

Government of India
Directorate General of Works
Central Public Works Department

No: DGW/CON/31

New Delhi, dated 17/12/11

Memorandum

Sub: Appointment of Arbitrators.

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Arbitration Clauses in the Standard Contract Forms stipulate that arbitrators shall be appointed by the Chief Engineer, in charge of work at the time of dispute. A question was raised as to whether Chief Engineer(Elect) should appoint arbitrators.

2. The matter has been carefully examined in this office and the following instructions are given for guidance of all the Chief Engineers:

(1) In respect of claims arising out of the existing contracts, arbitrators shall be appointed by the authority mentioned in Clause 25 of the respective contracts. If there is no specific mention, the Chief Engineer in charge of the zone shall appoint the arbitrator.

(2) In future contracts in respect of electrical works, the wording of Clause 25 may be modified as under:

".....the Chief Engineer(E)I*, II*, (East)*, (South-West)*, in charge of work at the time of dispute."

(* Delete whichever is not applicable.)

(3) In all cases, the concerned Chief Engineer(E) shall ensure timely preparation and submission of counter-statement of facts, counter-claims of the department and proper defence of the case. However, wherever claims involve any action/inaction on the part of the civil side, the CE(E) will take appropriate steps in consultation with CE(C) to ensure the best defence and safeguarding interests of the department as a whole.

3. These instructions may please be followed by all in future.

(P. RAVI DRANATHAN)
DIRECTOR of WORKS(P&WA)

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