

दिल्ली विकास प्राधिकरण  
आदेश नं. 3982  
दिनांक 11-3-25



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

No. EM2(3)2025/NZ/247/DDA/167

Dated: 10-3-25

904<sup>th</sup> Meeting of Arbitration Scrutiny Board (ASB) under the chairmanship of CE(HQ), DDA was held on 07.03.2025 at 11:00 A.M. in the chamber of CE(HQ)/DDA to deliberate the Hon'ble High Court judgement dated 24.12.2024 in FAO (COMM) 15/2021 & CM APPL.2282/2021 in the matter of M/s Dharam Vir & Company Vs DDA & Anr. with respect to following work: -

**N.O.W.** : Protection of vacant land under north zone.  
SH: Construction of boundary wall in Vishal Bagh, Sector, G-2 and G-6 at Narela.

**Agency** : M/S Dharam Vir & Co.  
**Agmt. No.** : 13/EE/ND-9/DDA/2010-11

The agenda was submitted by CE(NZ) vide e-file computer no. 90524 on dt. 27.02.2025.

The meeting was attended by the following officers: -

1. Shri Sanjay Kumar Khare	CE(HQ), DDA	Chairman
2. Shri Anand Prakash	CE(NZ)	Executive Member
3. Shri Manohar Lal	Adl. CLA/DDA	Member
4. Shri Ajay Gupta	Director(Finance)	Member
5. Shri Amit Singh	Dir. (Works)	Member, Secretary

The case was presented by CE(NZ)/DDA.

**BRIEF HISTORY OF THE CASE IS AS UNDER: -**

1. The work of construction of boundary wall in Vishal Bagh, Sector, G-2 and G-6 at Narela was awarded to the Claimant i.e. M/S Dharam Vir & Co. vide letter dt.10.11.2010.
2. The stipulated date of start and completion of work was 20.11.2010 and 19.01.2011 respectively. However, due to extra work and the work was actually completed on 17.01.2011.

11/03/25  
Sh. Jyoti DD (S)  
11.3.25  
Sh. Dev, Narela  
AD(S) Ramesh



3. The Claimant approached the EM, DDA office for appointment of arbitrator and Sh. S.K. Jain was appointed as arbitrator on 02.04.2014. Later on EM/DDA has appointed the Sh. S.P. Banwait on dt.03.01.2017.

List of details of facts and events of case.

- 17.08.2017 Sh. S.P. Banwait Ld. Arbitrator dismissed the Claims of Applicant and signed the Award in the Arb Case No. SPB/DDA/ARB/145 (18).
- 08.06.2018 Ld. Arbitrator modified the Award which was belated and barred by limitation as prescribed under Sec 33 of Arb. And Conciliation Act, 2015 Amended.
- 04.07.2018 Applicant filed Objection under Section 34 of Arb and Conc. Act 2015 vide OMP No. 914/2018 before court of Ld. ADJ-03.
- 26.07.2019 DDA had file suit no. 527/2019 for execution of decree / order.
- 19.12.2020 Ld. District Judge (Comm. Court) Rohini North West dismissed the objection petition OMP No. 914/2018.
- 15.01.2022 Applicant filed appeal under Sec 37 of Arb and Conc Act, 2015 before Hon'ble Delhi High Court against the order dated 19.12.2020 of Ld. DJ Commercial Court NW and Arbitral Award dated 17.08.2017 under FAO (Comm) No. 15 of 2021.
- 02.09.2022 DDA had withdrawn suit No. 527/2019 on 02.09.2022.
- CS SCJ NO.1555/2022 Application filed by claimant that instant suit being deeply aggrieved by frivolous Litigation by Defendant DDA through Execution Petition No. 527 of 2019 filed on 26.07.2019 for Rs. 76,750/- with 10% per annum interest thereon without any order, direction or cost in the Award dated 08.06.2018 with intention to harass the Claimant – Senior Citizen, is filing this Suit for seeking compensation for deliberate harassment.
- 24.12.2024 Hon'ble Delhi High Court dismissed the order dated 19.12.2020 of Ld. DJ Comm Court and set aside the Award passed by Ld. Arbitrator.
- 31.12.2024 M/S Dharam Vir & Co. was filed the arbitration petition 66/2025 case in Delhi High Court to appointment of fresh arbitrator.

