2013 raising various disputes/claims of Rs.13920.79 Crore. Against the above Claims, HSIIDC had filed Counter-claims of Rs.17973.85 Crore. The cross-examination of Claimant’s Expert witness has been concluded. The matter is fixed for cross examination of Respondent’s Expert witness on 09.03.2023.

**(ii) M/s IDBI Bank Ltd. Vs. HSIIDC & Ors.:**

Previous Concessionaire’s Lenders (M/s IDBI Bank Ltd.) had initiated Arbitration proceedings against HSIIDC in Oct. 2016 & had claimed Rs.1737.11 Crore from HSIIDC. The Tribunal had awarded a sum of Rs.1737.11 Crore in favour of IDBI Bank Ltd. on 24.03.2020. HSIIDC had filed an Objection Petition in the Hon’ble Delhi High Court against the award dated 24.03.2020. Objection petition has been dismissed by Hon’ble Delhi High Court on 29.03.2022. HSIIDC has filed the appeal before the Division Bench of Hon’ble Delhi High Court. Matter is fixed for 27.02.2023. Hon’ble Delhi High Court has permitted M/s IDBI Bank to withdraw toll revenue of Manesar-Palwal section which is deposited in the escrow account opened as per directions of Hon’ble Supreme Court. So far IDBI Bank has withdrawn an amount of Rs.1050.49 Crores. The Execution Petition is now listed for hearing on 10.04.2023.

**(iii) M/s Kundli Manesar Expressway Ltd. (Essel Group) Vs. HSIIDC:**

The present Concessionaire, M/s Kundli Manesar Expressway Ltd. has filed their claim statement amounting to Rs.2580.00 Crore before the Arbitral Tribunal. The Concessionaire has also filed application under section 17 of Arbitration Act for interim award for regularization of annuities, which is yet to be decided by Hon’ble Arbitral Tribunal. Against the above Claims, HSIIDC has filed counter-claims of Rs.1213.00 Crore. The next date of hearing is fixed for 15.04.2023. Hon’ble Chief Minister, Haryana has constituted a Conciliation Committee comprising ACS (Industries), MD/HSIIDC, Nominee of Advocate General and Nominee of ACS (Finance) for amicable settlement of the issues with the Concessionaire. Further, two meetings of Conciliation Committee were held on 16.12.2022 & 29.12.2022. However, no amicable settlement could be arrived at with the Concessionaire.

4. The State Govt. vide notification dated 03.02.2023 has directed that for works having estimated cost of more than Rs.10.00 Crore, a Committee consisting of Hon’ble Chief Minister as Chairman, Minister-in-charge, Administrative Secretary and Head (CA, CEO or MD as the case may be) of concerned statutory Body, Board or Corporation, shall be the Competent Authority for accepting the tender. The tender of the following works have been referred to above said Committee for seeking date & time for the meeting:-

| **Sr. No.** | **Description** | **Estimated Cost (Rs. in crore)** |
| --- | --- | --- |
| 1. | Design, Supply, Installation, Integration, Testing and Commissioning of all Hardware & Software (along with maintenance for 5 years) for upgrading 11 nos. Toll Plazas of KMP Expressway in the State of Haryana on Artificial Intelligence (AI) Based Systems. | 48.33 |
| 2. | Providing and laying of Bituminous Concrete on Manesar Palwal Section of KMP Expressway | 13.25 |

5. Kundli Manesar Palwal Road has been designed and developed on PPP Model as fully access controlled 6-lane Road duly complying with the Manual of Specifications & Standards for Expressways i.e. IRC:SP:99 2013 of Government of India. Further, for purposes of collection of toll, notifications have been issued under Mechanical Vehicle (Levy of Toll) Act 9 of 1996. Copies of Government of Haryana Notifications dated 16th June 2016 and 14th November 2018 are placed below at **flag A** and **flag B**.

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2- dq.Myh&ekuslj&iyoy nzwrekxZ ds fdyksehVj 7+680] fdyksehVj 17+550] fdyksehVj 35+618] fdyksehVj 53+265] fdyksehVj 66+466] fdyksehVj 73+691] fdyksehVj 82+684] fdyksehVj 83+474] fdyksehVj 98+111] fdyksehVj 107+803] rFkk fdyksehVj 132+650 ij 11 Vksy Iyku ij miHkksDrk Qhl ds laxzg.k dk dk;Z Ng ekl dh vof/k ds fy, vFkkZr fnukad 01-10-2022 ls 1]15]51]000@& :i, ds :i esa izfrfnu izs”k.k lfgr eSltZ izdk’k ,lQkfYVax ,oa Vksy gkbZos fyfeVsM dks fn;k FkkA

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