



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण

(सड़क परिवहन और राजमार्ग मंत्रालय, भारत सरकार)

National Highways Authority of India

(Ministry of Road Transport and Highways, Government of India)

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NHAI/Policy Guidelines/ Dispute Resolution/2023 Policy Circular No. 2.1.59/ 2023 dated 31st May, 2023

{Decision taken on E-Office File No. NHAI/Legal&Arb/ReviewofArbSOP/MANTHAN/2023/1 (Comp. No. 198854)}

Sub: Compliance of Standard Operating Procedure (SoP) for nomination of Arbitrator and Constitution of Arbitral Tribunals - Contractual Disputes/Claims - reg.

It has been observed that the Technical Divisions are not strictly following the SoP as laid down at Para 2 of Part (A) of Policy Circular dated 01.06.2017 i.e. Standard Operating Procedure (SoP) on handling Arbitration matters/court cases related to Contractual disputes/claims. Rather Technical Division are forwarding the notices invoking arbitration to the PIUs/ROs to open e-file or existing file, if any and not being processed directly by the Technical Division at NHAI HQ. This process delays the appointment/nomination of Arbitrator, leading to NHAI losing its right to nominate its arbitrator within the prescribed period.

2. It is reiterated that as per aforesaid SoP, the Technical Division has to forward copies of notices invoking Arbitration within 7 days to the Legal Division along with the list of claims, copy of arbitration clause in the contract agreement/ Concession Agreement (CA)/ Supplementary Agreement (SA) and status of compliance of prerequisites before invoking arbitration, for speedy nomination of the nominee Arbitrator of NHAI well within the time prescribed in the agreement/Arbitration & Conciliation Act 1996 as amended (A&C Act). The Technical Division shall after retrieve the available data from Datalake and balance / left out data, if any, from concerned PD through e-mail, without wasting time.

3. Now, the Competent Authority has decided that to cut down the delay caused due to the movement of files/correspondence between HQ and PIUs/ROs, the above mentioned SoP dt. 01.06.2017 may be complied with strictly so that the Nominee Arbitrator can be appointed in time with the approval of the Competent Authority i.e. Chairman, NHAI.

4. Concerned GM (Tech) HQ NHAI has been designated as the Nodal Officer to put up the proposal for nomination of Arbitrator on behalf of NHAI. Policy Guidelines No.2.1.22/2017 dated 01.06.2017 is modified to the above extent.

5. This issues with the approval of Competent Authority.

(Sanjay Kumar Patel)
General Manager (Coord.)

To:

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

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