

दिल्ली विकास प्राधिकरण  
आदर्श नं. 4099  
दिनांक 28/3/25



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

No. EM2(3)2025/Dwk/219/DDA/ 200

Dated: 28/3/25

**MINUTES OF THE 906<sup>th</sup> MEETING OF ASB HELD ON 25.03.2025**

906<sup>th</sup> Meeting of Arbitration Scrutiny Board (ASB) under the chairmanship of CE(HQ)/DDA was held on 25.03.25 at 04:00 P.M. to deliberate the arbitration award dated 15.01.2025 in the matter of M/S R.K GOEL ABHEY KUMAR JAIN Vs DDA for the following work:

**N.O. W** : M/O Completed scheme under Nazul A/C-II 2018-19.  
SH: A/R & M/o Dwarka Flyover link road of Ch. 0 to 2150mtr (Repair of main road in front of sector-07 and sector-1 with bituminous concrete under Dwarka Flyover)  
**Agency** : M/s R.K. Goel Abhey Kumar Jain.  
**Agmt .No.** : 23/EE/FOD-1/DDA/2018-19.

The instant case has been submitted by CE(Dwarka) vide e-file computer no. 81463 on dt. 22.03.2025.

The meeting was attended by the following ASB members:

1. Shri Sanjay Kumar Khare	CE(HQ), DDA	Chairman
2. Col. Deepak Suyal	CE(Dwk)	Executive Member
3. Shri Manohar Lal	Addl. CLA/DDA	Member
4. Shri Ajay Gupta	Director(Finance)	Member
5. Shri Amit Singh	Dir. (Works)	Member, Secretary

The case was presented by Col. Deepak Suyal, CE (Dwarka).

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

The above said work was awarded to M/S R.K Goel Abhey Kumar Jain by office of EE/FOD-1 vide letter no F.1(NIT-15) EE/FOD-1/DDA/A/29 dt 15.01.19 with stipulated Date of start 29.01.2019 and stipulated date of completion 28.02.2019. Work was completed on dt 18.04.2019 and EOT was granted without levy of compensation. After completion of work certain dispute arose between agency and DDA. Agency revoked clause 25 of agreement and submitted the 8 Nos of claim.



Recommendation  
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Agency approached Hon'ble High Court of Delhi for appointment of arbitrator. Hon'ble High Court of Delhi appointed Sh. Sankalp Brahma as the sole arbitrator vide order dt 18.12.2023. This arbitration case has been referred to DIAC (Delhi International Arbitration Centre) as case no DIAC/7377/01-24 for adjudication in terms of DIAC Rules.

08 Nos of claims were put forth by claimant amounting to Rs. 19,32, 427/-. During the progress of Arbitration department paid the principal amount Rs. 8,41,083/-. Hence new statement of claim was filed by claimant amounting to Rs.5,53,333/- and additional amount for Arbitration cost and GST difference amount against which the Ld. Arbitrator has published the award on dt. 15.01.2025.

### Opinion of the Panel Lawyer-

"A very minor amount of interest is admitted by the Tribunal while some claims are rejected.

#### Key Observations

1. The interest rate of 9% p.a. is applied for the awarded claims as per Section 31(7) of the Arbitration and Conciliation Act, 1996.
2. The delay in final bill submission and withheld payments does not absolve the Respondent of its contractual obligations.
3. The contract terms, particularly Clauses 8, 9, 12, and 17, were analysed to determine entitlement and liability for claims.
4. GST reimbursement claims were rejected, as the Claimant failed to furnish required proofs as mandated under Clause 13(a) of the General Rules and Directions.

**The amount as awarded is meagre and based on admission by DDA payment made. In my opinion no ground of appeal is made out in this case and any delay will mount interest charges on DDA in the case.**

This is for further necessary action please."

### Opinion of Legal Wing (SLO)-

After gone through the Award and opinion of Panel Lawyer it is found that claimant has filed eight (8) claims and out of 8 claims six (6) claims have been awarded as 'NIL'. And claim no. 7 was regarding interest which is awarded @9%. And claim no.8 was regarding GST reimbursement which was rejected.

Panel Lawyer opined that "a very minor amount of interest is admitted by tribunal while some claims are rejected." The amount as awarded is meagre and based on admission of DDA payment made.

**In view of above I am in agreement with the views of Panel Lawyer.**

**Recommendation of EE/PD-05/DDA-**

The total awarded amount in favour of claimant is Rs 3,86,336/- (Rupees Three Lakhs Eighty Six Thousand Three Hundred Thirty Six Only).

