

State-Wise Applicability of 'Force Majeure' Clauses in India Amidst Outbreak of Covid-19

written by Abhishek Bagga | March 29, 2020

India Force Majeure State Wise

Non-performing parties in a contract may rely on the applicable provision of '*Force Majeure*' (a French phrase that literally translates to "superior force") and/or the common law doctrine of frustration to avoid liability for what would otherwise amount to a breach of contract. This legal update lists down the date of applicability of such clauses in India amidst the outbreak of COVID-19.

Given the unprecedented nature of the widespread outbreak of COVID-19 and/or the response of the governments across the globe, it is highly probable that COVID-19 would constitute a *force majeure* event under many contracts having such clauses.

In India, several State Governments and the Central Government have imposed travel restrictions, mandated quarantines, and/or has closed borders and business operations, in order to contain/restrict further spread. These orders/circulars/notifications will come in effect from a specific date which differs from state to state. The said dates specify the applicability of such '*Force Majeure*' clauses which comes in effect from the same date of the enforcement of such orders/circulars/notifications.

In the light of the recent announcement dated 24-03-2020 by the Hon'ble Prime Minister of India declaring three-week nationwide lockdown starting midnight of 24-03-2020 and the subsequent order dated 24-03-2020 vide No.40-3/2020-Dm-I(A) passed by the Government of India, Ministry of Home Affairs, we are receiving several queries pertaining to the enforceability of '*Force majeure*' clauses in contracts and the specific date of their applicability. In response to the same, we have prepared a list of dates in all the States and Union Territories pertaining to the applicability of the '*Force Majeure*' clauses in India.

STATE-WISE LIST AND DATES ALONG WITH NOTIFICATION/ORDER/OFFICIAL CORRESPONDENCE

S.NO.	STATE	ORDER/CIRCULAR/NOTIFICATION	DATE OF APPLICABILITY (with effect from)
1.	Andhra Pradesh	Government Order dated 24-03-2020 vide Roc No.3390411/2020-M3	24-03-2020
2.	Arunachal Pradesh	Government Order dated 22-03-2020 vide No. Secy (H&FW)/5/1/2020	23-03-2020
3.	Assam	Government Order dated 23-03-2020 vide No. HLA/248/2020/35	24-03-2020
4.	Bihar	Government Memorandum dated 22-03-2020 vide Memorandum No. 115 (HS) / Patna	22-03-2020
5.	Chhattisgarh	Government Order dated 21-03-2020 vide Order No. 127/S.Sa.Pr.V/2020	21-03-2020
6.	Goa	Order of the District Magistrate, North Goa dated 22-03-2020 vide No.8/8/2020-MAG/L&O (Vol.I)/975 (For North Goa)	23-03-2020
		Order of the Collector & District Magistrate, South Goa dated 22-03-2020 vide No.37/19/2020/L&O/MAG/3169	23-03-2020
	Gujarat	Circular dated 21-03-2020 No. 11/NCV/102020/S.F.S.1-G/ and (For Surat, Rajkot and Vadodara including Gandhinagar and Kutch)	21-03-2020
7.		Order dated 22-03-2020 vide Office order no. AMC/MC/02 (For the city of Ahmedabad,)	22-03-2020
		Press release dated 22-03-2020 (For all other cities)	23-03-2020
8.	Haryana	Government Order dated 22-03-2020 vide Endst. No. 81-90/COVID/2020	22-03-2020
9.	Himachal Pradesh	Government Order dated 23-03-2020 vide No. HFW-A-A (3)1/2020	23-03-2020
10.	Jharkhand	Government Order dated 22-03-2020 vide No.98/HSN	22-03-2020
11.	Karnataka	Government Order dated 22-03-2020 vide No.DD/SSU/COVID-19/17/19-20 (For revenue districts of Bangalore Urban including BBMP area, Bangalore Rural, Kalaburgi, Chikkaballapur, Mysuru, Madikeri, Dharwad, Mangaluru and Belagavi)	23-03-2020
		*For all other districts and cities	25-03-2020
12.	Kerala	Government Order dated 23-03-2020 vide G.O.(Ms) No. 49/2020/GAD	23-03-2020
13.	Madhya Pradesh	Government Order dated 22-03-2020 vide No./38(B)/ACS/GAD/2020	22-03-2020
14.	Maharashtra	Government Order dated 23-03-2020 vide No. DMU/2020/CR. 92/DisM-1	23-03-2020
15.	Manipur	Press release dated 23-03-2020 vide BP/YG/AP0(P)	23-03-2020
16.	Meghalaya	Press release dated 22-03-2020	22-03-2020
17.	Mizoram	Government Order dated 21-03-2020 vide No. PHQ/IGP(L&O)/73/COVID-19/2020	22-03-2020

