**NOTICE INVITING APPLICATIONS FOR EMPANELMENT OF ARBITRATORS IN PWD, GNCT Delhi**

Applications for empanelment of arbitrators for a period of three (03) years in PWD, GNCT Delhi are hereby called from the eligible persons who have retired on or after 01.07.2009. The Arbitrators already empanelled need not to apply again.

Application should be in the prescribed format. The prescribed format and other details such as eligibility conditions, procedure of empanelment and fee structure can be downloaded from the PWD website [**www.pwddelhi.gov.in**](http://www.pwddelhi.gov.in)**.**

The duly filled applications form, from the eligible person must reach at the following address before 5:00 PM on 15.06.2019.

Director (Works), PWD, GNCTD,

12th Floor, MSO Building,

 I.P. Estate, New Delhi-110002.

The complete application with all annexures can also be E-mailed to the PWD at E-mail I.D **pwdhqdelhi@gmail.com**

Any application received after the above due date and time, will not be entertained.

**APPLICATION FOR EMPANELMENT AS ARBITRATOR IN PWD GNCTD**

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| Attach Recent passport size Photograph |

1. Name…………………………………………………………………………………………………………….
2. Date of Birth……………………………………………………………………………………………………
3. Education Qualifications (i/c Degree in Law if any along with self attested copies of certification)…………………………………………………………………....................

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1. Post from which Retired………………………………………………………………………………
2. Date of Superannuation………………………………………………………………………………
3. Pay Scale/Grade at the time of Retirement (kindly attach the copy of retirement order):

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1. Residential address with Phone number / Mobile & E-mail ID……………………….

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1. Details of previous experience in the area of Arbitrator work or Management works contract or execution of works.

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1. Please attach your CV with emphasis on details of information sought in Para-8 above.
2. Please attach separate undertakings for the following:
3. That the applicant has not been convicted of facing any criminal case.
4. That the applicant has not appeared for a private party and against the government interest before any Arbitrator of PWD/CPWD or DDA.
5. That the applicant has not taken any commercial employment.
6. Any other information:

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1. Address for correspondence:

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1. Details of documents attached with the application:

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1. I hereby declare that:
2. I have retired on superannuation from ……………………………………………….

(Name of organization) on …………………………….(date).

1. I submit that there was no vigilance/disciplinary case pending against me at the time of my retirement and after retirement No Vigilance/Criminal Case has been contemplated against me.
2. No penalty was ever imposed against me in any vigilance/disciplinary case during my entire career.
3. I will not take employment anywhere without permission of PWD, Delhi while being on the panel of arbitrator.
4. I also undertake to return all the record pertaining to matters pending before me to the appointing authoring on transfer of any case form me to any other arbitrator or my resignation from the panel of PWD, or my removal from the PWD panel of Arbitrators.
5. I hereby unconditionally agree to abide by the fee structure and other terms & conditions of the PWD guidelines for empanelment and appointment of arbitrators.
6. The information given above is true to the best of my knowledge & belief.

Date…………….. … Signature………………………

Place………………. Name of the Applicant…………………….………….

**Eligibility Criteria:**

1. The officers who had retired not earlier than 1st July, 2009 as.
2. Chief Engineer (Civil) or Chief Engineer (Electrical) in the rank of Grade pay Rs.10,000/- or above in the Departments or Ministries of the Central Government with three years regular service in the relevant grade.
3. The officers in group A of Central Govt. of Delhi Govt. or from All India Service with grade pay Rs. 10,000/- or above and minimum 3 years experience in handling works contracts.
4. The Officer to be empanelled should not have taken any commercial employment and have not appeared before any Arbitrator for CPWD / PWD Delhi or DDA in favour of any party and against the Govt.
5. Such person should not be employed/engaged anywhere. In case such officer is employed somewhere, he has to give an undertaking that in case he/she is empanelled as Arbitrator, then he/she has to quit the employment.
6. Such person shall not have been convicted or facing criminal prosecution.
7. Those with Degree in Law would be preferred.

**Terms and Conditions:**

The following terms and conditions shall apply to the empanelled arbitrators:

1. The arbitrator shall be empanelled initially for a period of 3 years subject to their performance and timely disposal of arbitration cases referred to them. However, the pronouncement of award in pending arbitration matters referred to him shall be made by him.
2. The empanelled arbitrator shall not have more than 5 cases of PWD Delhi in hand at a time. He will inform all the Chief Engineers of the Zones for which he has been empanelled an as and when the pending cases with him are 5 in nos. He will also inform them when the pending cases have dropped below 5 so that the department can send such cases again to him till it reaches 5.
3. GNCTD reserves the right to add the name of any person to the panel of arbitrators or delete the name of any person form the panel.

