



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण

(पोस्ट परिवहन, सड़क परिवहन और राजमार्ग मंत्रालय)

National Highways Authority of India

(Ministry of Shipping, Road Transport and Highways)

जी-5 एवं 6, सेक्टर-10, द्वारका, नई दिल्ली-110 075

G-5 & 6, Sector-10, Dwarka, New Delhi-110075

No.11041/217/2007-Admn.

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30th July 2009

Policy Matters – Administration/Finance (54/2009)

(Decision taken in 45th Executive Committee Meeting held on 20.7.2009)

Sub: Guidelines for seeking expert legal opinion from Law Firm(s)/Counsel(s), Solicitor/Additional Solicitor General of India

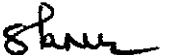
It has been observed that Technical or other Divisions often seek legal opinion(s) directly from law firm(s)/Counsel(s) on the issues involving legal implications overtones/complexities and having far reaching ramifications without the knowledge of Legal Cell which has since been constituted at Headquarters of NHA.

2. In this regard attention is also invited to Circular NO. 11019/1322/2008-Admn.dated 23.09.2008 which enjoins that all officers in Hqs & the PIUs/CMUs **shall seek opinion/advice through or from Legal Cell**. Hence the practice of seeking legal opinion directly should be discontinued forthwith. The Competent Authority has decided that on issues, where expert legal opinion is felt essential owing to legal implications involved in the matter and / or complexity of legal tenets, same ought to be obtained from imminent Law firm(s)/Counsel(s) including Solicitor General/Additional Solicitor General, only **through Legal & Arbitration Cell**.

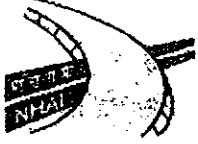
3. Accordingly the Competent Authority has decided that henceforth the legal opinion/advice if required from law firm/Solicitor General/Additional Solicitor General by any Division, shall be obtained through Legal & Arbitration Cell, as far as practical.

4. The above order of the Competent Authority must be adhered scrupulously.

5. This issues with the approval of Chairman.


(S.K. Nirmal)
GM (Coord.)

All Officers at Hqs.
All PIUs/CMUs



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11019/1322/2008-Admn.

23.09.2008

CIRCULAR

Consequent upon joining of Shri Tilak Raj as GM (Legal) in the NHAI, the 'Legal and Arbitration Cell' constituted vide Office Order dated 11.09.2006, has become fully functional with immediate effect. Accordingly, the Cell is located under Member (Admn.) and will look after the following functions:

- a) To monitor dispute resolution process and outcomes
- b) To advise on general legal issues arising out of dispute redressal and arbitration proceedings
- c) To advise on various legal cases pertaining to the contractual matters
- d) To vet bid documents in case there is a deviation from the standard documents.
- e) To advise on improvements to contract on the basis of lessons learnt from disputes in the projects
- f) To maintain data relating to dispute resolution/arbitration/court cases
- g) Matters concerning appointment and engagement of Arbitrators/DRB Members/Techno-legal experts/solicitors and legal counsels etc.

2. All the Officers in the HQs & the PIUs/CMUs are requested to address the issues related to above functions, henceforth to 'Legal & Arbitration Cell'

3. This issues with the approval of Competent Authority

(Prakash Nevatia)
DGM (Admn.)