

DELHI DEVELOPMENT AUTHORITY
E.M.'S OFFICE

NO.: EM 1(10)2008/cir/DOA/1824

Dt.: 1-5-08

CIRCULAR NO..625

**SUB.: Publication of Arbitration Award on Plain Paper where the
Award was 'NIL'-Legal Position**

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In one of the cases, 'Nil' award was published by the Ld. Arbitrator on plain paper as none of parties submitted the non-judicial Stamp paper required for writing the award. The case was examined by the Legal Deptt. for opinion regarding implication of the award written on plain paper instead of non-judicial stamp paper. The legal position is reproduced as under for guidance of all concerned:-

The Stamp duty on award has been discussed in Sec.-31 of the Arbitration and Conciliation Act, 1996. The provision for stamp duty has been made to secure revenue for the state. In the absence of payment of Stamp duty, the award can not be admitted in evidence but it does not make the award as in-valid. The defect of non-payment of stamp duty may be removed subsequently if the award is to be acted upon. The unstamped award does not affect its original validity. In such circumstances, as such, nothing is required on the part of the Deptt./DDA in connection with stamping of the impugned award.

It is, therefore, enjoined upon all concerned that in future such cases may not be referred to the Legal Deptt. for their opinion and may take administrative action as per facts and circumstances of the particular case.

This may be brought to the notice of all concerned.

This issues with the approval of Engineer Member, DDA.


(D.D. Sharma)
Chief Engineer(HQ),DDA

Copy to:-

1. All CEs (Civil/Elect.), DDA
2. CE(QAC), DDA
3. CE(Design), DDA
4. CVO, DDA
5. CAO, DDA
6. P.M. (Flyover) Gr.-I & II, DDA
7. Dir. (MM, Works, Hort.(N & S).

E.O.-III to E.M.

DELHI DEVELOPMENT AUTHORITY
E.M.'S OFFICE

No.EM1 (10)2008/Cir./DDA/1836

Dated: 2-5-08

CIRCULAR No. 626

Sub: Use of Sprinkler System for watering in DDA Parks.

The present conventional system of watering the Green area, involves a lot of wastage of water as the excess quantity of water through flooding is not effectively used for irrigation. Hon'ble LG has stressed this issue time & again during fortnightly meetings.

It is decided that for watering, particularly major DDA Parks, "Sprinkler System" be adopted with appropriate design and specification of Sprinkler for its efficient use. A time bound programme to implement this system should be prepared with immediate effect.

This issues with the approval of EM/DDA.

(M.S.NIGAM)
DIRECTOR(WORKS)

Copy to:

1. All Chief Engineers i/c. CE(QAC, Design, Electrical& HQ), DDA.
2. Chief Vigilance Officer, DDA.
3. Chief Architect, DDA.
4. Director (LS), DDA.
5. Director (Hort.) North / South, DDA
6. Hindi Officer for Hindi version.

Copy also forwarded to:

- 1) OSD to VC for kind information of the latter.
- 2) PS to EM for kind information of the latter.
- 3) OSD to FM for kind information of the latter.


30.4.08
DIRECTOR(WORKS)

DELHI DEVELOPMENT AUTHORITY
E.M.'S OFFICE

NO.: EM 1(10) 2008/cir/DDA/1823

Dt.: 1-5-08


CIRCULAR NO 627

In one of the arbitration cases relating to fixing of responsibility, it has been observed by the Arbitration Scrutiny Board headed by CE(HQ) that the investigation of the matter to find out the lapses for the purpose of fixing responsibility as per the directions of ASB was entrusted by the Chief Engineer to an officer of the level of E.E. The Board was of the unanimous view that such investigation should not have been got conducted at the level of E.E but should have been got conducted by atleast one rank senior i.e. S.E. level officer.

It is, therefore, enjoined upon all the C.Es, Dir. (MM), P.M. (Flyover), Gr.-I & II to ensure that in future such matters of investigation of lapses for the purpose of fixation of responsibility is entrusted atleast to one rank senior officer.