Total Awarded Amount Rs. 3,86,336/-

Total Amount to be accepted Rs. 3,86,336/-

Amount to be challenged Nil

<b>Claim No.</b>	<b>Brief Description of Claim</b>	<b>Amount of Claim</b>	<b>Awarded Amount</b>	<b>Recommendation of EE/PD-05</b>
Claim No. 1	Final Bill claim amount was Rs6,53,317/- which was paid on 09.05.2024.	Nil	Nil	N/A
Claim No. 2	Balance Amount Cost Index (1st RA Bill) claim was of Rs. 3,11,026/- which was withdrawn by claimant.	Nil	Nil	N/A
Claim No. 3	Reimbursement of EPFO and ESIC Claim amount was Rs 18,100/- which was paid on 09.05.2024.	Nil	Nil	N/A
Claim No. 4	Withheld amount on account of deviation reflected in 1st RA Bill Claim amount was Rs 1,30,000/- which was paid on 09.05.2024.	Nil	Nil	N/A
Claim No. 5	Withheld Amount on account of QC deducted from 1st RA Bill claim was Rs. 30,000/- which was paid on 09.05.2024.	Nil	Nil	N/A
Claim No. 6	Security claim amount was Rs 42,289/- which was paid on 08.05.2024	Nil	Nil	N/A
Claim No. 7	Interest @14% on a. Claim No. 1 Rs. 6,53,317/- w.e.f 18.10.2019 till 08.05.2024 (1664 days)	Rs 4,16,977/-	Rs 3,24,922/- (Awarded @9% from 07.09.2019 till 15.03.2025 (i.e. two months after	The Ld. Arbitrator has already awarded the said interest due to delay in finalisation of the final bill and

		the date of passing of award))	therefore the same may be accepted to save future interest and further litigation cost.
b. Claim No.2 w.e.f 17.05.2019 to 15.03.2024(1764 days) was amounting to Rs. 2,10,441/- which was withdrawn by claimant.	NIL	NIL	N/A
c. Claim No.3 Rs. 18,100/-w.e.f 17.05.2019 to 08.05.2024(1818days)	Rs 12,621/-	Rs 9493/- (Awarded @9% from 20.05.2019 till 15.03.2025(i.e two months after the date of passing of award))	The Ld. Arbitrator has already awarded the said interest due to delay in payment of EPFO and ESIC contribution within 7 days and no latter than 30 days by the employer after getting documentary proof therefore the same may be accepted to save future interest and further litigation cost.
d. Claim No.4 Rs. 1,30,000/-w.e.f 17.05.2019 to 08.05.2024(1818days)	Rs 90,651/-	Nil (Arbitrator rejected the claim citing reason that this amount was included in final bill.)	Ld. Arbitrator has already rejected this claim, therefore the same may be accepted.
e. Claim No.5 Rs. 30,000/- w.e.f 17.05.2019 to 08.05.2024(1818days)	Rs 20,919/-	Rs 15,837/- (Awarded @9% from 06.05.2019 till 15.03.2025(i.e two months after	The Ld. Arbitrator has already awarded the said interest due to delay in releasing the amount

			the date of passing of award))	withheld on account of QAC therefore the same may be accepted to save future interest and further litigation cost.
	f. Claim No.6 Rs. 42,289/-w.e.f 18.04.2022 to 17.05.2024(750days) And further interest on Total claim amount till date of payment	Rs 12,165/-	Rs 11,084/- (Awarded @9% from 18.04.2022 till 15.03.2025(i.e two months after the date of passing of award))	The Ld. Arbitrator has already awarded the said interest due to delay in releasing the amount withheld on account of security after defect liability period being over therefore the same may be accepted to save future interest and further litigation cost.
Claim No 8	Arbitration Cost and GST reimbursement	As actual paid	Rs 25,000/- (Arbitrator rejected the claim of GST.)	Ld. Arbitrator has awarded this amount on equitable ground in favour of claimant as cost therefore the same may be accepted to save future interest and further litigation cost.
Claim No 9	Direction for refund of difference amount of GST (12% to 18% i.e 6.33%)	Directive claim	(Arbitrator rejected the claim of GST.)	Ld. Arbitrator has already rejected this claim, therefore the same may be accepted.
	TOTAL	Rs. 5,53,333/-	Rs 3,86,336/-	

**Recommendations by SE/DCC-I**

I agree with the recommendations by EE/PD-05, DDA.

**Recommendations by CE(Dwk)/DDA**

I agree with the recommendations by EE/PD-05/DDA and SE/DCC-I/DDA.

**RECOMMENDATION OF ASB:**

After due discussion and deliberation, the ASB was of the view that the award dated 15.01.2025 pronounced by the Ld. Arbitrator in the instant arbitration matter is well reasoned, fair and just; no grounds are made out to challenge the award further. Hence, ASB has decided to accept the award.

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

-Sd-  
Amit Singh  
Dir(Works)  
Member Secretary

-Sd-  
Manohar Lal  
Addl. CLA  
Member

-Sd-  
Ajay Gupta  
Director(Finance)  
Member


-Sd-  
Col. Deepak Suyal  
CE (Dwk)  
Executive Member

-Sd-  
Sanjay Kumar Khare  
CE (HQ)  
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/PD-5, Central Nursery, Sector-5, Dwarka, New Delhi-110075 for information please.

  
28/02/2025  
Director(Works)/DDA