

**DELHI DEVELOPMENT AUTHORITY**  
**E.M.'S OFFICE**

No.: EM 1(10)2007/Cir.(Arbn./Court Cases)/DDA/ 4460

Dt.: 29.11.2007

**Circular No.....613**

**SUB.: Inordinate delay in submission of Agenda to Arbitration Scrutiny Boards headed by F.M./CE(HQ), DDA.**

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In spite of instructions issued vide this office Memorandum endorsed vide No. EM 2(7)96/Arbn./C. Cases/Pt.-IV/2669 dt. 23.3.2000 and Circular No. 599 endorsed to all concerned vide No. EM1(10)2006/Cir./Arbn./Court Cases/DDA/1415 dt. 4.5.2007, it has been observed that the arbitration award and court cases pertaining to the arbitration awards are apparently not being monitored at zonal level. As a result in number of cases, the agendas are still being sent to Arbitration Scrutiny Boards after limitation period for challenging the Arbitration awards/judgments in appropriate courts is over. In one of the case while according the approval for depositing the amount in Hon'ble Court, Hon'ble V.C., DDA has taken a very serious view regarding delay in submission of agenda to the Arbitration Scrutiny Board for its consideration and directed to fix responsibility against erring officials on this account.

It is, therefore, once again reiterated that the agendas pertaining to the Arbitration awards should be sent to the respective Boards within two weeks of publishing of award by the Arbitrator/pronouncement of the judgment of the Hon'ble Courts, so that the awards/judgments of the courts, if needed, could be challenged within stipulated time.

It is also reiterated that a suitable system for monitoring of these cases be adopted at Circle and Zonal level to avoid such delays. Laxity on the part of erring officials will be viewed seriously and will also be liable for disciplinary action.

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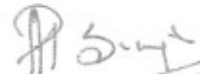
Dt.: 29.11.2007

**Circular No. 614**

While examining one of the cases related to fixing of responsibility for not properly defending the counter claims of the department/DDA, it has been observed that no action for rectification of defects etc. was taken by the respective AE/EE within the maintenance period as per Agreement and also no codal formalities such as issuing of notice /obtaining the consent etc. apparently were completed by the S.E. while sanctioning Reduction /Deduction Statements. As a result the claims of the Deptt. were disallowed by the Arbitrator which led to loss to the department. The Arbitrators in general remit the with held amount to the contractors.

It is, therefore, enjoined upon all concerned to ensure that timely action for rectification of defects etc. must be taken during the currency of the contract or well within maintenance period as per the provisions of the Agreement and also all the required codal formalities required as per CPWD Manual be completed before Sanctioning Reduction/Deduction items Statements related to defective work etc. to avoid re-occurrence of such situation in future. Non-compliance of the instructions shall be viewed seriously.

This issues with the approval of Engineer Member, DDA.

  
( Er. A.P. Singh ) 28/11/07  
C.E. (H.Q.), DDA

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1. All CEs (Civil/Electrical), DDA
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1. P.S. to V.C.
2. P.S. to E.M.
3. P.S. to F.M.

  
E.O.-IH to E.M.