

EO-I To EM

Dy. No. 2626

Date 19-6-19

DELHI DEVELOPMENT AUTHORITY
E.M.'s OFFICE



No: EM 2(3)/2019/RZ/129/DDA 1565

Date: 13/06/2019

MINUTES OF THE MEETING HELD ON 4th June, 2019 IN THE
CHAMBER OF CHIEF ENGINEER (HQ), DDA

794rd Meeting of Arbitration Scrutiny Board (here in after called ASB) under the Chairmanship of Chief Engineer (HQ), DDA was held on 04/06/2019 at 5:30 PM in his Chamber, to examine the agenda note submitted by Sh. Sandeep Mehta, CE(RZ) vide no. F4(2)/EE/RPD-10/DDA/2018-19/208 dated 16.05.2019 in respect of following work:-

N.O.W. : D/o Green Belt in Sector 23-25 Rohini, Phase-III.
S. H. : C/o Mooram path, seat wall, S. B. Wall (CC Kerb Stone), S. B. Wall (Brick Wall), Sand pit for play area, paved pavement area and entry plaza in Green Belt of Sector-25, Rohini, Phase-III.
Agmt. No. : 10/EE/RPD-10/DDA/2014-15
Agency : M/s Subhash Chander

The meeting was attended by the following officers:-

1. Sh. S. N. Singh CE, (HQ) Chairman
2. Sh. Sandeep Mehta CE(RZ) Executive Member
3. Sh. Raj Pal Singh Dir. (Fin)/Consultant Member
4. Sh. V. S. Kadyan Dy. CLA-I Member
5. Sh. R. K. Bhanwaria Director (Works) Member, Secy.

The work was awarded to Sh. Subhash Chander on 07.07.2014. Stipulated dates of start and completion were 17.07.2014 and 12.04.2015 respectively. The work was actually completed on 12.05.2015. The EOT was granted by the Competent Authority without levy of compensation. Some disputes arose between the party when the bill was finalized by the department on 07.03.2018. The agency vide letter dated 08.03.2018 requested EM/DDA for appointment of arbitrator to adjudicate his claims amounting to Rs. 32,06,272/-. Since there was no response from the department for appointment of arbitrator, the

Please e-mail to
Dir (System)

Sh. Sanjay

19.6.

EOI
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contractor filed Arbitration Petition no. 384/2018 in Hon'ble High Court. Hon'ble High Court vide order dated 02.08.2018 appointed Sh. Amit Bansal as Sole Arbitrator.

In the mean time, circular no. PS/VC/DDA/2018/195-N dated 05.09.2018 was issued which was regarding taking pro-active measures to reduce the prospective litigation. Accordingly, CE(RZ) constituted a Committee comprising of SE(HQ)/RZ, SE/CC-9, DY. CAO (CAU) R and EE/RPD-10 to examine the disputes out of arbitration. The contractor vide letter dated 25.01.2019 also consented to sort out the matter out of arbitration. The Committee recommended to accept the claim no. 1 which is regarding rates for deviated quantities of agreement items and extra/substitute items, amounting to Rs. 5,53,989/- with interest not more than 7% p.a.

After due discussions and deliberations, ASB was of the view that:

Any settlement out of arbitration proceedings is not within the domain of ASB to deliberate and give its recommendations. This is purely an administrative issue and the same is to be decided administratively by the concerned Chief Engineer.

-sd-

R. K. Bhanwaria
Director (Works)
Member, Secy.

-sd-

V. S. Kadyan
DY. CLAI
Member

-sd-

Raj Pal Singh
Dir. (Finance/Consultant)
Member

-sd-

Sandeep Mehta
CE(SZ)
Executive Member

-sd-

S. N. Singh
CE (HQ)
Chairman

Copy to:-

1. EM/DDA for information please.
2. All Concerned.
3. EE/RPD-10.

R. K. Bhanwaria
13/06/2019
(R. K. Bhanwaria)
Director (Works)