

STANDING INSTRUCTION NO. 337

most
of
the

It has been observed that in the matter of arbitration awards there is a general tendency in DDA to recommend the challenge awards. A study, conducted by the CE(D) of the judgements pronounced by the Hon'ble Courts in respect of the awards challenged by the DDA, has revealed that the amount set aside has been only of the order of 6% of the amount of award. This suggests of need to think twice before recommending/deciding to challenge the awards. Incidentally, most of the recommendations to challenge the award emanating from Engineers/Senior Legal Advisors, apparently are in an effort to cover up the improper defence that might have been put up either by the field officers or the lawyers defending the claims before the Arbitrators or before the Hon'ble Courts. In some cases the same might be to cover up improper operation of contracts also.

The Courts have reiterated their role of not sitting in judgement over the awards given by the Arbitrator's which is binding on both the parties unless there are errors of law apparent on the face of award or where misconduct on the part of the Arbitrator could be proved. By challenging the awards, DDA is unnecessarily losing its goodwill amongst the contractors' community.

VC, D.D.A. has desired that while making recommendations on awards pronounced by the Arbitrator, we should also take into consideration, the amounts involved, so that time, effort & money is not wasted on petty sums. Financial implication of filing objections/appeals be also kept in view. However DDA should not hesitate to:-

- a) file objections against arbitration awards where errors of law are apparent on the face of the award or misconduct on the part of the arbitrator could be established beyond reasonable doubt.
- b) File appeals where we are advised that some basic principle of law is involved, which has a reasonable chance of being upheld, if challenged in the Civil Courts.

These considerations may be applied as a sort of touch stone in deciding whether to go on for appeal or not in respect of all arbitration awards/court judgements on arbitration awards.

(W.D. Dandage)
Engineer Member.

Copy to:

1. All Chief Engineers, DDA.
2. Chief Engineer (S&JJ), DDA.
3. Directors (hort.) - North & South.
4. GM, ISBT.
5. E.O. I, II, III to EM, DDA.
6. C.L.A.

DELHI DEVELOPMENT AUTHORITY
(VIGILANCE DEPARTMENT)

No.F.27 (199)91-Vig.

Dated: 12/8/91

C I R C U L A R

विकास (कर्म) लि. 10287
दिनांक 21/8/91
विकास मासिकरण

It has been observed that while making photocopies of original documents some times original sheets of document get lost/mixed up with other papers due to which very embarrassing situation has been faced. To avert this situation it is felt expedient that the following instructions be observed meticulously by all concerned.

PA-12M/4548
df 20/8/91

(a) Greater care and caution is to be exercised when photocopies of documents are made and a senior officer of the level of Asstt. Director/ Jr. Law Officer/Accounts Officer/Asstt. Engineer must be held responsible to ensure that original documents are placed back intact and that the photocopies taken are restricted in number and each and every copy is properly accounted for.

(b) In case it is found that part of it is missing strenuous efforts be made to locate such missing papers/documents by tracing through the route from person/office and from one office to another in DDA before reference is made to the originating office or source for sending copy of such reference.

EDI
[Signature]

(P.K.MEHTA)
CHIEF VIGILANCE OFFICER

Copy forwarded to:-

1. OSD to VC for information of the latter.
2. E.M, DDA
3. F.M, DDA
4. All Commissioners
5. Secy. I/DA/CLA/CES/
Directors/ FA(H)/CAO

With the request to bring the contents of the above circular to the notice of all officers under their control for strict compliance.

CHIEF VIGILANCE OFFICER

776 to II, 20/8/91
inf circular 2 20/8/91

include 7/91
[Signature]

DELHI DEVELOPMENT AUTHORITY.
(EM' s OFFICE)

NO. WAB. 1(76)Pt. XV/Secy/8244

DATED: 20.6.91

CIRCULAR.

In the meeting held on 5.6.91, the WAB took following decision.

1. "Whenever enquiries are made for supply of stores to DDA as per provisions of DGS&D rate contracts the mode should be through issue of registered letters."
2. "In future, to ensure adequate publicity, tender notifications should be published in the Morning edition of atleast . 2 daily newspapers(One English and One Hindi) and also in Indian Trade Journal."
3. "In future, the condition relating to annual turn over in restricted call of tenders, should provide for a level of 75% of the expected cost of work".

All Zonal Chief Engineer(Civil)
Chief Engineer(Elect.)

Sudhakar
Secretary (WAB). 20/6/91
DDA.

Copy to:

1. All members of the Board for information.
2. Director(Works)/E.O.I for information and to place a copy in Circular file.

Sudhakar
Secretary (WAB)
DDA.