



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
(सड़क परिवहन और राजमार्ग मंत्रालय)
National Highways Authority of India
(Ministry of Road Transport and Highways)
जी-5 एवं 6, सेक्टर-10, द्वारका, नई दिल्ली - 110 075
G-5 & 6, Sector-10, Dwarka, New Delhi-110075

दूरभाष / Phone : 91-11-25074100/25074200

फैक्स / Fax : 91-11-25093507 / 25093514

एक्स. / Extn.: 2223 / 2318 / 2468 / 2553

No. 11041/217/2007-Admn

Date: 23.08.2010

POLICY MATTER : ADMINISTRATION/FINANCE (68/2010)
(Decision taken on File No. NHAI/DR& A Cell/ARB (Misc.)/2010)

Sub: Guidelines for decision on the recommendations of DRE/DRB/DAB on NHAI projects.

To ensure expeditious disposal of the recommendations of DRE/DRB/DAB well before expiry of the period of limitation, the following procedure shall be pursued henceforth:

1. Project Director (Nodal/Presiding Officer) NHAI, on receipt of the recommendations of Dispute Review Expert (DRE)/Dispute Review Board (DRB)/Dispute Adjudication Board (DAB) shall immediately examine the merits of the DRB/DRE recommendations in accordance with the terms & conditions of the Contract Agreement. The Project Director shall submit his **independent and specific report/observations invariably within 10 days** to Regional Officer (RO) **unambiguously** whether the matter is fit to be referred to the Arbitration or not based on the merits in support thereof.
2. On receipt of the report/observations from PD, the CGM-cum-Regional Officer, **within next 15 days** shall forward his **specific recommendations** based on the merits to NHAI HQ after duly considering the independent opinion from the Engineer. RO, if deemed necessary, may also take the opinion from Techno-Legal Expert/Legal Counsel in substantiating his specific recommendations unambiguously whether the matter is fit to be referred to the Arbitration or not based on the merits in support thereof.
3. Technical Division at HQ, on the receipt of the specific recommendations from RO, **within next 7 days** shall circulate the note to the Executive Committee for consideration and final decision on whether to accept the recommendations of the DRB or not. In the circumstances, if Executive Committee is unable to meet within next 21 days, the Technical Division may seek the approval of the Executive Committee by circulation. The concerned Technical Division shall immediately convey the final decision of the Executive Committee to Arbitration Cell under intimation to RO/PD for further necessary action. It shall be the responsibility of the concerned Technical Division to ensure the final decision by the Executive Committee well before expiry of the period of limitation as provided in the Contract Agreement.
4. The Regional Officer shall enter into a Supplementary Agreement with the Contractor/Concessionaire, if required, for conducting Arbitration meetings in cities where RO office is situated, instead of New Delhi as provided in the Contract Agreement.

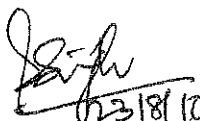
Contd...2

5. In furtherance, PD shall prepare draft reply including counter claim(s), if any, as per the terms & conditions of the Contract, correspondence(s) and ground realities in consultation with the Engineer for approval of the RO before submission to the Arbitration Tribunal (AT). PD, **if deemed essential, may also take the opinion from Techno-Legal Expert/Legal Counsel.** PD shall forward a copy of the reply submitted to AT invariably to Technical Division as well as to Arbitration Cell at HQ.

6. CGM-cum-RO, in resolving the disputes expeditiously, may empanel a list of Techno-Legal Expert/Legal Counsel for assistance in Regional/PIU/CMU in accordance to the extant guidelines issued by NHAI HQ.

7. It shall be the responsibility of all concerned to strictly comply with the specified time schedule.

8. This issues with the approval of Competent Authority.


023/8/10
(S.S. Nahar)

Chief General Manager (Coord)

To

1. All CGMs & CVO at HQ
2. All GMs/DGMs/Managers at HQ
3. All ROs/PIUs/CMUs
4. PS to Chairman/PS to All Members
5. Librarian