

1/30/6



भारत सरकार , रक्षा मंत्रालय Govt of India , Ministry of Defence
रक्षा लेखा नियंत्रक (सेना) मेरठ छावनी
CDA(Army) Meerut Cantt
बेल्वेडियर परिसर , आयुध पथ मेरठ छावनी
Belvedere Complex , Ayudh Path , Meerut Cantt
फोन Phone 0121-2794324/2794362 फ़ैक्स 0121-2646254

Important Circular

No. GeM/Circular/2022

dated 27/06/2023

To,

The CO/OC Unit

Sub: Vivad Se Vishwas-I-Relief to MSMEs

It is brought to the notice of all concerned that Procurement Policy Division, Department of Expenditure, Ministry of Finance Government of India vide their OM No. F.1/1/2023-PPD dated 11.04.2023, 02.06.2023 and 15.06.2023 has issued guidelines of 'Vivad Se Vishwas-I Relief for MSMEs' for providing relief to Micro, Small and Medium Enterprises.

In this regard it is requested that any complaint received under above mentioned scheme received from MSMEs at units in any mode may be forwarded with all relevant documents to the respective pay offices under intimation to this office.

The copy of above mentioned OMs are attached for your ready reference please.

पुं

Pranjal Verma, IDAS
Asst. CDA

Copy to

1. As per attached list
- ✓ 2. OA cell for uploading on website.

हस्ताक्षर
for AO (Gem)

No.F.1/1/2023-PPD
Government of India
Ministry of Finance
Department of Expenditure
Procurement Policy Division

264-C, North Block, New Delhi.
15.06.2023.

Office Memorandum

Subject: Vivad Se Vishwas I - Relief for MSMEs.

Attention is invited to this Department OM of even number dated 11.04.2023& 02.06.2023 wherein instructions were issued for providing certain benefits to the Micro, Small and Medium Enterprises (MSMEs) in the procurement contracts. This Department has received representation from MSMEs requesting extension of the benefits to earning contracts as well in the scheme.

2. The matter has examined and it has been decided that alongwith the contracts/tenders for procurement of Goods, Services and Works, the scheme will also applicable to earning contracts as well.

15/06/2023.
(Kanwalpreet)
Director(PPD)

Tel.No. 2309 3811;
email: kanwal.irss@gov.in

To

1. Secretaries of all Ministries/ Departments of Government of India for information and necessary action. They are also requested to inform these provisions to all procuring entities under their administrative control.
2. Secretary, Department of Public Enterprises with a request to reiterate these orders in respect to public enterprises.
3. Secretary, Department of Financial Services with a request to reiterate these orders in respect to public sector financial institutions.
4. Secretary, Ministry of MSME with a request to monitor the procuring entities for implementation of the scheme.
5. Chief Executive Officer, Government e-Marketplace (GeM), 2nd Floor JeevanBharati Building, Janpath, New Delhi, e-mail: ceo-gem@gov.in.

No.F.1/1/2023-PPD
Government of India
Ministry of Finance
Department of Expenditure
Procurement Policy Division

264-C, North Block, New Delhi.
02.06.2023.

Office Memorandum

Subject: Vivad Se Vishwas I - Relief for MSMEs.

Attention is invited to this Department OM of even number dated 11.04.2023 wherein instructions were issued for providing certain benefits to the Micro, Small and Medium Enterprises (MSMEs) under the above mentioned scheme. Many references have been received from MSMEs requesting extension of the benefits to include procurement of works in the scheme.

2. The matter has examined and it has been decided to make following amendments to this Department OM No. F.1/1/2023-PPD dated 11.04.2023:

Existing provision			Amended provision		
Para 2 (i)			Para 2 (i)		
SN	Parameter	Eligibility condition	SN	Parameter	Eligibility condition
i	Nature of procurement eligible for the relief	Procurement of Goods and Services	i	Nature of procurement eligible for the relief	All procurements.
Para 2 (iii)			Para 2 (iii)		
SN	Parameter	Eligibility condition	SN	Parameter	Eligibility condition
iii	Nature of the supplier/ contractor eligible for the scheme	Registered as a Medium, Small or Micro Enterprise (MSME) as per prevalent scheme of Ministry of MSME on the date of claim by supplier/ contractor. MSME may be registered for any category of Goods and Services.	iii	Nature of the supplier/ contractor eligible for the scheme	Registered as a Medium, Small or Micro Enterprise (MSME) as per prevalent scheme of Ministry of MSME on the date of claim by supplier/ contractor. MSME may be registered for any category.