The above instructions may be strictly adhered to by all concerned.

This issues with the approval of Engineer Member, DDA.


(D.D. Sharma)
Chief Engineer (H)

Copy to:-

1. All C.Es i/c C.E. (Design, Q.C., Elect. & H.Q.), DDA:
2. CVO, DDA
3. C.A.O., DDA
4. Dir. (MM), DDA
5. Project Manager, Flyover Gr.-I & II, DDA
6. Dir. (Works)

Copy also forwarded to:-

1. P.S. to E.M. for kind information of the latter.
2. P.S. to F.M. -do-

E.O.-III to E.M.

Delhi Development Authority
E.M.'S OFFICE

No. EM1(10)2008/DDA/ 3886

Dated: 25/07/2008

CIRCULAR No. 628

Sub: Sanction of Preliminary Estimate.

In order to expedite the work by the Engineering a committee was constituted by the Vice- Chairman, DDA vide office order No. EM3(21)2007/3114 dated 29/8/07 for improved in working of Engineering and Finance Department to expedite the sanction of PE and have better coordination between the Engineering and Finance Wing.

As per the recommendation of the Committee it is decided that while sanctioning the Preliminary Estimates in the coefficient of plinth area rates the rates in the items of Development works which is being taken as 50% of the prescribed plinth area rates is withdrawn in view of the current market rates scenario. In all future PEs, full plinth area rates as mentioned in PAR for development items are to be taken.

This issues with the approval of Engineer Member, DDA.

(D.D. SHARAM)
CHIEF ENGINEER(HQ)

Copy to:

1. All Chief Engineers i/c. CE(QAC, Design, Electrical & HQ), DDA.
2. Chief Vigilance Officer, DDA
3. Chief Architect, DDA.
4. Chief Accounts Officer, DDA.
5. Director (MM), DDA.
6. Project Manager (Flyover) Gr. I & II, DDA
7. Director (Works), DDA
8. Director (Sports), DDA
9. Dy. CAO (Plan), DDA
10. Hindi Officer or Hindi version.

Copy also forwarded to:

1. PS to VC for kind information of the latter.
2. PS to EM for kind information of the latter.
3. PS to FM for kind information of the latter.


(M.S. NIGAM)
DIRECTOR (WORKS)

**DELHI DEVELOPMENT AUTHORITY
ENGINEER MEMBER OFFICE**

No.F5 (287)/PC/DDA/2008/95

Dated: 22 August, 2008.

CIRCULAR No-629

Sub: Filing of Affidavit.

Vice-Chairman, DDA has been pleased to decide as under regarding filing of Affidavit etc. in Court cases:-

- (i) In normal litigation cases, the Affidavit etc., to be filed in the Court, shall henceforth, be signed by the Executive Engineer in-charge of the work instead of by the Zonal Chief Engineer. However, the Executive Engineer will get the contents of the Affidavit etc. vetted/approved from the Counsel and the Superintending Engineer before filing it in the Court.
- (ii) In Arbitration cases, the statement of facts/counter statement of facts and all other defence statements etc. shall be signed and filed by the Executive Engineer in-charge of the work before the Arbitrator. However, the Executive Engineer will get their contents vetted/approved from the Counsel and the Supdtg. Engineer before filing them before the Arbitrator.
- (iii) In respect of cases before the Supreme Court of India or such cases which require institutional response, as in the case of Public Interest Litigation or other such matters, the Affidavit etc. to be filed in the Court, shall, however, be signed by the Zonal Chief Engineer after getting its contents vetted from the Counsel and obtaining formal approval of the Competent Authority.

Other provisions contained in Section 35.19 of the CPWD Works Manual, 2007 relating to Court cases shall be meticulously followed by all the officers of the Engineering Wing of the Authority.