The opinion of panel lawyer is not available in record.



**The opinion from the Legal Cell of the department:**

The comments offered by the CLA are as under: -

"Entrusted to Ms. Malvika Kapla. Deptt. should also take approval of competent authority on the point of challenge before going to ahead"

**The claim wise recommendation/Comments of EE/NMD-II:**

Claim wise recommendations of EE/NMD-II are as under: -

Sr. no.	Claims of Claimant	Amount Claimed	Amount awarded	Remarks	Recommendation of EE/NMD-2/ DDA
1	<u>Claim No. 1</u> Claimant claims a sum of Rs.9,67,241.92/- (Rs. Nine lakh Sixty Seven Thousand Two Hundred Forty One and Ninety Two Paise only) on account of difference b/w amount paid in final bill and amount quoted by claimant.	Rs.9,67,241.92/-		Sh. S.P. Banwait Ld. Arbitrator dismissed the Claims of Applicant and signed the award in the Arb Case no. SPB/DDA/ARB/145(180) on dt.17.08.2017	Hon'ble Delhi High Court dismissed the order dated 19.12.2020 of Ld. DJ Comm Court and set aside the Award passed by Ld. Arbitrator. The impugned award dt.24.12.2024 of DB Delhi High Court is unsustainable as per Panel Lawyer and Legal Département. Therefore, it is requirement to challenge the order of High Court dt.24.12.2024.
2.	<u>Claim No. 2</u> The claimant claims interest @ 18% per annum from the demand letter issued on 06.01.2012 till its realization.	interest @ 18% per annum	Nil		
3.	<u>Claim No. 3</u> The Claimant claims on account of cost of proceedings	Rs.50,000/-			

**Recommendation/Comments of SE(NCC-1)/NZ:**

"Recommended for challenge as per the requested of EE".

**Recommendation/Comments of CE/NZ/DDA:**

CE(NZ) was in agreement with the proposed recommendations of EE/NMD-II & SE/NCC-I.

**RECOMMENDATION OF ASB:**

ASB in the instant arbitration matter, observed that the award already given by the Ld. Arbitrator Sh. S.P. Banwait has only been set aside by the double bench of Hon'ble High Court vide its order dated 24.12.2024 and no fresh award has been given by the Hon'ble Court. Hence, as such there is no financial burden on the department at this stage. Therefore, after due discussion and deliberation ASB is of the view that the judgement dated 24.12.2024 issued by Hon'ble High Court may not be challenged. However, CE(NZ) has been directed that the concerned Executive Engineer should effectively defend the petition filed by the claimant for appointment of fresh arbitrator in the Hon'ble High Court.

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, Chief Engineer is the Competent Authority) to accept/challenge in r/o award amount less than 25 lakhs in consultation of CAO with due scrutiny by Board Arbitration headed by CE(HQ).

-Sd-  
Amit Singh  
Dir(Works)  
Member Secretary

-Sd-  
Manohar Lal  
Addl. CLA  
Member

-Sd-  
Ajay Gupta  
Director(Finance)  
Member

-Sd-  
Anand Prakash  
CE(NZ)/DDA  
Executive Member

-Sd-  
Sanjay Kumar Khare  
CE(HQ)/DDA  
Chairman

Director(Works)/DDA

**Copy to: -**

1. EM/DDA for kind information.
2. All concerned.
3. Director (System) for uploading on DDA website.
4. EE/NMD-II/DDA, Mukharjee Nagar, Delhi-110009 for information please

*Amit Singh*  
10/03/2025  
Director(Works)/DDA