**Fee**

1. The empanelled arbitrators shall be paid as per fee structure given in the Arbitration and Conciliation Act 1996 as amended by the Arbitration and conciliation (Amendment) Act 2015 (3 of 2016).
2. Payment of Fees will be made in two installments 50% of the fees will be paid during the hearing and remaining 50% fees will be paid on publishing the arbitral award.
3. The fee shall be shared by the PWD, Govt. of Delhi and the claimant party equally.

**Methodology for Empanelment:**

1. Applications will be invited from the eligible retired officers by giving advertisement in news papers. For wide publicity, the advertisement will also be uploaded on PWD Website [www.pwddelhi.gov.in](http://www.pwddelhi.gov.in).
2. The persons who wish to get empanelled as Arbitrator should submit their application in the prescribed format (attached) addressed to The Director (Works), PWD, 12th Floor, MSO Building, I.P. Estate, New Delhi-110002. The complete applications with all annexure should also be e-mailed at pwddelhihq@gmail.com.
3. The last date of receiving applications in the prescribed format along with all supporting document for eligibility is up to 5:00 PM on 15.06.2019. No application received after the above due date and time will be entertained.
4. The applications received will be submitted to the screening committee of the PWD, GNCTD:
5. The screening committee shall be a headed by the Pr. Secretary (PWD) and consists of E-in-C, PWD, Spl. SecretaryFinance Department & Pr. Chief Engineer (Project) & Pr. Chief Engineer (M).
6. The above screening committee after examining all the applications would recommend the name of persons found eligible. The panel would be finalized after receiving approval of competent authority, GNCTD.
7. In case of receipt of more eligible applications than the required, short listing will be done on the basis of following criteria/order of preference:
8. Previous experience of having dealt with arbitration cases as an arbitrator during service will also be given due weightage.
9. Degree/PG degree in Law would be preferred.
10. All other things being equal, the person who have retired from the higher post in CPWD/PWD shall be given preference strictly as per their seniority (departmental) amongst the equals.

**Duties and Reponsibilities of Arbitrators:**

The empanelled Arbitrators have to settle the referred arbitration cases in a time bound manner in accordance with the provision of the Arbitration & Conciliation Act, 1996 (As amended by The Arbitration & Conciliation (Amendment) Act, 2015 (No. 3 of 2016):

1. An arbitrator should be fair and absolutely impartial. He should have no bias and should decide the dispute referred to him in a judicious manner and not capriciously or whimsically. The terms of reference under the arbitration agreement should be strictly followed.
2. An arbitrator should not disregard the principles of natural justice. He must have scrupulous regard to the ends of justice. He should have no interest, direct or remote, in the subject matter of the dispute or in any of the parties and should not act as an advocate of the party appointing him.
3. An arbitrator should not accept any illegal gratification or receive any pecuniary inducement which may affect the fair determination of the matter submitted for arbitration. An arbitrator should not engage in private discussion or conference with one of the parties on any matter connected with the case.
4. An arbitrator must give the parties notice of hearing and sufficient opportunity to present their case. Both the parties must be given fair opportunity to produce evidence and to put forward their case.
5. The arbitrator is entitled to proceed ex-parte, if it is clear that the party to whom reasonable notice has been given does not appear or if there is clear indication that he has no intention of appearing.
6. An arbitrator should not misconduct himself or the proceedings. Failure to perform essential duties of an arbitrator is deemed to be misconduct.

**Time Limit for the Arbitral Award:**

1. The empanelled Arbitrators have to make the award within a period of twelve months from the date of appointing them arbitrator for a case.
2. In case, proceedings are delayed for the reasons attributable to the Arbitrator, then fees of Arbitrator shall be reduced by not exceeding five percent for each month of such delay.

**Other Condition:**

While considering the appointment of arbitrators, the provision of 5th Schedule and the 7th Schedule including provisions at point No. 31 of the 5th Schedule of the Arbitration and Conciliation (amendment) Act, 2015, according to which the person who is associated with any party other than the Govt. or a former employee of any party other than the Govt. is barred for 3 years to become an Arbitrator, will be enforced.