

2nd April 2020

Invocation of ‘Force Majeure’ pursuant to the current pandemic – COVID-19

Dear Customer,

The entire humanity at present is facing a truly unprecedented and very unfortunate situation. The global coronavirus pandemic is affecting our families, our businesses, our communities, and our way of life.

In the wake of the COVID-19 pandemic that the world is faced with, all commercial/ business activities, which have been affected to an extent that is unprecedented. This is evidenced by certain stringent preventive measures that the Government of India has implemented which includes but not limited to lockdown of the entire nation w.e.f 24.03.2020 midnight and restricting all the activities across the country. Things in India and around the world are very dynamic and various changes are being implemented by airlines, shipping lines, airports, seaports, CFS, ICD's and other stakeholders in the Logistics industry.

Additionally, as part of preventive measures all means of public transport have been ordered off roads, resulting in severely affecting the movements of trucks and other vehicles. The Government also imposed Section 144 of Criminal Procedure Code, 1973 which restricts freedom of movement and public gatherings to enforce required social distancing, as one of measure to prevent the spread of Corona Virus in various parts of the country.

Globally, almost everybody has been inevitable and undoubtedly affected by spread of this pandemic. World organisations, nations and all individuals are witnessing unparallel challenges and demands. Likewise, the Company is forced to declare that there is a disruption in its usual working. And, in keeping with the welfare of its employees, business partners, associates and, in line with the Government sanctions, there are considerable changes in the activities that company is able to undertake/accomplish.

Most airports, ports, Cargo terminals, airlines, Shipping lines, etc. have declared ‘Force Majeure’. This invocation of ‘Force Majeure’ is being declared, in a well-intended and bona-fide manner. This, in simple terms, means that these companies including us, due to reasons beyond their control, shall not be held liable for their activities in view of the pandemic. They have clearly stated that they shall not be held liable for any delay, cost, claim, damages, charges, compensation etc. whatsoever resulting for these changed circumstances due to aforesaid Force Majeure event, either directly or indirectly of whatsoever nature.

Forin Container Line which works as a booking agent only shall not be able to abide by ‘General terms of carriage’ and any other contractual obligation related and not limited to delay in transit, change of routing, damages, storage and will not entertain any claims.

We are solemnly committed to provide best services to the industry. But, this alarming situation, has grossly affected the Companies routine business activities. Hence, we are compelled to invoke “FORCE MAJEURE”, It is certain that the declaration shall have adverse effect on all the parties concerned, including the Company, in a like manner, We are practically and lawfully forced, for reason beyond our control, to take such extreme and unavoidable steps.

This invocation of ‘Force Majeure’ is being declared, in a well-intended and bona-fide manner. This, in simple terms, means that the company, due to reasons beyond its control, shall not be held liable for the activities that it is not able to undertake in view of the pandemic. Further, the Company shall not be held liable for any delay, cost, claim, damages, charges, compensation etc. whatsoever resulting for these changed circumstances due to aforesaid Force Majeure event, either directly or indirectly of whatsoever nature. The Company shall not be responsible for non-fulfilment of any services that it agreed to provide expressly or impliedly under any existing agreement or contract during the period/ continuance of this Force majeure declaration. Also, the company reserves the right to modify and change any previously agreed rates and prices including any committed capacity availability in this Force Majeure declared period.

It is uncertain how long the pandemic may continue, hence the Company is contemplating how best to move forward and shall keep everyone concerned informed. We affirm that we shall take all the measures to provide the best possible services, even in the present unfortunate scenario, subject to Force Majeure.

Best regards,

Himanshu Chhabra
Executive Director - Finance



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