

130/83

in view of the unambiguous wording in the contract conditions that "the decision of the arbitrators shall be final and binding as may be determined by the arbitrators".

3. The above policy guidelines may please be brought to the notice of all concerned in your Department for strict compliance and responsibility may be fixed on the erring officials, in case of non-compliance of the above instructions.

130.53

No.RW/NH-11052/17/93-DO 1

Dated, the 23rd March, 1994

To

The Secretaries of all States & Union Territories (dealing with National Highways)

Subject: Award of Arbitration in respect of National Highway works - acceptance regarding

I am directed to refer to this Ministry's policy guidelines circular of even number dated 26th July, 1993 regarding prior approval of this Ministry in filing of an appeal in the High Court against the Award of Arbitration in respect of National Highway works. Government of Tamil Nadu have now pointed out that filing of an appeal to set aside an Arbitration Award has to be done within a period of sixty days from the date of the award. A consultation with the Government advocate, the State Government and this Ministry may take considerable time, this would leave very little time to brief the Government advocate and prepare papers for filing the appeal in the High Court. It has also been suggested that the earlier practice of allowing the Superintending Engineer of the State PWD to finally decide on the issue of filing an appeal may be continued.

2. The matter has been examined and it has been decided that there is no need to change the policy guidelines dated 26.7.93. Infact, an appeal against an Arbitration Award should be filed only in exceptional circumstances and if there are sufficient valid grounds for doing so under Section 30 of the Arbitration Act, 1940. The State PWD, after consulting the Government advocate, should, therefore, invariably refer the matter to the State Government as well as to this Ministry simultaneously within ten days from the date of Award of Arbitration, in case sufficient grounds are established for challenging the Arbitration Award. The State Government as also the Ministry would convey their opinion within the next 25 days i.e. 35 days from the date of Arbitration Award, leaving 25 days for preparation and filing of the petition.

3. The State PWDs should also intimate this Ministry whenever the State Government proposes to accept the Award of Arbitration.

4. The above policy guidelines may please be brought to the notice of all concerned in your Department for strict compliance and responsibility may be fixed on the erring officials in case of non-compliance of the above instructions.

130.54

No.RW/NH-11024/1/94-DO 1

Dated, the 15th June, 1994

To

The Secretaries, Public Works Departments and Engineers-in-Chief/Chief Engineers of State Public Works Departments, Union Territories (dealing with National Highways and other Centrally Financed Schemes); Director General (Works), Central Public Works Department; Director General Border Roads

Subject: Guidelines regarding the procedures to be adopted for prequalification of Contractors for the execution of Road and Bridge works on National Highways and Centrally Financed Schemes- Modifications in the procedures

I am directed to say that this Ministry has reviewed the procedure for selection of Contractors for execution of works on National Highway and centrally financed schemes. In supersession of all earlier guidelines in the matter, the procedure given in the succeeding paragraphs may be followed with immediate effect.