

DELHI DEVELOPMENT AUTHORITY
E.M.'S. OFFICE

NO.: EM 1(10)2003/DDA/ 5777

DT.: 25.06.03

CIRCULAR NO. 556

SUB.: Position of Arbitration cases under Arbitration & Conciliation Act, 1996 vis-à-vis Arbitration Act, 1940.

With the Arbitration & Conciliation Act, 1996 coming into force with effect from 25th Jan., 1996 the Arbitration Act 1940 stood repealed. However, Sec. 85 of the new Act provides that not withstanding such repeal, the provisions of the old Act i.e. Arbitration Act 1940 shall apply in relation to arbitral proceedings which commenced before this Act came into force unless otherwise agreed by the parties. These provisions together with Arbitration Clause in the agreement came in for extensive interpretation by Hon'ble Supreme Court in the case of Rani Constructions V/s. State of Himachal Pradesh and it was held that in such cases the new Act i.e. Arbitration & Conciliation Act, 1996 would be applicable.

It is, therefore, enjoined upon all the Engineering/Hort. Divisions and other concerned to make it sure that wherever felt necessary, objections to the Arbitration Award must be filed within 90 days from the date of receipt of the Award without waiting for any notice from the court. This may please be noted carefully to avoid dismissal of our objection petition on the point of applicability of the Act.

This issues with the approval of CE (HQ) in consultation with CLA/DDA.

(S.C. SHARMA)
DIRECTOR (WORKS)

Copy to:-

1. P.S. to V.C.- for kind information of the letter.
2. P.S. to E.M.- for kind information of the letter.
3. P.S. to F.M.- for kind information of the letter.
4. All CEs (Civil & Elect) i/c. (HQ), (Design) & (QC), DDA.
5. CWO, DDA.
6. CLA, DDA.
- 6a. CAO, DDA.
- 6b. SE (Arbn) - I & II, DDA

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Compared
By: *[Signature]*
Date: 18/6/03
AKH

