

उप निदेशक (प्रणाली) वि.वि.प्र.
Dy. Director (Systems) D.D.A.
आदेश नं० / Dairy No. 2067
दिनांक / Date 07/02/24

निदेशक (प्रणाली) वि.वि.प्र.
आदेश नं० 1012
दिनांक 7/2/24
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Azadi Ka
Amrit Mahotsav



DELHI DEVELOPMENT AUTHORITY
EM's SECRETARIAT

No. EM2(3)2024/Narela/1/DDA/62

Dated: 7/2/24

**MINUTES OF THE 881th MEETING OF ASB HELD ON 07.02.2024 IN THE
CHAMBER OF CE (HQ), DDA**

881th Meeting of Arbitration Scrutiny Board (ASB) under the chairmanship of CE (HQ), DDA held on 07.02.2024 at 11:00 A.M. in the chamber of CE (HQ), DDA to deliberate Arbitral award in the matter of M/s Ahluwalia Contract (India) Limited v/s DDA for the following work: -

N.O.W	:	C/o 2128 & 348 Category-II houses on Design & Built Basis in Pocket-1C at Sector A1 to A4, Narela i/c Internal Development & Electrification.
Agency	:	M/s Ahluwalia Contract (India) Limited
Agreement No.	:	11/EE/ND-4/DDA/2014-15
Estimated Cost	:	Rs.238,05,00,000/-
Revised Estimated Cost	:	Rs.403,62,76,241/-
Tendered Amount	:	Rs.338,95,59,600/-
Negotiated & Accepted Amt.	:	Rs.338,95,59,600/-
Time Allowed	:	36 Months
D.O.S. (Stip.)	:	03.06.2014
D.O.C. (Stip.)	:	02.06.2017
D.O.C.(Act.)	:	25.06.2020
No. of Claims	:	17
Amount of Claims	:	45,00,33,207/-
Amount of Award	:	Nil

The Agenda note has been submitted by the CE (Narela) vide file no. F5(1)PS/EE/NPD-4/DDA/2023-24 on dated 29.01.2024.

The meeting was attended by the following officers: -

- | | | |
|----------------------------|-------------------------|-------------------|
| 1. Shri Sanjay Kumar Khare | CE (HQ) | Chairman |
| 2. Shri Ashwani Kumar | CE (Narela) | Executive Member |
| 3. Shri Ajay Gupta | Dir. (Finance) | Member |
| 4. Shri Vinod Kumar | Dy. CLA-III | Member |
| 5. Shri R.K. Bhanwaria | Dir. (Works)/Consultant | Member, Secretary |

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

BRIEF HISTORY OF THE CASE IS AS UNDER: -

The above mentioned work was awarded to M/s Ahluwalia contractors (india) Ltd. vide letter No. F12(41)EE/ND-4/DDA/2013-14/550 dated 07.05.2014 with stipulated date of start and completion 3.6.2014 and

07/02/24
Sh. G. Joshi DDA(S)

02.06.2017 respectively. Actual date of completion of the work is 25.06.2020.

The agency has raised claims to EE/ND-4 vide letter dated 04.04.2018 for civil component and EE/ED-7 vide letter dated 06.04.2018 for electrical component but same has been denied by concerned executive engineer. Thereafter agency approach under clause 25 of agreement to SE/Civil vide their letter dated 19.12.2018 and SE/Electrical vide agency letter dated 19.12.2018 but same has been denied by the concerned SE. Again agency approach to concerned CE vide letter dated 16.04.2019 and same was denied vide CE letter dated 24.07.2019.

Then the claimant approach the EM/DDA by way of notice for appointment of arbitrator as per clause 25 vide agency letter dated 03.09.2023 and above said arbitration tribunal was formed on dated 09.12.2021 and Hon'ble AT entered into the reference vide letter dated 14.12.2021 comprising Er. Puneet Kumar Vats (Member arbitrator), Er. Rakesh Misra (Presiding arbitrator) and Er. Nand Lal Singh (Member Arbitrator).

Claims amounting to Rs. 45,00,33,207/- (Copy enclosed) referred to the Hon'ble AT. The Hon'ble AT has been awarded **NIL** in the above mentioned on dated 23.10.2023 after detailed discussion.

COMMENTS OF PANEL LAWYER: -

As discussed with Panel Lawyer, no comments is required as AT has published the Nil award and department have to accept the same.

RECOMMENDATION OF EE/NPD-4: -

The EE/NPD-4 has given his comments in the statement against each claim placed below.

RECOMMENDATION OF SE/NCC-2: -

The SE/NCC-2 has given his comments in the statement against each claim placed below.

RECOMMENDATION OF CE/NARELA ZONE: -

The CE/Narela Zone has given his comments in the statement against each claim placed below.

