



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण

(सड़क परिवहन और राजमार्ग मंत्रालय)

National Highways Authority of India

(Ministry of Road Transport and Highways)

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POLICY MATTERS – ADMINISTRATION / FINANCE (180/2016)
(Decision taken in file No.NHAI/HQ/11013/LA/Workload of Arbitration/FTS-505)

Sub: Provision for Additional Arbitrators in cases where Arbitrators appointed under NH Act, 1956 are “highly loaded” {Policy Circular: Administration/ Finance (180/2016)}-reg.

It has been observed that the State Govts. usually nominate District Magistrates to discharge the functions of Arbitrators under section 3G(5) of NH Act, 1956 for land acquisitions within a district. In some cases ADCs or DCs are nominated by the concerned State Govt. as Arbitrators. Provision in the NH Act, 1956, allows land owners as well as NHAI to file for arbitration, if dissatisfied with an award of Competent Authority(Land Acquisition). However, where a large number of cases are pending with Arbitrator, these cases are those filed by land owners. The early disposal of applications for arbitration is in the interest of all stake holders and therefore, it is felt that NHAI may request the State Govt. for additional Arbitrators under certain circumstance.


2. NHAI provides support staff and facilities to Arbitrator for discharging their functions, wherever such support / facilities are requested by the Arbitrator. However, District Magistrates / DCs have to discharge their normal official duties also and therefore, it has been felt that wherever Arbitrators appointed under NH Act are “highly loaded”, additional Arbitrators for the same district but having separate jurisdictions, may be nominated by the State Govt. for appointment as Arbitrator. Such arrangement is expected to also facilitate early declaration of award(s) by an Arbitrator and consequent disbursement of compensation to land owners within a reasonable period from the date of institution of an arbitral case before the Arbitrator.

3. An Arbitrator shall be deemed to be “highly loaded” if there are more than 500 applications for arbitration pending before the Arbitrator at any point of time from one or more projects in a district, irrespective of whether the said applications are heard in the same hearings (clubbed cases) or not.

4. In such cases where Arbitrators are “highly loaded” in terms of para-3 above, ROs may request the State Govt. to nominate an additional Arbitrator in respect of a district, if it is felt that an additional Arbitrator may help to dispose pending arbitration applications within 06 to 08 months or earlier. The additional Arbitrators in a district shall also be provided with support staff and facilities, as is being provided to Arbitrators ordinarily appointed.

5. Proposal for appointing additional Arbitrators alongwith the support staff in consultation with the State Governments may be sent to NHAI, headquarters at the earliest.

6. This issues with the approval of Competent Authority.


(A.K. Sadhu)
CGM (Coord.)

To:

All Officers & Employees of HQ/ROs/ PIUs/ CMUs/ Site Offices