

निदेशक (प्रणाली) दि.वि.प्रा.
डायरी नं. 15
दिनांक. 3/4/23



दिल्ली विकास प्राधिकरण
DELHI DEVELOPMENT AUTHORITY
ई.एम. सचिवालय
E.M's Secretariat

No. EM2(3)2023/RZ/140/DDA/ 136

Dated: 28/3/2023

**MINUTES OF THE 862nd MEETING OF ASB HELD ON 23.03.2023 IN
THE CHAMBER OF CHIEF ENGINEER (HQ), DDA**

862nd Meeting of Arbitration Security Board (ASB) under the chairmanship of CE (NZ) held on 23.03.2023 at 03.00 P.M. in the chamber of CE (HQ) to deliberate Arbitral award in the matter of M/s Vats Builders Vs DDA in respect of the following work:-

N.O.W : D/o 153.55 Hectare of land in Sector 36 (part)
Rohini, Phase-V

Sub-head : C/o 24 mtr. RW road in Sector 36, Rohini, Phase-V

Agency : M/s Vats Builders

Agmt. No. : 18/EE/RPD-8/2012-13

The Agenda note submitted by the CE(RZ) on e-office vide file no. ENG/CERZ/0006/2023/RCC3/RPD3-O/o EE(RPD III) (Computer No. 55317) dated 16.03.2023.

The meeting was attended by the following officers:-

1. Shri Ravi Kant	CE (NZ)	Chairman
2. Shri Ashwani Kumar	CE(RZ)	Executive Member
3. Shri. Vinod Kumar Sharma	Dy. CLA-III	Member
4. Shri Raj Pal Singh	Dir. (Finance, Consultant)	Member
5. Shri R.K. Bhanwaria	Dir. (Works)/Consultant	Member, Secretary

The case was presented by Sh.Ashwani Kumar, CE(RZ), DDA.

Brief history of the case is as under:-

The above cited work was awarded to M/s. Vats Builders with period of completion 3 months. Accordingly, the date of start of the work was 01.12.2012 and stipulated date of completion of the work was 28.02.2013, but the work could not be completed on scheduled date of completion and work was foreclosed on 31.10.2014. The work was stayed by the Hon'ble Court on 27.02.2013 and stay was vacated on 30.01.2014. After vacation of stay by Hon'ble court, DDA has requested to agency to take up the work at site in February, 2014. The agency denied to restart the work on agreement rate and demanded market rate for further execution. Accordingly, the work was fore closed on 31.10.2014.

The agency M/s. Vats Builders revoke the Arbitration clause 25 seeking adjudication of the disputes through Arbitration and had requested Engineer Member, DDA to appoint Arbitrator. EM, DDA had appointed Sh. NandLal Singh (Former Special Director General, CPWD) as Sole Arbitrator to adjudicate the disputes of claimant vide letter no. EM2(7)/2018/Vol.VIII/Pt.115/DDA/242 & 436 dt. 25.01.2019 & 26.03.2021, respectively. Total 14 Nos. of hearing were held, first hearing was held on 19.03.2019 & last hearing was held on 26.03.2021. The award has been pronounced amounting to Rs. 10,76,300/- (against claim of Rs. 1,37,22,900/-) without interest. The interest has also awarded under claim no. 17 @ 10% per annum w.e.f. 17.10.2018 to date of award i.e. 31.12.2022, with the direction that no future interest after the date of publishing of this award shall be payable, if all amounts

awarded are paid by the respondent to the claimant within 90 days. In case of failure, future interest @ 9% P.A. (simple) shall be payable on unpaid amount of award.

Legal Opinion of the Panel Lawyer:

The Panel Lawyer has given her comments against each awarded claim. In nut-shell Panel Lawyer has recommended to accept claim no. 3, 10 & 13 and recommended to challenge claim no. 14,15 & 17 (partly for claim 14 & 15)

Recommendation of CLA:

Agreed with the comments of Panel lawyer for award of claim no. 3, 10 & 13 to accept. For award of claim no. 14 agreed with the Panel Lawyer to challenge, but also commented that department may see for decision in this respect. For award of claim no 15, commented that department may see for decision and no comments have been offered w.r.t. award of claim no. 17.

Recommendation of EE/RPD-3:

It is recommended to accept all awarded claims vide claim no. 3,10,13,14,15&17.

Recommendation of SE/RCC-3:

Agreed with the comments given by EE/RPD-3. Hence, recommended to accept the award.

Recommendation of CE(Rohini):

In view of above recommendations of Panel Lawyer, CLA, EE/RPD-3 and SE/RCC-3, this office is also of the view that award of Arbitrator may be accepted.

Recommendation of ASB:

After due discussion and deliberation the ASB is of the view that-
The award of the Arbitrator may be accepted as per recommendations of CE (Rohini).

As per revised delegation of power issued vide no. EM1 (10)2018/Del. of Power/DDA/260 dated 29.01.2019 by CE (HQ), DDA. CE (RZ) is the Competent Authority in r/o award amount less than Rs. 25 lacs in consultation with CAO/DDA, with due scrutiny by Arbitration Scrutiny Board headed by CE(HQ), DDA.

-SD-
Dir(Works)/Consultant
Member Secretary

-SD-
Dy. CLA-III
Member

-SD-
Dir (Finance,
Consultant)
Member

-SD-
CE(RZ)
Executive Member

-SD-
CE(NZ)
Chairman

Director (Works)/Consultant

Copy to:

- 1) EM/DDA for information.
- 2) All concerned.
- 3) Director (System) for uploading on DDA website.
- 4) EE/RPD-3/DDA.
- 5) Office Copy.

19.04/25
Sh. J. J. J. J.
Director (Works)/Consultant
28/03/2023