18.	Nagaland	Government Order dated 22-03-2020 vide No. CSO/GAB-I/COM/GEN-1/2020	23-03-2020
19.	Odisha	Government Order dated 21-03-2020 vide No.8709 (For Revenue Districts of Khurda, Cuttack, Ganjam, Kendrapada, Angul and the municipal jurisdiction of Puri, Rourkela, Sambalpur, Jharsuguda, Balasore, Jaipur, Jaipur Road and Bhadrak) *For all other districts and cities	22-03-2020 25-03-2020
20.	Punjab	Government Order dated 22-03-2020 vide No.14/7/2020-4HB-IV/941	22-03-2020
21.	Rajasthan	Government Order dated 22-03-2020 vide No.F.1(1)M&H/Gr.2/2020	22-03-2020
22.	Sikkim	Notification dated 16-03-2020 vide No. 14/Home/2020	17-03-2020
23.	Tamil Nadu	Government Order dated 23-03-2020 vide G.O.(Ms). No.152	24-03-2020
24.	Telangana	Government Order dated 22-03-2020 vide G.O.Ms.N.45	22-03-2020
25.	Tripura	Government Order dated 24-03-2020 vide No. F.2(1)/CS/GA(P&T)/2020	24-03-2020
26.	Uttar Pradesh	Government Order vide Order No. /A.C.S/2020 For Districts of Agra, LucknowGautambuddh Nagar, Ghaziabad, Moradabad, Varanasi, LakhimpurKheiri, Bareilly, Azamgarh, Kanpur, Meerut, Prayagraj, Gorakhpur, Aligarh, Saharanpur. *For all other districts and cities	23-03-2020 25-03-2020
27.	Uttarakhand	Government Order dated 22-03-2020 vide No.UKH&WS/PS-MDNHM/2019-20/217	22-03-2020
28.	West Bengal	Government Order dated 22-03-2020 vide No. H & FW /120/20	23-03-2020

*As per the order dated 24-03-2020 vide No.40-3/2020-Dm-I(A) passed by the Government of India, Ministry of Home Affairs.

S.NO.	UNION TERRITORY	NOTIFICATION/CIRCULAR/ORDER	DATE OF APPLICABILITY OF Force Majeure Clause
1.	Andaman and Nicobar Island	Order dated 19-03-2020 vide Order No.412	20-03-2020
2.	Chandigarh	Administration Order dated 22-03-2020 vide Endst. No. F-2071/F-II(6)-2020	23-03-2020
3.	Dadra and Nagar Haveli and Daman and Diu	Administration Order dated 23-03-2020 vide No.DMHS/COVID-19/2020/2634	23-03-2020
4.	The Government of NCT of Delhi	Government Order dated 22-03-2020 vide No. F.51/DGHS/PH-IV/COVID-19/2020/prsecyhwf/	22-03-2020

5.	Jammu and Kashmir	Order dated 2-03-20220 vide No. PS/CS/19/2020	22-03-2020
6.	Ladakh	Administration Order dated 23-03-2020 vide no. DCL/PS/COVID-19/00/2020	23-03-2020
7.	Lakshadweep	Administration Order dated 22-03-2020 vide F.No. 29-1/2020-DHS/IDSP/795	22-03-2020
8.	Puducherry	Government Order dated 23-03-2020 vide G.O.Ms.No.03/2020	23-03-2020

Contributed By - [Abhishek Bagga](#) & [Gaurav Singh Gaur](#)
Designation - Associate

[King Stubb & Kasiva,](#)
Advocates & Attorneys

[Click Here to Get in Touch](#)

[New Delhi](#) | [Mumbai](#) | [Bangalore](#) | [Chennai](#) | [Hyderabad](#) | [Kochi](#)
Tel: [+91 11 41032969](#) | Email: info@ksandk.com