



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
(सड़क परिवहन और राजमार्ग मंत्रालय)
National Highways Authority of India
(Ministry of Road Transport and Highways)
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No. 11041/217/2007-Admn.

Date: 9.7.2010

POLICY MATTERS: ADMINISTRATION / FINANCE (67/2010)
(Decision taken on the file no. NHAI/DR&A Cell/DRB/2010)


Sub: Procedure for appointment of DRB Member/Arbitrator/Advocate/Techno Legal Expert etc. in case of disputes relating to SPVs.

It has been observed in past that Special Purpose Vehicle (SPV) created by NHAI for various purposes have been approaching to the Technical Division/Legal & Arbitration Cell of NHAI for appointment of DRB Member/Arbitrator/ Advocate/Techno Legal Expert etc. in case of disputes between the SPVs and the Contractors.

2. In this connection, it is clarified to all concerned that SPVs are the distinct legal entities as per the provision of Indian Companies Act and in case of dispute the appointment of DRB Member/Arbitrator/Advocate/Techno Legal Expert etc. by NHAI as per the Contract/Agreement would not be legally appropriate.

3. It is further clarified that as per the definition of the employer contained in the contract agreement is the "party who will employ to carryout the work(s) such as appointment of DRB Member/Arbitrator/Advocate/Techno Legal Expert etc. on behalf of the SPV is beyond the jurisdiction of NHAI.

4. In view of the above, the appointment of DRB Member/Arbitrator/Advocate/Techno Legal Expert etc. in case(s) of any dispute is to be governed in accordance with the provisions of the agreement entered into between SPV & Contractor and to be dealt with by the Competent Authority of the Management of the SPV.


(S. S. Nahar)
CGM (Coord.)

To

1. All CGMs /CVO / ROs
2. All PIUs / CMUs
3. All GMs /DGMs/Managers
4. Librarian / Hindi Officer
5. PS to Chairman
6. PS to all Members