

DELHI DEVELOPMENT AUTHORITY

DA/101(10)/1/68

DE/1-1-87

CIRCULAR NO 182

It has been observed that certain claims which are not acceptable to department are denied by SAs in the Arbitration Court. The quantum is not objected to by SAs, even though it is on higher side as SAs feel that this might mean admission of the claims. As a result the arbitrators, who come to conclusion that claims are admissible, give normally awards based on quantities and rates demanded by the claimant in toto, without any further verification of quantity etc. This leads to excessive award in such cases.

The matter was referred to CLA, who has advised as under:-

I was required to clear the mind of the Sagg. Deputie, as regards content in claims in certain type of cases. The practice is that the dept. drafts the claim in toto. They find that once the stand of the DDA is not accepted by the arbitrator, whole claim is allowed. They feel that they do not exercise the discretion to deny the claim in part as it might mean admission of the rest. This aspect of the matter can be considered at the time of drafting counter claim. The Arbitration Counsel will know how to frame the reply. There is a way out. The SAs can without prejudice take the stand that if a certain part of the claim is accepted the rest of it cannot be accepted. This has to be drafted cleverly.

SAs/SAs are requested to follow the advice given by CLA and take necessary assistance of Arbitration Counsel, in preparing counter statement of facts and also in the way of defending the cases before the arbitrator.

*Handwritten signature*  
7/1/87

Sd/-  
ENGINEER MEMBER

All S.As

All S.Ss

All C.As.



