



# 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/SOP for Conciliation/Amicable Settlement through CCIE/2018

**Policy No. 2.1.27/2018 dated the 18<sup>th</sup> July, 2018**

(Decision taken by Executive Committee in its meeting held on 22.06.2018 on Agenda Item No. 349.03)

#### **Sub: Modified Standard Operating Procedure for Conciliation/Amicable Settlement through Conciliation Committee of Independent Expert**

In supersession of para 3&4 of office order no. 1102/02/2010-Admn dated 13.9.2017, Standing Operating Procedure (SOP) for Standing Committee issued vide policy guidelines no. 2.1.24/2017 dated 02.11.2017 and Policy guidelines no. 2.1.26 dated 26.02.2018; the Competent Authority has approved the following modified SOP:

- a) A committee headed by Member concerned alongwith CGM(T) concerned of the project, CGM(CMD) and CGM(F) shall deal with conciliation/amicable settlement cases through Conciliation Committee of Independent Expert (CCIE). CGM(F) in the committee would be Shri Madhup Kumar for disputes under EPC/Item rate contracts, Shri Siba Narayan Nayak for disputes under Toll/Annuity/HAM projects and Shri Rajesh Sharma for any other disputes.
- b) Contract Management Division (CMD) would be responsible for overall coordination of the cases and CGM(CMD) would assign the case number to each case. While submitting the case to CCIE, a copy of the case/ documents as submitted to CCIE shall also be sent to above Committee by the Contract Management Division (CMD).
- c) The Committee shall carryout the requisite due diligence on behalf of NHAI in each case put up to CCIEs. The Committee may also call the concerned RO and PD for any clarifications on the issues, if required.
- d) CGM(T) concerned of the project shall attend all the meetings of CCIEs.
- e) The 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, the Committee may also hold discussions with Concessionaire/Contractor.
- f) 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 Committee while working out the options for conciliation.

- g) Member concerned would decide the options for conciliation in consultation with other Committee Members as mentioned in para (a) above and would place the same before the CCIEs.
- h) In the proceedings of CCIE, both the parties to the disputes would place their options for conciliation before CCIE. After hearing both the parties, CCIE would suggest the preferred option for Conciliation to both the parties. NHAI would honour the recommendations/suggestions of CCIE, as already approved by the Board in its meeting held on 19.5.2017(Ref. Para 6 of Policy Guidelines dated 02.06.2017).
- i) 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.
- (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. CGM(T) concerned to the project shall sign the settlement on behalf of NHAI.

2. 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.

3. This issues with the approval of Competent Authority.

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18/07  
(V.K. Sharma)  
Chief General Manager (Coord.)

To

1. All Officers at NHAI HQ/ROs/PIUs/CMUs/Site Offices
2. Hindi Officer for translation in Hindi