

GOVERNMENT OF NCT OF DELHI
PUBLIC WORKS DEPARTMENT
5TH LEVEL "B" WING
DELHI SECRETARIAT: NEW DELHI

No. F. E-in-C/Director(M)/ARB/PWD/2018/7690-93
CD No. 057520078

Dated: 23/09/2020

OFFICE MEMORANDUM

Attention is invited to OM No. No.2/2006/SE(TLC)/CSQ/137 dt.19/11/2019 issued under the authority of Director General of CPWD, MoUD, Nirman Bhawan, New Delhi. The fee structure of empanelled Arbitrators of PWD has been reviewed by the competent authority and it has now been decided that the fee payable to the empanelled arbitrators shall be as per the CPWD OM issued vide Circular No. No.2/2006/SE(TLC)/CSQ/137 dt.19/11/2019 - Fee payable to Arbitrators (for retired Officers) (copy enclosed).

Other Terms & Conditions of OM No. No.2/2006/SE(TLC)/CSQ/137 dt.19/11/2019 will remain same.

Duties, Responsibilities and Terms & Conditions shall be as per enclosed ANNEXURE - A.

This issues with the prior approval of Competent Authority



कार्यालय प्रमुख अभियन्ता
सूचनार्थ एवं कार्य के लिये प्रेषित।

प्र.सं. :- प्र.सं./कार्य/...ARB../3073 - 28/9/2020

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28/09

23/09/20

(Sanjeev Kundu)
AHC (PWD)

No. F. E-in-C/Director(M)/ARB/PWD/2018/7690-93

Dated: 23/09/2020

Copy to:-

1. E-in-C, PWD, MSO Building, I.P. Estate, New Delhi.
2. Pr. Chief Engineer (Project), PWD, MSO Building, I.P. Estate, New Delhi.
3. Pr. Chief Engineer (Maint. & Flyover), PWD, MSO Building, I.P. Estate, New Delhi.
4. Joint Secy. (Expenditure), Finance Department, 4th floor, "A" Wing, Delhi Secretariat, New Delhi.

Send to CE (South),
CE (East), CE (North),
CE (Health), CE (Project),
CE (Flyover) and
CE (OP)

DD/w-2
① Copy to all CEs
② Website, PWD
28/9/20

ADW-2
&
DDW-2

23/09/20

(Sanjeev Kundu)
AHC (PWD)

DUTIES, RESPONSIBILITIES, TERMS & CONDITIONS FOR ARBITRATOR

Duties and Responsibilities of Arbitrators:

1. The arbitrator shall act and decide the cases in accordance with the provision of the Arbitration and Conciliation Act 1996 with up to date amendments and settle the referred arbitration cases in a time bound manner.
2. The 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.

Fee Structure:

1. Fee payable to the empanelled arbitrators shall be as per the CPWD OM issued vide Circular No. No.2/2006/SE(TLC)/CSQ/137 dt.19/11/2019.
2. Appointed Arbitrator shall not be entitled for any other fee than this OM. Appointed Arbitrator shall not make any award for his fee using his discretion in awarding the cost under Section 31A of Arbitration and Conciliation Act 1996 (Amendment Act 2015). In such circumstances, he/she is liable to be removed from the Panel of Arbitrators.
3. Payment of Fees shall be made in four instalments:
 - (i) 25% of fee after submission of Statement of Defense (SoD).
 - (ii) 25% of the fee after 1st hearing after submission of Statement of Defense (SoD).
 - (iii) 25% of the fee after hearing is complete.
 - (iv) 25% of the fee after completion of written submission but before publication of award.

Note: 1. The Arbitrator fee shall be shared equally by the parties.

2. In the event, the Arbitral Tribunal is a Sole Arbitrator; he/she shall be entitled to an additional amount of 25% on the fee payable as per the table set out in the OM.

Terms and Conditions:

1. The name of empanelled Arbitrator shall stand deleted as soon as the Arbitrator attains 75 years of age. However, the Arbitrator will continue in all the ongoing arbitration matters where award has not been published.
2. The empanelled arbitrator shall not have more than 10 cases of PWD in hand at a time.
3. There should not be 'Conflict of Interest'.
4. PWD reserves the right to add or delete the name of any person to and from the panel of Arbitrators.

In case Arbitrator refuses to proceed with any referred case or discontinues the Arbitration proceedings in between without justified reasons, he is liable to be barred for a period of one year for further appointment as Arbitrator.



Government of India
Office of Chief Engineer(C), (CSQ)
CENTRAL PUBLIC WORKS DEPARTMENT

Room No- 320, A- Wing, Nirman Bhawan, New Delhi
टेलीफोन - 011-23002338 ई मेल: cecsq.cpwd@nic.in



No.2/2006/SE(TLC)/CSQ/ 137

Dated, 19th November, 2019

OFFICE MEMORANDUM

Sub:- Fee payable to Arbitrators (for retired Officers)

In Arbitration cases, where retired CPWD/Govt. officers are appointed as Arbitrator by the CE/ADG/SDG, the fee structure shall be as under:-

Sl. No	Sum in Dispute	Fee structure
1.	Upto 5.00 lakhs	Rs 45,000.00
2.	Above 5.00 lakhs to 20.00 lakhs	Rs 45,000.00 + 2% of the claim above 5.00 lakhs
3.	Above 20.00 lakhs to 100.00 lakhs	Rs 75,000.00 + 1.5% of the claim above 20.00 lakhs
4.	Above 100.00 lakhs and above	Rs 1,95,000.00 + 0.50 % of the claim above Rs. 100.00 lakhs, subject to maximum ceiling of Rs. 5.00 lakhs

Note: In the event, the arbitral tribunal is a sole Arbitrator; he/she shall be entitled to an additional amount of 25 % on the fee payable as per the table set out above.

1. Before appointment of arbitrator, CE/ADG/SDG shall obtain consent/ agreement of both the parties on the above fee structure and agreed payment schedule. This shall be communicated to Arbitrator also at the stage of appointment itself.
2. Conveyance Allowance:- Arbitrator shall be paid conveyance charges towards their local conveyance within the city, where arbitrator meeting has been fixed. It shall be paid as admissible to SAG Level officer.

For outstation travel:-

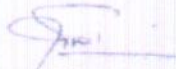
- (i) By Air:- Economy Class
 - (ii) By Train/Taxi:- as admissible to SAG level officer.
3. Daily Allowance - Arbitrator shall be paid a daily allowance payable to SAG level officer. When Arbitrator undertakes any site visit for inspection etc. the Arbitrator shall be entitled for normal TA/DA as admissible to SAG level officer.

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4. Stenographer charges / Clerkage / Postage etc. @ 5% of the fee payable, subjected to minimum Rs.10,000/-
5. Venue- The venue will be at mutually agreed location.
6. All payment shall be equally shared by both the parties.
7. The new fee structure shall apply on the cases of all appointment of Arbitrators on/ after 25-11-2019

This issues with the approval of DG, CPWD.


(Mahesh Chand Singhal)
Executive Engineer(TLC)

Copy to:

All SDGs, ADGs, CEs, SEs & EEs and all concerned of CPWD
(through CPWD website)


Executive Engineer(TLC)