

No:-PBW-H(C)(17)-Arbitration-R&B/2024-25 2789-2820

To
Himachal Pradesh
Public Works Department

The Chief Engineer (SZ)
HPPWD Shimla-02.

The Chief Engineer (MZ),
HPPWD., Mandi.

The Chief Engineer (KZ),
HPPWD., Dharamshala.

The Chief Engineer (HZ)
HPPWD Hamirpur.

The Chief Engineer (NH)
HPPWD Shimla-02.

Dated: Shimla-171002, the 04 September, 2024.

Subject: - Regarding proposals received in Finance/Planning Department for seeking additional allocations for settling Arbitration cases.

I am to refer to subject cited matter and to say that the proposal(s) seeking additional allocations for payment of arbitration award/funds required to be deposited in Court Registry while challenging the arbitration award in the Court of law are being sent to the Administrative Department for arranging Administrative Approval & Expenditure Sanction alongwith additional funds as per the instructions received from the Govt. time to time and also as per the instructions of the Principal Secretary (PW) to the Govt. of HP Shimla-02 vide letter No.PBW(B)C(1)8/2020-I dated 18 July 2022.

The Adviser (Planning) HP Shimla-2 vide letter No.PLG(PI)1-15/2024 dated 17th August 2024 has intimated the matter was under consideration at Govt. level and after examining, it has been decided by the Govt. that now onwards the request seeking additional allocations for payment of arbitration award/funds required to be deposited may be submitted alongwith the copies of following documents:-

- a) The reasoned opinion of the Department Litigation Committee/Departmental Law Officer/Departmental Litigation Officer clearly mentioning that all the aspects of the case including opinion given by the Law Department have been considered by it before moving the case for additional allocations.
- b) Copy of opinion of the Law Department
- c) Copy of the arbitration award/Court order/judgment.
- d) A brief history of the case with a clear mentioned date of award of work, the amount for which the work was awarded, copies of original A/A and E/S and revised A/A and E/S(if any), status of the work on the date of arising dispute, cause of dispute, date of moving the arbitration, date of award by the arbitrator, the time period between the date of arbitration award and date of award and date of moving the case seeking opinion of the Law Department, the reasons for any procedural delays on part of executing agency.
- e) Copy of the request made by the executing agency seeking additional allocations for payment of arbitration award/funds required to be deposited in Court Registry while challenging the arbitration award in the court of law.

It is therefore, requested to act in the matter accordingly and direct the concerned offices under your jurisdiction for strict adherence of the instructions above and it may be ensured that while sending the proposal(s) for additional funds on account of arbitration award, the above documents may be enclosed. The proposal(s) received without any of above documents will not be considered and your office(s) will be responsible for any delay caused for want of documents.

Sd/-
Engineer-in-Chief,
HP.PWD, Shimla-2.

Endst. No. As above. Dated Shimla-171002 the

Septembr, 2024.

Copy to the Principal Secretary (PW) to the Govt. of HP Shimla-02 for information please.

Copy to all the Superintending Engineers in HPPWD for information and similar necessary action.

Copy to the District Attorney in this office.

Copy to BA-II in this branch.

copy to IT Section of this office for uploading the same on departmental website.

Bd
Engineer-in-Chief,
HP.PWD, Shimla-2

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No. PLG (PI) 1-15/2024
Government of Himachal Pradesh
"Planning Department"

From *IF*
Adviser (Planning)
H.P., Shimla-2

To *29/8/24*

1. All the Administrative Secretaries to the GoHP, Shimla-2.
2. All the Head of Departments, HP.

*E-in-C (HPPWD)
H.P., Shimla-2*

*FL
L.C.
K
R-1000*

Dated: Shimla-2, the *17th* August, 2024.

Subject: Regarding proposals received in Finance/Planning Department for seeking additional allocations for settling Arbitration Cases.

*19/8/24
3513
29/8/24*

Madam/Sir,

On the subject cited above, I am to say that the issue of a large number of arbitration cases arising out of the disputes between the contractor and the executing agencies, in general, and by the Public Works Department and Jal Shakti Vibhag, in particular, and subsequent requests by the Administrative Departments seeking additional allocations for payment of arbitration award/ funds required to be deposited in Court Registry while challenging the arbitration award in the court of law has been under consideration of State Government for quite some time. After examining all the aspects related to the instant point of consideration, it has been decided by the Government that now onwards any Administrative Department will move a request seeking additional allocations for payment of arbitration award/ funds required to be deposited in Court Registry while challenging the arbitration award in the court of law to the Planning/ Finance Department along with the copies of following documents:


- a) The reasoned opinion of the Departmental Litigation Committee/ Departmental Law Officer/ Departmental Litigation Officer clearly mentioning that all the aspects of the case including opinion given by the Law Department have been considered by it before moving the case for additional allocations.
- b) Copy of opinion of the Law Department.
- c) Copy of the arbitration award/ Court order/ judgement.
- d) A brief history of the case with a clear mention of date of award of work, the amount for which the work was awarded, copies of original A/A and E/S and revised A/A and E/S (if any), status of the work on the date of arising dispute, cause of dispute, date of moving the arbitration, date of award by the arbitrator, the time period between the date of arbitration award and date of moving the case seeking opinion of the Law Department, the reasons for any procedural delays on part of executing agency.

- e) Copy of the request made by the executing agency seeking additional allocations for payment of arbitration award/ funds required to be deposited in Court Registry while challenging the arbitration award in the court of law.

The AD's request will not be considered by the Planning/ Finance Department in the absence of any one or more of the documents listed above and the file be returned to the moving AD.

{This has the approval of Pr. Secretary (Planning) to the GoHP}

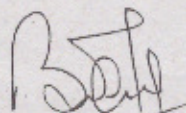
Yours faithfully,


(Dr. Basu Sood)
Adviser (Planning),
H.P., Shimla-2

Endst. No: As above. Dated : Shimla-2, the 17th August, 2024.

Copy forwarded to the following for information:-

1. Joint Secretary (Finance-Budget), GoHP, Shimla-2.
2. Sr. Pvt. Secretary to the Pr. Secretary (Planning), GoHP, Shimla-2


Adviser (Planning),
H.P., Shimla-2.