

भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
(सड़क परिवहन और राजमार्ग मंत्रालय)
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(Ministry of Road Transport and Highways)
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NHAI/CMC/Dispute Resolution/2012

January 15, 2013

OFFICE ORDER

Sub: Settlement of cases through Conciliation in BOT projects.

For assisting in Conciliation in Dispute Resolution in BOT projects, Executive Committee in its 130th meeting held on 20.12.2012 has decided for constitution of Committee at all CGM(T) level dealing BOT projects as proposed below:

For the current cases where Arbitration is yet to start and is at Conciliation stage, it has been decided that a Committee consisting of CGM level to be constituted for assisting and expediting the conciliation process. The Committee should constitute of the concerned CGM(T), one more CGM(T) nominated by Member concerned and CGM(F)/GM(F) nominated by Member (Fin.).


The Committee will look into the matter and may initially negotiate and give its recommendations. The Committee should give full reason after weighing all pros and cons for settling the dispute through conciliation or adopt the course of arbitration. The Committee shall give its recommendation within 45 days.

In case matter is complicated this Committee may also be assisted by CGM(Legal)/GM(Legal) if required.

In cases where parties have already referred the Dispute to Arbitration but willing to settle the Dispute through conciliation, the matter may be referred to this Committee and the Committee shall give its recommendation within 45 days. This may, however, be done provided that both parties agree to suspension of Arbitration. In case conciliation fails the parties may take the course of Arbitration.

The recommendation of Committee for conciliation of dispute shall be placed to Executive Committee through concerned Member.

All CGM(T)s dealing BOT projects may, therefore, take necessary action as per decision of Executive Committee.


(R.B. Sinha)
General Manager(CMC)

To,

1. PS to Chairman/Members/CVO
2. All PIUs/All CMUs/All ROs/All officers at HQ