



# 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/Dispute Resolution & legal Matters/2021

#### Policy Circular No.2.1.47/2021, Dated 23<sup>rd</sup> March, 2021

(Decision taken on e-file Comp. No.47750)

#### Sub: Attending of Arbitral Tribunal (AT) and Court hearings.

It has been observed that the officers of the concerned Technical Divisions are not attending the AT and Court hearings as stipulated under Policy Guidelines 2.1.22/2017 dated 01.06.2017. The Competent Authority has viewed this seriously and directed all concerned to attend the AT and Court hearings as per ibid policy.

2. For ready reference the relevant paragraphs of the ibid Guidelines are reproduced below:

(a) Para 6.6 of Part A: AT hearings shall be attended by the officers from NHAI as under:

Arbitration where claim or Counter-Claim Value is	Officer of NHAI who has to attend AT hearings besides Advocate /Techno Legal Expert engaged by NHAI
Up to Rs. 100 Crore	Manager (T) or DGM (T) at HQ shall attend all AT hearings. Member concerned will decide, if PD or GM (T) is required to attend any specific hearings(s), on perusal of proceedings of the AT.
More than Rs. 100 Crore and up to Rs. 500 Crore	GM (T) at HQ shall attend all AT hearings. Member concerned will decide, if PD is required to attend any specific hearings(s) on perusal of proceedings of AT.
More than Rs. 500 crore	i. GM (T) at HQ shall attend all AT hearings. Member concerned will decide, if PD is required to attend any specific hearings(s) on perusal of the proceedings of AT. ii. In case the claim/Counter Claim Amount is more than Rs. 1,000 crore, CGM(T) at HQ or CGM/RO concerned shall attend the important AT hearings, as decided by the Member concerned on perusal of proceedings of AT. ii. In case the Claim/Counter-claim Amount is more than Rs. 2000 crore, Member concerned may attend the important AT hearings on perusal of proceedings of AT.

#### Notes:

1. The conferences/briefings of Sr Advocate (if engaged) shall invariably be attended by the concerned GM(T) HQ.
2. Any deviation to the requirements in above table needs prior approval of Chairman.

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Contd. to Pg-2

(b) **Para 1.6 of Part B: Briefings of Sr. Advocates and hearings before the Court-** Advocate of NHAI shall notify in advance to the concerned GM(T) with a copy of GM (L&A) about the schedule of briefings to Sr. Advocate and hearing in the Court. GM(T), HQ shall attend all the briefings/ conferences of Sr. Advocates. DGM(T) or Manger(T) of Technical Division shall attend all the court hearings. However, important hearings of the Court shall be attended by GM(T), as decided by member concerned, based on the feedback of the Advocate of NHAI on the proceedings during the previous hearing of the Court.

3. In view of the foregoing, it is advised that the AT and Court hearings shall be attended by the concerned officers as per SoP to avoid possible adverse orders against the interest of NHAI.

4. This issues with the approval of Competent Authority.

*11k/2021*  
*23.03.2021*  
(Sheo Shankar Jha)  
CGM (Coord.)

To:

All officers of NHAI/HQ/ROs/PIUs/CMUs/Site Offices

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