

**DELHI DEVELOPMENT AUTHORITY
E.M.'S OFFICE**

No. EM 1(10) 2007/Cir.(Arbitration-III)/DDA/ 854

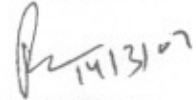
dt.: 14/ 3/ 2007

CIRCULAR NO. – 598

While examining one of the Court case related to arbitration award, the Arbitration Scrutiny Board observed that the award given by the Learned Arbitrator in favour of DDA (the respondent) on the counter claim for the work executed at the risk and cost of the contractor petitioner was set aside due to the reason that the same was not referred to the Arbitrator by the Court, but the same was referred by the Appointing Authority of DDA when the proceedings of the arbitration were in progress. However, DDA did not challenge the above part of the judgment of the Hon'ble Court in the Division Bench and the awarded amount was released in favour of the claimant. Since, the case had become time barred, nothing could be done but to recommend for acceptance of the modified award. The Arbn. Scrutiny Board was of the view that such decision could have been challenged and defended effectively in the Division Bench.

It is, therefore, enjoined upon all concerned to ensure that all the claims/counter claims including the additional claims/counter claims are referred to the Arbitrator through the Appointing Authority of DDA or through the Hon'ble Court as the case may be, in a time Bound manner so as to leave no scope for rejection or any adverse decision which may go against the interest of the Deptt. If the need arises any additional claim/counter claim may be referred to the Arbitrator through the same forum who had referred earlier. Non-compliance of the instructions shall be viewed seriously.

This issues with the approval of Engineer Member, DDA.



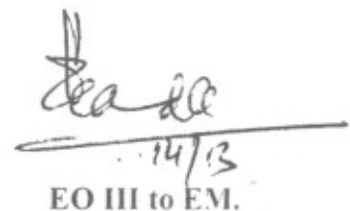
[R.C. GUPTA]
CHIEF ENGINEER [HQ]

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EO III to EM.