

Himachal Pradesh
Public Works Department

No. PW/CTR/32-20/ Gen. Ins. /2011-17586-17685

Dated: 5/12/2011

From:

Engineer-in Chief,

To

All the Chief Engineer's
in HPPWD.

Subject: - Appointment of Arbitrator.

Section 11.4 (a) of the Arbitration & reconciliation Act 1996 provides for the appointment of the arbitrator within 30 days from the date of receipt of such request from the contractor.

Once this period of 30 days is over the contractor gets the liberty to approach the Hon'ble High Court to get the arbitrator appointed. The awards announced by such arbitrator are some time quite inflated due to limited technical background of the arbitrators; and there are very limited grounds under section 34 to contest the award in the Civil Court, thereby putting the department at the receiving end.

In view of the above you are advised to be extra careful in such cases and ensure that the arbitrators are appointed within 30 days by your office by arranging the required information speedily, so as to prevent the contractors from approaching the Hon'ble High Court.

Engineer-in-Chief,
HPPWD, Nirman Bhawan,
Nigam Vihar, Shimla-2

Copy forwarded to the following:-

1. All the Superintending Engineer's and Executive Engineer's in HPPWD for information and necessary action. Any lapse in such cases will reflect upon their performance and also invite appropriate action.
2. The joint Controller (F&A)/Deputy Controller (F&A) in zones for information. They are also advised to be extra careful in such cases and not to delay the appointment for petty reasons.
3. Encl(CTR)/All DAs CTR Section for info
4. Guard file.

Engineer-in-Chief,
HPPWD, Nirman Bhawan,
Nigam Vihar, Shimla-2