



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/2021

Policy Circular No. 2.1.50 Dated 26th May, 2021

(Decision taken on e-File No. NHAI/CMD/Conciliation/2021(Comp. No.57979)

Sub.: Timelines to process the matters for referring to CCIEs.

NHAI vide Policy Circular No. 2.1.23/2017 dated 02.06.2017 established a system for conciliation of disputes through Conciliation Committee of Independent Experts (CCIEs). Modified SOP for conciliations was issued vide Policy Circular No. 2.1.48 dated 09.04.2021.

2. NHAI has started a Conciliation Drive for settling the long pending disputes through CCIEs and identified certain cases for conciliations through CCIEs which are currently under Arbitration or pending before Hon'ble Courts. However, it has been observed that considerable time is being taken in referring such cases to CCIEs. In order to expedite the process of referring the cases to CCIEs, the following timelines have been finalised:

Activity No.	Activity Description	Timeline (Days)
1	Receipt of consent by Technical Division from Concessionaire/ Contractor for conciliation through CCIE. Concessionaire/ Contractor may indicate names of all 3 CCIEs in order of their preference and also submit the consent letter separately addressed to CCIE to enable NHAI to refer the case to available CCIE.	Date of consent letter received (D)
2	Technical Division to refer the file to CMD along with documents mentioned in the attached Checklist. However, to avoid delay in referring the matters to CCIE, Technical Division shall forward at least the following documents to CMD (i) A letter, jointly signed by both parties, consenting to conciliation through a particular CCIE; and (ii) Brief statement of the issues/ disputes to be taken up for conciliation indicating issue wise claimed amount (a) As per Contractor/ Concessionaire (b) As per NHAI The rest of the documents mentioned in the Checklist can be provided by the parties on or before the first meeting of CCIE.	Within 5 working days i.e. upto D + 5 days
3	CMD to examine the documents, prepare detailed note and refer the matter to CCIE.	Within 2 working days i.e. upto D + 7 days

3. The concerned Technical Division and CMD shall strictly comply with the above timelines.

4. This issues with the approval of Competent Authority.


(Sanjay Kumar Patel)
General Manager (Coord.)

To:

All Officers of HQ/ROs/PIUs/CMUs/Site Offices.

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1. PS to Chairman
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Check List for referring the matters to CCIEs for conciliation/ amicable settlement

Sl. No.	Description of the document/activity	Whether Attached or not															
1	Name of the Project																
2	Preference of CCIE																
3	A letter, jointly signed by both parties, consenting to conciliation through a particular CCIE																
4	Brief statement of the issues/ disputes to be taken up for conciliation indicating issue wise claimed amount (a) As per Contractor/ Concessionaire (b) As per NHAI																
5	Name, address and contact details of the persons representing parties (a) Concessionaire/ Contractor supported by a Board resolution and a power of attorney (b) NHAI																
6	Additional documents (a) If the matter is under arbitration i. Composition of AT ii. Whether SOC has been filed and if so, a copy of the same iii. Whether SOD has been filed and if so, a copy of the same (b) When the matter is sub-judice before Court i. Date of publication of AT award and a copy of the same and brief summary as under: <table border="1" data-bbox="252 1012 1236 1339"> <thead> <tr> <th>Sl. No.</th> <th>Description of claim</th> <th>Amount claimed by the Contractor/ Concessionaire before AT (Rs in crore)</th> <th>Amount awarded by AT (Rs in crore)</th> <th>Amount Claimed/ requested by the Contractor/ Concessionaire before CCIE now (Rs in crore)</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table> ii. Whether AT award has been challenged by NHAI and if so, OMP No. and a copy of the same iii. Whether AT award has been challenged by the Contractor/ Concessionaire and if so, no. of OMP vide which challenged and a copy of the same iv. Copies of Court Orders passed, if any	Sl. No.	Description of claim	Amount claimed by the Contractor/ Concessionaire before AT (Rs in crore)	Amount awarded by AT (Rs in crore)	Amount Claimed/ requested by the Contractor/ Concessionaire before CCIE now (Rs in crore)											
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7	Copy of the application submitted to AT/ Court regarding initiation of Conciliation process																
8	Copy of the relevant clauses of the Concession/ Contract agreement																
9	Regarding conciliation fees, it is to be ensured that in case of successful cases, an amount of Rs. 5 lakhs is to be recovered by Technical Division from the other party (Concessionaire/ Contractor/ Consulting agency) irrespective of nos. of CCIE meetings. In case of failed cases, NHAI shall absorb the Conciliation expenditure.																