3. The date for submission of claims has also been extended to 31.07.2023.

02/06/20
(Kanwalpreet)
Director(PPD)

Tel.No. 2309 3811; email: kanwal.irss@gov.in

To

1. Secretaries of all Ministries/ Departments of Government of India for information and necessary action. They are also requested to inform these provisions to all procuring entities under their administrative control.
2. Secretary, Department of Public Enterprises with a request to reiterate these orders in respect to public enterprises.
3. Secretary, Department of Financial Services with a request to reiterate these orders in respect to public sector financial institutions.
4. Secretary, Ministry of MSME with a request to monitor the procuring entities for implementation of the scheme.
5. Chief Secretaries/ Administrators of Union Territories
6. CEO/ GeM.

टी. वी. सोमनाथन, आई.ए.एस.

वित्त सचिव एवं सचिव (व्यय)

T. V. Somanathan, I.A.S.

Secretary & Secretary (Expenditure)



सत्यमेव जयते



आजादी का
अमृत महोत्सव

भारत सरकार

वित्त मंत्रालय

व्यय विभाग

Government of India

Ministry of Finance

Department of Expenditure

नॉर्थ ब्लॉक, नई दिल्ली - 110001

North Block, New Delhi-110001

Tel. : 23092929, 23092663

Fax : 23092546

E-mail : secyexp@nic.in

Website : www.finmin.nic.in



एक कदम स्वच्छता की ओर

D.O.No.F.1/1/2023-PPD

16th May, 2023

Dear Shri Swain,

It may be recalled that Vivad Se Vishwas-I – relief for MSMEs Scheme was formulated in pursuance of Budget 2023 announcement. This Department had issued OM of even number dated 11th April, 2023 to implement the Scheme (copy enclosed) and Ministry of Micro, Small & Medium Enterprises (MoMSME) was also requested to monitor the procuring entities for implementation of the Scheme.

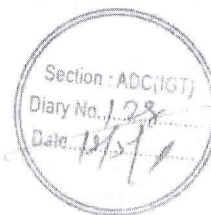
2. From the dashboard provided by Government e-Marketplace (GeM), it is noted that as on 15th May, 2023, a total of 4,782 claims have been submitted by MSMEs. However, so far payment has been made only in one case (by Ministry of Railways); one case has been approved, but payment is yet to be made and 46 cases have been rejected by procuring entities. Balance 4,735 cases are pending with procuring entities for the decision by them.

3. In this context, it is requested that MoMSME may consider calling periodic meetings with concerned Ministries/Departments for early settlement of the claims submitted by MSMEs under the scheme.

With regards,

Yours sincerely,

(Signature)
(T.V. Somanathan)



Shri B.B. Swain

Secretary

Ministry of Micro, Small & Medium Enterprises

Room No.169, Udyog Bhawan

New Delhi-110011.

secretary-msme@nic.in

AS & DC
we may take
this up in Priin3

154)BD/AR7
13-05-23

Mail forwarded



29/JDC/RA
18/05/2023

Received on 18/05/23
e-Office No. 243266

Initial of the Officer/Official (CRU)
JDC/RA
JDC/ART
JDC (ACT)
DD (NM)

ADC(IGT)
IGT
18.5.2023

21(7)/2020-MA
Government of India
Office of Development Commissioner (MSME)
(Public Procurement Policy Division)

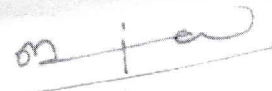
Nirman Bhawan, New Delhi
Dated: 02nd May, 2023

OFFICE MEMORANDUM

Subject: Claims submitted by MSMEs—in accordance with Vivad Se Vishwas -I- relief for MSMEs- Budget Announcement- reg.

