

GOVERNMENT OF INDIA
DIRECTOR GENERAL OF WORKS
CENTRAL PUBLIC WORKS DEPARTMENT

158

NO.DGW/CON/51

New Delhi, dated the 3rd Nov 1992 10.92

MEMORANDUM

Subject : Filing of appeals against Arbitration Awards.

According to para 35.72 of CPWD Manual Vol.II (1988 Edition), all proposals for filing appeals against the arbitration awards, irrespective of the value of the award, are to be referred to the Ministry for final decision. In one of the such cases, the office of CE decided to challenge the award in anticipation of Ministry's approval. Later on the file was referred to Ministry of Urban Development/Ministry of Law & Justice for ex-post facto approval.

Ministry of Law & Justice, while returning the file have observed that the legal proprieties and prudence demand that such matters should be examined by Ministry of Law before the award is challenged. If the award is found to be in order from all aspects, it need not and should not be challenged. It will also save the public exchequer and the precious time of the Court. The entire exercise in challenging the Award, even if be in futility, has been done in this case and denial of ex-post-facto approval would not be of any practical use. Ministry of Law thus did not deem it proper to examine the award on merits and returned the file.

In view of the above facts, all concerned are directed to ensure that approval of Ministry of Law/Ministry of Urban Development is invariably obtained well in time before challenging arbitration awards in the Courts of Law, as provided in CPWD Manual Vol. II.

(S. SATHAKOPAN)
! F.O TO D.G(WORKS)

-Issued from file No. 1/1/92-A&C(LGW)-

To

1. All CEs in CPWD & PWD(DA).
2. All SEs/EEs/SSWs/Project Manager/Director of Hort./Ly. Director 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 LG(W), CPWD, New Delhi.
6. Ministry of Urban Development (W3 Section), New Delhi.
7. Incharge, Security Section, CPWD, New Delhi.

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