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भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
(सड़क परिवहन और राजमार्ग मंत्रालय)
National Highways Authority of India

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(Ministry of Road Transport and Highways)
जी-5 एवं 6, सेक्टर-10, द्वारका, नई दिल्ली-110075
G-5 & 6, Sector-10, Dwarka, New Delhi-110075

Ref: NHAI/ISAC/Misc./2013/

7th November, 2013

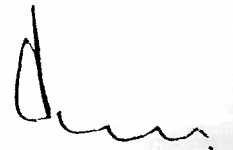
CIRCULAR

Sub: One Time Settlement of Disputes/Claims of the Concessionaire/Contractor through 3 CGMs' Committee/Independent Settlement Advisory Committee (ISAC).

1. As you are aware that NHAI is endeavouring to settle the Concessionaire/Contractors' claims arising out of the Contract Packages already implemented or under implementation, through constitution of 3 CGMs' Committees as well as Independent Settlement Advisory Committee (ISAC). Under this process, there is a system of putting up the cases to these Committees which have been circulated earlier. However, it is reiterated that while initiating action for putting up these cases for one time settlement, the following actions are required to be taken:

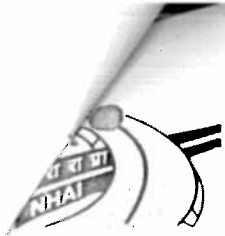
- (a) The Claimant should be asked to subject Power of Attorney in favour of the person who is authorized for negotiation/settlement with the Settlement Committee on behalf of all partners of JV.
- (b) The Claimant should be asked to submit an Undertaking regarding willingness to respective Arbitral Tribunal, for keeping the Arbitral proceedings on hold.
- (c) The concerned Technical Division should also supply brief details of the claims, stand of NHAI on various claims and counter claims of NHAI etc.

The above formalities are required to be completed and the one-time settlement cases should be put up accordingly so as to enable the 3 CGMs' Committees to process the case further.


(P.C. Grover)
CGM(Legal)

To:

All CGMs(Technical)



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URGENT

No.NHAI/ISAC/Misc/2013/

Dated 12.11.2013

Sub: One time amicable settlement of all the disputes by 3 CGMs' Committee.

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1. As you are aware that the exercise for one time amicable settlement of disputes is being carried out by the 3 CGMs' Committee and number of disputes/claims have been amicably settled through negotiations. However, it has been observed that some of the Concessionaires/Contractors have not come forward for amicable settlement of disputes/claims in respect of all their cases under a particular contract, pending either before AT or Court of Law. It cannot, therefore, be considered a one-time settlement as all the pending disputes/claims have not been placed before the 3 CGMs' Committee.
2. For any meaningful negotiations for settlement of a dispute, it is desirable that all known disputes/claims are dealt by the 3 CGMs' Committee. The Committee may, therefore, like to clarify this aspect from a Concessionaire/Contractor and if any valid reasons are put forth for non-inclusion of a particular dispute, the 3 CGMs' Committee may, in its discretion, proceed with the negotiation of the dispute/claim requested by the Concessionaire/Contractor.
3. This issues with the approval of Competent Authority.

Yours faithfully,

(P.C. Grover)

Chief General Manager(Legal)

To:

All CGMs(Tech)