The undersigned is directed to attach a copy of the DO letter dated 11.4.2023 received from Finance Secretary & Secretary, Department of Expenditure and to request your Ministry/Department to examine the claims of MSMEs in accordance with Vivad Se Vishwas and decide the matter on merits on priority.

2. In this context, AS&DC (MSME) will chair a meeting on 08th June, 2023 at 03:00 PM. It is requested to nominate an officer well conversant with the matter to attend the meeting.


(Rukmani Attri)

Joint Development Commissioner

All Secretaries to Government of India
(As per list attached)

Copy to:

1. Department of Expenditure
2. Department of Public Enterprises

Vivad se Vishwas-1- Relief for MSME

Data of GeM Dashboard (As on 02.06.2023)

S. No.	Name of the Ministry		No. of Pending Claims	Total Amount (In Rs.)
1	Ministry of Railways	Indian Railways E-Procurement System (IREPS)	5,275	1,650,613,000.00
		GeM	128	5,523,028.06
		Total	5,403	1,656,136,028.06
2	Ministry of Petroleum and Natural Gas		995	1,095,033,235.22
3	Ministry of Defence		914	432,190,760.09
4	Ministry of Steel		440	262,891,283.20
5	Ministry of Heavy Industries and Public Enterprises		430	520,895,051.72
6	Ministry of Coal		186	277,979,120.49
7	PMO		158	26,584,333.30
8	Ministry of Power		137	91,762,755.60
9	Ministry of Chemicals and Fertilizers		99	10,466,313.96
10	Ministry of Home Affairs		75	20,054,159.05
11	Department of Space		73	48,025,925.40
12	Ministry of Urban Development		40	13,652,385.60
13	Ministry of Electronics and Information Technology		34	32,130,050.10
14	Ministry of Health and Family Welfare		32	12,424,593.30
15	Ministry of Mines		28	174,378,191.42
16	Ministry of Ports, Shipping and Waterways		18	20,174,283.05
17	Ministry of Finance		17	7,956,443.90
18	Ministry of Agriculture and Farmers Welfare		16	4,201,621.00
19	Ministry of Communications		13	3,214,564.40
20	Ministry of Civil Aviation		11	11,184,123.86
	Total		9,119	4,721,335,222.72

No.F.1/1/2023-PPD
Government of India
Ministry of Finance
Department of Expenditure
Procurement Policy Division

264-C, North Block, New Delhi.
11th April, 2023.

Office Memorandum

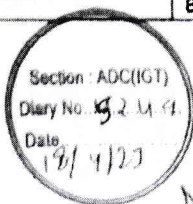
Subject: Vivad Se Vishwas I - Relief for MSMEs: Revised order.

Government has been getting many references from Micro, Small and Medium Enterprises (MSMEs) regarding difficulties being faced by them in the last two years due to COVID 19 pandemic. The Government had provided certain benefits to the industry (including MSMEs) in Government contracts in the past. In continuation to the efforts of the Government in this regard, this Department had issued an OM of even number dated 06.02.2023. Many references have been received by this Department seeking clarifications on implementation of the scheme circulated on 06.02.2023. In this context, it has been decided to issue following instructions in supersession of this Department's OM of even number dated 06.02.2023 and 10.04.2023.

2. The following parameters will determine eligibility for benefits under this scheme:

SN	Parameter	Eligibility condition
i	Nature of procurement eligible for the relief	Procurement of Goods and Services
ii	Central government procurement entities to whom this scheme applies	Ministry/ Department/ attached or subordinate office/ autonomous body/ Central Public Sector Enterprise (CPSE)/ Central Public Sector Banks/ Financial Institution etc.
iii	Nature of the supplier/ contractor eligible for the scheme	Registered as a Medium, Small or Micro Enterprise (MSME) as per prevalent scheme of Ministry of MSME on the date of claim by supplier/ contractor. MSME may be registered for any category of Goods and Services.
iv	Eligible contracts in case of forfeiture of performance security or imposition of Liquidated Damages (LD) or the damages levied under "Risk Purchase" (RP) or debarment action	Where original delivery period/ completion period stipulated in contract was between 19.02.2020 and 31.03.2022 (both dates are inclusive). In case of risk purchase, the original delivery period of the main contract (and not the risk purchase contract) should be between 19.02.2020 and 31.03.2022.