S. No	Claim No.	Brief Description of claim/counter claim as justified by Arbitrator	Amt. of Claim	Amt. of Award	Comments of Pannel Lawyer	Comments of CLA	Comments of EE	Comments of SE	Comments of CE, Narela	Remarks
1	A(1)	Claim No. A(1) Claim on account of additional cost incurred by claimant on PCC work due to increase in height of the EWS tower and CATI Towers	23,57,580/-	Nil	As discussed with Pannel Lawyer, no comments is required as AT has published the Nil award and department have to accept the same.	This office in view that AT has published the Nil award and department have to accept the same hence, no comments is required.	This office in view accepted the Nil award published by Hon'ble AT.	This office in view agreed with the comment of Executive Engineer, NPD-4 i.e. accepted the Nil award published by the Hon'ble AT		
2	A(2)	Claim No. A(2) Claim on account of additional cost incurred by Claimant on RCC	1,82,46,492/-	Nil	-do-	-do-	-do-	-do-		

		Work due to increase in height of the EWS Tower and CAT-II Towers.									
3	A(3)	Claim No. A(3) Claim on account of additional cost incurred by claimant on AAC Block/Brick work due to increase in height of the EWS Tower and CAT-II Tower.	2,33,07,074/-	Nil	-do-	-do-	-do-	-do-			
4	A(4(a))	Claim no. A (4(a)) Claim on account of additional cost incurred by claimant on External Plastering work due to increase in height of the EWS tower and CAT-II Towers.	5,94,39,906	Nil	-do-	-do-	-do-	-do-			
5	A(4(b))	Claim no. A (4(b)) Claim on account of additional cost incurred by claimant on Internal Plastering work due to increase in height of EWS Tower and CAT-II Towers.	2,60,30,397/-	Nil	-do-	-do-	-do-	-do-			
6	A(5)	Claim no. A(5) Claim on account of additional cost incurred by Claimant on floor and dado work due to increase in height of the EWS tower and CAT-II Towers.	3,37,00,887/-	Nil	-do-	-do-	-do-	-do-			
7	A(6)	Claim no. A(6) Claim on account of additional cost incurred by Claimant on reinforcement work due to increase in height of the EWS tower and CAT-II Towers.	19,68,116/-	Nil	-do-	-do-	-do-	-do-			
8	A(7)	Claim no. A(7) Claim on account of additional cost incurred by Claimant on excess reinforcement steel due to increase in height of the EWS towers	12,46,13,653	Nil	-do-	-do-	-do-	-do-			
9	A(8)	Claim no. A(8) Claim on account of additional cost incurred by Claimant on underground, fire water tank due to increase in height of the EWS tower and CAT-II Towers.	50,00,000/-	Nil	-do-	-do-	-do-	-do-			
10	A(9)	Claim no. A(9) Claim on account of additional cost incurred by Claimant for clear water pumping system due to increase in height of the EWS tower	19,27,085/-	Nil	-do-	-do-	-do-	-do-			
11	B(1)	Claim no. B(1) Claim on account of additional cost incurred by Claimant on automatic detection and fire alarm system due to increase in height of the EWS towers.	3,89,06,771/-	Nil	-do-	-do-	-do-	-do-			
12	B(2)	Claim no. B(2) Claim on account of additional cost incurred by Claimant on sub-main wiring due to increase in height of the EWS Towers.	2,71,39,644/-	Nil	-do-	-do-	-do-	-do-			
13	B(3)	Claim no. B(3) Claim on account of additional cost incurred by claimant on lifts due to increase in height of the EWS tower.	5,08,92,153/-	Nil	-do-	-do-					
14	B(4)	Claim no. B(4) Claim on account of additional cost incurred by Claimant on sprinkler system due to increase in height of the EWS towers.	3,65,03,449/-	Nil	-do-	-do-					
15	C	Claim No. C Claim of interest	TBC as per actual	Nil	-do-	-do-					
16	D	Claim No. D Claim of cost	TBC as per actual	Nil	-do-	-do-					
17	E	Claim no. E Claim of GST on awarded amount	TBC as per actual	Nil	-do-	-do-					

RECOMMENDATION OF ASB:

After due discussion and deliberation, the ASB unanimously recommended to accept the arbitration award dated 23.10.2023 passed by AT for a total amount of NIL to be paid by the respondent (DDA) to the claimant (M/s Ahluwalia Contract (India) Limited).

As per revised delegation of power issued vide letter no. EM1 (10)2018/Del. of Power/DDA/260 dated 19.01.2019 by CE (HQ), DDA. CE(HQ) is the Competent Authority in r/o award amount upto Rs. 25 lacs in consultation with CAO/DDA, with due scrutiny by Arbitration Scrutiny Board headed by CE(HQ), DDA.


-sd-
R.K. Bhanwaria
Dir(Works)/Consultant
Member Secretary

-sd-
Vinod Kumar
Dy. CLA-III
Member

-sd-
Ajay Gupta
Dir. (Finance)
Member

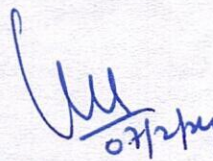
-sd-
Ashwani Kumar
CE(Narela)
Executive Member

-sd-
Sanjay Kumar Khare
CE(HQ)
Chairman


EO-I to EM

Copy to: -

1. EM/DDA for kind information.
2. All concerned.
3. Director (System) for uploading on DDA website.
4. EE/NPD-4/DDA, Narela, Delhi for information please.


EO-I to EM