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GOVERNMENT OF INDIA
DIRECTORATE GENERAL OF WORKS
CENTRAL PUBLIC WORKS DEPARTMENT

NO.DGW/CON/48

New Delhi, dated the 5.8.92

MEMORANDUM

Subject : Timely action in defending Court/Arbitration cases.

A case has come to the notice of this Directorate, wherein a suit filed by the Department in the High Court in respect of an Arbitration Award was dismissed on certain grounds by the High Court. It was contemplated to file an appeal before a Division Bench and accordingly advice of Ministry of Law was solicited.

While giving their opinion, Ministry of Law have observed that according to law, an appeal before the Division Bench is to be filed within thirty days of pronouncement of judgement by the High Court. The Department had taken about five months to refer the matter for obtaining advice of Ministry of Law. Ministry of Law has advised that in such a situation the Court has to be approached for condonation of delay in filing the objections, and the Department has to explain the day by day delay, to the satisfaction of the Court. In a recent case, the court came down heavily on the Department on the question of condoning the delay in filing the objections.

All concerned are therefore advised that they should be very careful and prompt in handling such Arbitration/Court cases and ensure that timely action is taken within the period of limitation.

(S. SATAKOPAN)

F.O. D.G (WORKS)

-Issued from file No.1/1/92-L&C(DGW)-

- To
1. All CEs in CPWD & PWD (DA).
 2. All SEs/ES/SSWs/Project Manager/Director of Hort., Dy. Dir of Hort., in CPWD & PWD (DA).
 3. Chief Controller of Accounts, Ministry of Urban Development.
 4. P&A Officers to Zones in CPWD.
 5. P&A Officers (DGN), CPWD, New Delhi.
 6. Ministry of Urban Development, (N Section), New Delhi.
 7. Incharge, Security Section, CPWD, New Delhi.
 8. Incharge, CWBd Section, CPWD, New Delhi.
 9. P.S to DG(W), PS to ADG(TD).
 10. Director of Works, CPWD, Nirmal Bhavan, New Delhi.
 11. Er-in-Chief, Army Head Qtrs. Kashmir House, New Delhi.
 12. Chief Engineer, NDMC, New Delhi.