(D.D.SHARMA)
CHIEF ENGINEER (HQ)

Copy to:-

1. All Zonal Chief Engineers. The above instructions may please be brought to the notice of all EEs/SEs of the Zone for information and necessary action.
2. Chief Engineer (Design), DDA.
3. Chief Engineer (QC), DDA.
4. Chief Legal Adviser, DDA.
5. Chief Accounts Officer.
6. Director (Works).
7. Director (MM)
8. Project Manager (Flyover), Gr.I & II.
9. Directors (Hort) North & South.
10. OSD to VC for kind information of the latter.
11. Dy.CAO (Plan).
12. EO I, II, III, EE(Co-ordination) & EE(Mont.)

DELHI DEVELOPMENT AUTHORITY

E.M.'s. Office

No.: EM1(10)2007/Cir./Arbn./Court-Cases/DDA/4455

Date: 24/9/08

E.M.'s. CIRCULAR No. 630

While examining one of the Arbitration Cases related to Arbitration-Award, the Arbitration-Scrutiny-Board, headed by F.M./DDA observed that since the Claims/Counter-Claims with respect to the Recovery of Compensation levied by the competent authority under Clause-2, of the Agreement, but, referred to Arbitrators for adjudication, are not open to Arbitration as per Agreement, as such, the Arbitrators refuse to adjudicate these Claims/Counter-Claims. By the time, the Award is published by the Arbitrators, sometimes, these Claims/Counter-Claims become TIME-BARRED for the purpose of filing Recovery-Suit in the Court-of-Law causing financial loss to DDA. To avoid this, all Chief-Engineers/Project-Manager-(Flyover)/Director-(MM), are directed to withdraw these Claims/Counter-Claims from the arbitration proceedings going on before the Arbitrators and for Recovery of this amount, separate Recovery-Suit(s) may be filed in the appropriate Court.

These instructions may be brought to the knowledge of all S.Es./E.Es., **for strict compliance.**

This issues with the approval of E.M., DDA.


CHIEF-ENGINEER-(HQ)

Copy to :

1. All C.Es. (Civil/Elect.) --- With 20 spare copies for further distribution among S.Es. and E.Es., Jt.-CAO/FO.
2. C.E.-(HQ). --- For information.
3. C.E.-(QC) --- With 10 spare copies for circulating among S.Es. and E.Es., under his control.
4. C.E.-(Design) --- With 10 spare copies for circulating among S.Es. and E.Es., under his control.
5. C.V.O. --- With 16 spare copies for circulating among S.Es. and E.Es., under his control.
6. C.A.O. --- For information.
7. Project-Manager-(Fly.) --- With 7 spare copies for circulating among E.Es. and F.Os., under his control.
8. Director-(System) --- For information.
9. Director-(Hort.)/N-&-S --- With 10 spare copies each, for circulating among Jt./Dy.-Directors under his control.
10. Director-(MM) --- With 7 spare copies for circulating among E.Es. and F.Os., under his control.
11. Director-(Works) --- For information.
12. Director-(PR) --- For information.
13. E.O. - I, II & III --- For information.
14. E.E.-(PPC) --- For information.
15. Dy.-C.A.O.-(Plan) --- For information.
16. Sr.-R.O.-(RTI) --- For information.
17. Hindi-Officer --- For information.

Copy also forwarded to :

- P.S. to - VC, EM, FM --- For kind information of the letters.


E.O.-III to E.M.

**DELHI DEVELOPMENT AUTHORITY
(ENGINEER MEMBER'S OFFICE)**

NO.EM(10)2007/Cir/Court matter/DDA/4525 DT: 1-10-2008

: CIRCULAR NO. 631 :

It has come to my notice that the court cases are not being handled properly by the Executive Engineer/Dy. Director(Hort.) with the result adverse orders are passed against the Authority. In order to have proper control it is hereby directed that every division will keep a register wherein all the court cases of the concerned division will be entered giving details of the work to which the case relates, legal file number, name of the panel lawyer and date of hearing. As and when, any case is received the same will be entered in the said register. The parawise comments will be provided within three days of the receipt of the cases and case be discussed with Panel Lawyer in order to prepare the reply/counter affidavit. On each and every day of hearing, the Executive Engineer or his A.E. or AA0, who is well conversent with the case will attend the court and thereafter, will record proceedings including the orders and date of hearing in the said register.