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13.4.2023

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v	Eligible tenders in case of forfeiture of Bid security (Earnest Money Deposit) or debarment action	Tenders, where date of closing of the tender was between 19.02.2020 and 31.03.2022 (both dates are inclusive).
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3. The following amount shall be refunded by the procuring entities as a relief under this scheme after determining eligibility as per para 2 as above:

SN	Cause of action	Amount/ extent of relief
i	Performance security forfeited by the procuring entities for failure to execute contracts by the contractors.	95% of the performance security forfeited by the procuring entity.
ii	Imposition of Liquidated damages (damages deducted for late deliveries) or the damages levied under the risk purchase.	95% of the Liquidated Damages (LD) deducted or 95% of the risk purchase amount realized by the procuring entities from the MSME.
iii	Bid security (Earnest Money Deposit) forfeited	95% of the Bid security (Earnest Money Deposit) forfeited.
iv	Debarment of the contractor due to default in execution of eligible contracts/ eligible tenders under the scheme	Revocation of debarment by issue of an appropriate order by the procuring entity. The date of revocation shall be the date of such order. However, in case a firm has been ignored for placement of any contract due to debarment in the interim period (i.e. date of debarment and the date of revocation under this order), no claim shall be entertained.

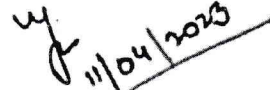
Notes:

- i. No interest shall be paid on such refund/ relief amount in any case.
- ii. Deleted.
- iii. In case liquidated damages and/ or performance security and/ or damages under risk purchase have been deducted in the same contract, total relief will be 95% of LD forfeited plus 95% of the performance security forfeited plus 95% of the damages under risk purchase realized.
- iv. For cases where recoveries/ forfeiture for liquidated damages and/ or performance security and/ or damages under risk purchase have not materialized/ completed, the cases shall be dealt on the principles of this circular under para 3 as above.

4. Government e-Marketplace (GeM) has provided a dedicated link on their portal for implementation of this scheme. The link/ portal has the functionality for MSME Vendors to register their claims through its authorized personnel. For non- GeM

contracts of Ministry of Railways, MSME vendors will be required to register on IRePS (www.ireps.gov.in). The Information regarding contracts for which claim is to be lodged on IRePS will be provided on GeM as well as IRePS. The broad features of this portal are as under:

- i. The registered contractor shall list out the eligible contracts on the portal. The list of the procuring entities is available through drop down menu on the portal. The details, such as contract number, contracting authority, Deducted/ forfeited amount, etc. will be submitted by the contractor on the portal.
 - ii. GeM portal shall intimate through dashboard such details to the procuring entities to verify and refund the claim in terms of the eligibility etc. mentioned above and shall update the portal with the amount, date and transaction details of the payment. Procuring entities must approve/ reject the claim within 30 days of claim submitted by the contractor on the portal. Further, once claim is accepted, payment must be made and details are entered on the portal by the procuring entities within 30 days of the acceptance of the claim.
 - iii. Pendency Reports to each procuring entity shall be provided by GeM.
5. The date of commencement of the scheme will be 17.04.2023 and claims can be submitted by 30.06.2023.


(Kanwalpreet)
Director(PPD)

Tel.No. 2309 3811; email: kanwal.irss@gov.in

To

1. Secretaries of all Ministries/ Departments of Government of India for information and necessary action. They are also requested to inform these provisions to all procuring entities under their administrative control.
2. Secretary, Department of Public Enterprises with a request to reiterate these orders in respect to public enterprises.
3. Secretary, Department of Financial Services with a request to reiterate these orders in respect to public sector financial institutions.
4. Secretary, Ministry of MSME with a request to monitor the procuring entities for implementation of the scheme.
5. Chief Secretaries/ Administrators of Union Territories/ National Capital Territory of Delhi.
6. CEO/ GeM.

Copy to: Chief Secretaries of all State Governments, for kind information, and with a request to consider formulation of similar schemes in their States.