



# भारतीय राष्ट्रीय राजमार्ग प्राधिकरण

(सड़क परिवहन और राजमार्ग मंत्रालय)

## National Highways Authority of India

(Ministry of Road Transport and Highways)

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### NHAI/Policy Guidelines/Standard Operating Procedure (SOP) for Standing Committee/2017

No.2.1.24/2017, Dated the 2<sup>nd</sup> November, 2017

(Decision taken by Executive Committee in the meeting held on 23.10.2017 on Agenda Item No.321.18)

#### Sub: Standing Operating Procedure (SOP) for Standing Committee-reg.

A Standing Committee of 3 CGMs stands constituted, vide Officer Order No. 11021/02/2010-Admn, dated 13.09.2017, to do requisite due diligence on behalf of NHAI in the matters that are to be put up for consideration of the Conciliation Committee of Independent Experts (CCIE).

2. The Standard Operating Procedure (SOP) to be followed by the aforesaid Standing Committee is as under:-

- (a) While submitting the case to CCIE, a copy of the case /documents as submitted to CCIE shall also be sent to above Standing Committee by the Contract Management Division (CMD). After perusal of the above documents, the Standing Committee shall hold discussions with concerned Technical Division at NHAI HQ and Contract Management Division to acquaint itself with the details and background of the disputes raised by the Concessionaire/Contractor and the reasons/Justification of NHAI in defense of the disputes. The Committee may also call the concerned RO and PD for any clarifications on the issues, if required.
- (b) At least one of the members of the 3 CGMs Standing Committee shall attend all the meetings of CCIEs with the respective parties i.e. NHAI and the Contractor/Concessionaire for the purpose of understanding/ analyzing the strength/weakness of NHAI's stand in the case.
- (c) The Standing Committee may independently examine the Arbitral Awards/Court Orders in the similar matters and the settlements having taken place earlier under 3 CGMs Committee/ISAC method and arrive at possible options in conciliation duly accounting for strength and weakness of NHAI in the case. As required to sort out differences if any on the issues/ facts of the case and to assess the likely meeting point on the options for conciliation, Standing Committee may also hold discussions with Concessionaire/ Contractor.
- (d) The record of proceedings /minutes of meeting issued by CCIE in respect of the meetings held by it including the suggestions/comments made therein, if any, may be examined and kept in view by the Standing Committee while working out the options for conciliation.
- (e) The standing Committee shall discuss such options with the concerned Member and firm up the options for conciliation which will be submitted to Executive Committee (EC). After obtaining concurrence of the EC, the firmed up options of conciliation proposals would be placed by the Standing Committee before CCIE.

- (f) In the meeting called by the CCIE to discuss the respective conciliation proposals of the parties so as to reach a consensus/settlement: -
- (i) If the parties fail to arrive at some consensus/settlement, then the case would be closed in that meeting itself with the consent of the CCIE, except in case where CCIE in the interest of success in conciliation, wants to suggest a conciliation proposal for consideration of the parties. In case of such a suggestion by CCIE, the steps of sub para (e) to (f) may be repeated.
  - (ii) If the parties reach consensus/settlement, then the parties to the dispute would append their signatures on the settlement as concluded and the same shall be authenticated by the conciliators. On behalf of NHAI, such settlement would be signed by all the Members of the Standing Committee under due intimation to the Executive Committee.

3. On receipt of amicable settlement duly signed by the parties and authenticated by the conciliators, the Contract Management Division shall provide the same to the concerned Technical Division, within 7 working days. The authorized officer-in-charge of the NHAI in Technical Division and the authorized representative of the other party shall take prompt action to fulfill their respective obligations for signing the settlement agreement, including withdrawal of the case(s) pending before the Arbitration Tribunals/Courts, preferably within a period of 30 days. The payments due from one party to the other party as per the settlement shall be made by either party within a period of 30 days of completion of the obligations by the parties.

This issues with the approval of Competent Authority.



(A.K. Sadhu)  
Chief General Manager (Coordination)

To

All Officers and Employees of HQ/ ROs/ PIUs/ CMUs/ Site Offices.  
Hindi Officer for translation in Hindi.