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DELHI DEVELOPMENT AUTHORITY

NO: EMD(69)83/Arbn/3411

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CIRCULAR NO. 139.

In a number of cases recommendations are received from Chief Engineers that arbitration awards should be challenged. It is seen that in many cases detailed reasons/grounds for challenging the award are not given. The award can be set aside on one or more of the following grounds:-

- a) If there is apparent mistake on the face of the award.
- b) That an arbitrator has misconducted himself or the proceedings. In this connection the following fundamental principles should be kept in view:
 - i) If the arbitrator fails to decide all the matters which were referred to him.
 - ii) If by this award he purports to decide matters which have in fact not been included in the agreement of reference.
 - iii) If he hears only one party and refused to hear the other.
 - iv) If he takes evidence in the absence of the other parties.
 - v) If he takes into account any other evidence except the one relating to the specific work under reference.
- c) That an award has been made after the issue of an order by the Court superceding the arbitration or after arbitration proceedings have become invalid under section 35.
- d) That an award has been improperly procured or is otherwise invalid.
- e) If the arbitrator exceeded his jurisdiction.

It is enjoined upon all CEs/SEs/IEEs that detailed reasons for challenging the award are given. In cases where the opinions of EE, SE & CE 'for and against' challenging of the award are different, the position should be explained fully by the Chief Engineer.