



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

(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

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No. NHAI/Legal/WP/HC-03/2014

Dated: 09.04.2014

To

All Regional Officers
All Chief General Managers(Technical) at HQ

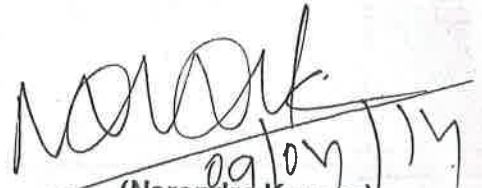
Sub: Filing of Caveats to prevent ex-parte hearing by the Courts.

It has been observed that in some BOT/EPC projects, the aggrieved party tried to obtain ex-parte interim injunctions from the higher Courts against the punitive actions initiated by the Authority in accordance with the provisions of the relevant Agreements. Such petitions for ex-parte injunctions are filed and sometimes also entertained by the Courts, without exhausting the already available mechanism for Dispute Resolution, Conciliation and Arbitration in the Agreements. Since issue of ex-parte interim injunctions by the Courts may adversely impact the interests of the Authority, it has been decided that pro-active prompt action must be taken for filing of Caveats in the Courts.

2. All ROs and CGMs(T) at HQ are directed to ensure that pro-active prompt action must be taken for filing of Caveat in the following types of cases:

- Any punitive action of the Authority leading to part or full forfeiture of Bid Security and Performance Security;
- Termination of BOT Concession or EPC Contract;
- Any other matter where punitive action contemplated by the Authority involving financial implications of more than Rs 10 crores.

3. Further, when a court case has been filed and the copy of the petition has been received, immediate parawise comments are required so that the Law Firm dealing with the matter is given comprehensive briefing for projecting the NHAI's view point and also to oppose any ad interim-stay order if pressed by the Petitioner against NHAI. A copy of such petitions shall be endorsed to Legal and the concerned Technical Division.


(Narendra Kumar)
Member(Administration)

Copy for information to:

- Member (PPP)/Member(F)/Member(P)/Member (T)
- ✓ PS to Chairman