

उप निदेशक (प्रणाली) - वि.वि.प्र.
Dy. Director (Systems) - DDA.
द्वयरी नं० / Dairy No. 249
दिनांक / Date 10/8/2023

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07/8/23



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

No. EM 2(3)2023/NZ-244/DDA/382

Dated: 04/8/23

MINUTES OF THE 872nd MEETING OF ASB HELD ON 02.08.2023 IN THE CHAMBER OF CE (HQ), DDA

872nd Meeting of Arbitration Security Board (ASB) under the chairmanship of CE (HQ), DDA held on 02.08.2023 at 12:30 P.M. in the chamber of CE (HQ), DDA to deliberate Arbitral award in the matter of M/s Dharambir & Co. v/s D.D.A. for the following work: -

N.O. W : Development of C & D Block, Shalimar Bagh.
Sub-head : Construction of boundary wall of proposed green Belt on peripheral drain parallel to Railway track (left out portion)
Agency : M/s Dharamvir & Co.
Agmt. No. : 11/EE/ND-II/DDA/A/2011-12

The Agenda note was submitted by the CE(North Zone) through e-office vide file no. ENG/CENZ/0007/2023/NCC1/NMD1-O/o EE(NMD-I) (Computer No. 65270) dated 24.07.2023.

The meeting was attended by the following officers:-

1. Shri. Sanjay Kumar Khare	CE(HQ), DDA	Chairman
2. Shri. Arun Kumar	CE(North Zone)	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. Arun Kumar, CE (North Zone), DDA.

Brief history of the case is as under:-

DDA awarded the work "Development of C & D Block, Shalimar Bagh, SH: Construction of boundary wall of proposed green Belt on peripheral drain parallel to Railway track (left out portion)" in favour of M/s Dharamvir & Company vide agreement No. 11/EE/ND-11/DDA/A/2011-12.

M/s Dharamvir & Company had requested the EM/DDA for appointment of sole Arbitrator in the matter of work executed by them. On the request of the agency, EM/DDA appointed Sh. S.K Jain, as sole arbitrator vide No. F4 (409)/EE/ND-11/DDA/2011-12/Pt./208 dt. 20.03.2014 alongwith a list of claims submitted by the claimant. As Sh. S.K Jain had resigned, hence EM/DDA appointed Sh. DV Raghav, as sole arbitrator vide No. EM-2(7)96/Arbn./Vol.-

Sh. Joshi DD(S)
Sh. Dev, website Engineer

VIII/Pt./33/370 dt. 10.03.2015. After details hearing of the case, the Arbitrator rejected all the three claims of the claimant and awarded Nil amount. The award was decided by the Arbitrator on 19.05.2016.

The agency filed the objection against the award of Ld. Sole arbitrator in the court of, ADJ-03 (NW) Rohini Courts Delhi.

The ADJ-03, North West Distt., Rohini Court Delhi has submitted her Judgement in Para 20 as under: In the present case, it is a matter of record that Ld. Arbitrator did not permit the petitioner to lead evidence. He give his finding that the oral evidence was not required to be led. In the opinion of the Court, this amounts to violation of the Principles of natural Justice. Hence, the award has been passed in violation of Public policy. Hence, for the reasons discussed above, the Arbitral award is hereby set aside. Parties to bear their own cost. File be consigned to Record Room.

OPINION OF PANEL LAWYER:

I do not think there is any chance in appeal. However final decision of filing appeal may be taken by higher authorities in the matter.

OPINION OF SENIOR LAW OFFICER:

Effect of this judgment is there is no award in existence today neither in favour of DDA NOR against the claimant i.e M/s Dharamvir & Co.

Department may like to take decision to challenge or accept the judgment dt. 04.02.2023 in the light of above discussion.

OPINION OF EE/NMD-1:

The case may be challenged against Judgment of Hon'ble Court.

In view of above, it is recommended that the case may be challenged against the Judgment dt. 04.02.2023 and case file be submitted to competent authority for necessary action in this regard.

OPINION OF SE/NCC-1:

The Hon'ble court order dated 04.02.2023 may be challenged subjected to approval in ASB.

OPINION OF THE CHIEF ENGINEER (NORTH ZONE):

EE/NMD-1 informed that nil arbitration award was challenged by the claimant which has been set aside by the Hon'ble Court vide order dated 04.02.2023. EE/NMD-1 and SE/NCC-1 has recommended for challenging the Hon'ble Court order.

It is nil award which was challenged by Claimant. Hon'ble Court has set aside the nil award on dated 04.02.2023. It is recommended that Hon'ble Court Order dated 04.02.2023 may be challenged.

RECOMMENDATION OF ASB:

After due discussion and deliberation, all members of the ASB are of the view that the matter doesn't fall under the jurisdiction of ASB.

As per revised delegation of power issued vide no. EM1 (10)2018/Del. of Power/DDA/260 dated 19.01.2019 by CE (HQ), DDA. CE (Hort.) is the Competent Authority in r/o award amount less than 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-
Arun Kumar
CE(NZ)
Executive Member

-sd-
Sanjay Kumar Khare
CE(HQ)
Chairman

-sd-
Ajay Gupta
Dir (Finance)
Member

Director (Works)/Consultant
Member Secretary

Copy to:-

1. EM/DDA for kind information.
2. All concerned.
3. Director (System) for uploading on DDA website.
4. EE/NMD-I/DDA for information please.

RECD
04/02/2023
Director (Works)/Consultant
Member Secretary

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