

## CONTRACT AGREEMENT

THIS CONTRACT AGREEMENT is made on the \_\_\_\_\_ day of \_\_\_\_\_ 2024.

BETWEEN

(1) **The Board of Mumbai Port Authority**, a statutory corporation, constituted under Major Port Authorities Act ,2021 , under the Laws of India and having its principal place of business at Port House, S.V. Road, Ballard Estate, Mumbai – 400 001 (hereinafter called “the Employer”), of the one part And

(2) **M/s ETA Prudent JV**, [incorporated under] the laws of **India** and having its principal place of business at **5th Floor, 509 B Wing, Golf Scappe, Sion-Trombay Road, Chembur, Mumbai City, Maharashtra, 400071** and having registered with Income Tax Department of Government of India Under **Pan No. ACAFM7684E** (hereinafter called “the contractor” which expression shall unless excluded by or repugnant to the context or meaning thereof be deemed to include the persons named, his legal representatives and Administrators and permitted assigns) of the other part

WHEREAS the Board invited Tenders against tender no **MEED.19/2023** for execution of **Augmentation Of Fire-Fighting Facilities At Pirpau Terminal - Mechanical And Electrical Works Related To New Fire Water Pump House**, and has accepted a Tender by the Contractor in accordance with the supply/ delivery schedules, in the sum of **Rs. 20,36,91,212/- (Rupees Twenty Crore Thirty Six Lakhs Ninety One Thousand Two Hundred Twelve only)** (hereinafter called “the Contract Price”) And WHEREAS the contractor has deposited with the Board a sum of of **Rs. 2,03,69,121/- (Rupees Two Crore Three Lakh Sixty Nine Thousand One Hundred Twenty One only)** in the form of Bank Guarantee No. **373601LG004724** dated **08.04.2024** as Security for performance of this contract.

NOW THIS AGREEMENT WITNESSETH AS FOLLOWS:

1. In this Agreement words and expressions shall have the same meanings as are respectively assigned to them in the Conditions of Contract referred to.
2. The following documents shall constitute the Contract between the Employer/ Board and the Contractor, and each shall be read and construed as an integral part of the Contract:

- (a) This Contract Agreement; **Tender No. MEED.19/2023**
- (b) Special Conditions of Contract; **Tender No. MEED.19/2023**
- (c) General Conditions of Contract; **Tender No. MEED.19/2023**
- (d) Specifications, drawings; **Tender No. MEED.19/2023**
- (e) Notice Inviting Tender; **Tender No. MEED.19/2023**
- (f) Replies issued to the Pre-bid queries, addenda,.
- (g) The Contractor's Tender Offer and priced Bill of Quantities.
- (h) The Employer's Notification of Award/ Letter of Acceptance; Letter No. **MEED/O/1-ABP(19/2023)/326 dated 23.01.2024.**

AND WHEREAS the contractor and the Board have further agreed that this agreement will remain in full force even in case of extension/ renewal of the contract upon the terms and conditions and at the same rates accepted by the Board by the letter of its Chief Mechanical Engineer dated 23.01.2024.

AND WHEREAS EMPLOYER/ BOARD accepted the Tender of CONTRACTOR for the provision and the execution of WORK at the CONTRACT PRICE as indicated in CONTRACT upon the terms and subject to the conditions of Contract. Now this CONTRACT AGREEMENT witnessed and it is hereby agreed and declared as follows:

3. In consideration of the payment to be made to CONTRACTOR for WORK to be executed by him. CONTRACTOR hereby Covenants with EMPLOYER/ BOARD that CONTRACTOR shall and will duly provide, execute and complete Work and things in CONTRACT, mentioned or described or which are to be implied there from or may be reasonably necessary for completion of Work and at the times and in the manner and subject to the terms and conditions or stipulations mentioned in CONTRACT.

4. In consideration of the due provision, execution and completion of WORK by the CONTRACTOR in accordance with the terms of the CONTRACT, the EMPLOYER/ BOARD does hereby agree with CONTRACTOR that EMPLOYER/ BOARD will pay to Contractor the respective amounts for the work actually done by him and approved by EMPLOYER/ BOARD as per Payment Terms accepted in CONTRACT and payable to CONTRACTOR under provision of Contract at such time and in such manner as provided for in the CONTRACT.

AND

5. In consideration of the due provision, execution and completion of WORK, CONTRACTOR does hereby agree to pay such sums as may be due to EMPLOYER/ BOARD for the services rendered by

EMPLOYER/ BOARD to Contractor as set forth in CONTRACT and such other sums as may become payable to EMPLOYER/ BOARD towards loss, damage to the EMPLOYER/ BOARD's equipment, materials etc. and such payments to be made at such time and in such manner as is provided in the CONTRACT.

IN WITNESS whereof the parties hereto have caused this Agreement to be executed in accordance with the laws of INDIA on the day, month and year indicated above. For and on behalf of the Contractor

Signed: **Mr. Avinash Patil**  
(Partner of M/s ETA Prudent JV)

Witness: 1. In the presence of **Mr. Ashok Gupta** - (Business Head)

**For and on behalf of the Employer**

Signed: **A. GANESAN**  
CHIEF MECHANICAL ENGINEER

In the presence of **(A.K.MAITI)**  
DY.CHIEF MECHANICAL ENGINEER

The common seal of the board of Mumbai Port  
Authority was affixed in presence of

DY. SECRETARY  
MUMBAI PORT AUTHORITY