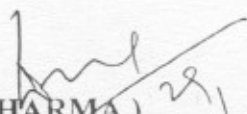
The same procedure will also be adopted in the arbitration matters.

It has further been brought to my notice that the recovery suits are not being filed in the court within the limitation period, which is three years. It is, therefore, desired that as and when any recovery is worked out against the contractor, he may be issued Show Cause Notice to deposit the same within a period of say, 15 days. In case, the contractor does not deposit then department

i.e DDA thereafter, should file the recovery suit before the competent court. This way, the department will be in a position to make recovery of the dues of the authority.

All concerned are directed to take suitable action accordingly, and there should be no lapse in court cases/arbitration cases/recovery suits.

This is issued after approval of Engineer Member.


(D.D.SHARMA)
CHIEF ENGINEER(H.Q.)

Copy to:-

1. All Chief Engineers.
2. All Supdtg. Engineers.
3. Directors(Hort.) North & South.
4. All Executive Engineers/Dy. Directors(Hort.)
5. Chief Legal Advisor.
6. Dy. Chief Legal Advisor-II
7. Sh. J.S. Singhal, SLO

DELHI DEVELOPMENT AUTHORITY

E.M.'s Office

No.: EM-1(10)2007/Cir.-(Arbn./Court-Cases)/DDA/ 1783

Date : 7/11/08

CIRCULAR No. 632

SUB. : Fixing of Responsibility in case of Inordinate-Delay in Submission of Agenda to Arbitration-Scrutiny-Boards Headed by F.M./ C.E.-(HQ), DDA.

Inspite of instructions issued, vide, this Office Memorandum, endorsed, vide, No. EM2(7)96/Arbn./Court-Cases/Pt.-IV/2669 dt. 23-3-2000 and Circular No. 599 and, again, vide, Circular No. 613, endorsed to All Concerned, vide, No. EM-1(10)2006/Cir.-(Arbn./Court-Cases)/DDA/1415 dt. 4-5-2007 and 4460 dt. 29-11-07, respectively, it has been observed that the Arbitration-Awards and Court-Cases pertaining to the Arbitration-Awards, are apparently still not being monitored at Zonal-Level. As a result, in number of cases, the Agendas are still being sent to the Arbitration-Scrutiny-Boards after limitation period for challenging the Arbitration Awards/Judgments in the appropriate Courts is over. In one of the cases, brought before the ASB, headed by F.M., it was observed that the same was submitted when the limitation period was already over. On account of this inordinate delay, the Board took a very serious view.

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 Arbitrator/Pronouncement of Judgment of the Hon'ble-Courts, so that, the Awards/Judgments of the Courts, if needed, could be challenged within the stipulated time.

In case of such delays, the Agendas be submitted to the respective Boards only after fixing of Responsibility on this account by HODs. and, should also be made part of the Agendas. No Agendas without the above action, will, in future, be accepted by the Secretary-(ASB).

This may be brought to the notice of all concerned for strict compliance.

This issues with the approval of F.M./ E.M., DDA.


CHIEF-ENGINEER-(HQ)

Copy to :

1. All Chief-Engineers-(Civil/ Elect.), DDA
2. Project-Manager-(Flyover)/Gr.-I & II, DDA
3. Director – (MM), (Hort.)/N-&-S, DDA.
4. Chief-Vigilance-Officer, DDA.
5. Chief-Accounts-Officer, DDA.
6. Director-(Works), DDA.
7. Director-(Hort.)/ N-&-S, DDA/
8. Sr.-RO.O.-(RTI), DDA.
9. Hindi-Officer, DDA

--- For Hindi Version please.

Copy also forwarded to :

10. P.S. to – V.C., E.M. and F.M.


E.O.-III to E.M.