

Sub : Arbitration demands - Processing.

1. The proposals for appointing arbitrators should be processed in the following two stages:

1.1 Stage-I

Pre-arbitration meeting with the contractor by Sr.DEN and the Sr.DAO jointly. This is to discuss the claims with contractor and decide whether the claims could be settled without recourse to arbitration.

It must be appreciated that it may be advantageous to the Railway to settle the matter directly with the contractor than to put the matter before the arbitrator. Contractor will also consider the cost benefit analysis & the delay aspect & may agree to settle the dispute. If he does so, he must extinguish his right to ask for arbitration after such a settlement & no arbitration against the contract thereafter should be permitted. To this effect, there should be a bilateral agreement.

Claims which are considered by Sr.DEN & Sr.DAO as payable but need HQ sanction in their interpretation should be referred to HQ.

1.2 Stage-II

Should the Stage-I process fail, unsettled claims should be processed to be decided by the arbitrator for which case should be processed for appointment of arbitrator by the General Manager.

2. Following format will be followed for processing the case for appointment of arbitrator:

- .1 Name of work.
- .2 Cost of work as per agreement
- .3 Cost of work done by the claimant
- .4 Amount already paid to the claimant excluding deposits held back
- .5 Amount available in deposit with the Railway at claimant's credit

Contd...2/-

6 Officers who have dealt with the case

<u>Divn Level</u>		<u>HQ</u>	
<u>Name</u>	<u>Dates</u>	<u>Name</u>	<u>Dates</u>
JA Grade		SAG	
1.		1.	
2.		2.	
3.		3.	
S.S.		JA Grade	
1.		1.	
2.		2.	
3.		3.	
J.S.			
1.			
2.			
3.			

7 Claimwise Remarks (indicating whether claim pertains to an excepted matter & if so under what interpretation).

Claim No.1 (Here give brief description & amount claimed).

Administration's Remarks:

Claim No.2

Administration's Remarks:

Etc. Etc.

8 Any counter claim that Railway has, due to contractor abandoning work & Railways getting the work done at his risk & cost etc.

9 Whether the claim is arbitrable by single or two arbitrators?

10 Any other information that the Division would like to give?

3. In the HQ office, the noting that will be put up on the file by Dy.CE will also be on the same format, except para 2.10. Under para 2.10, additional information, if any, may be given as considered relevant.

Chief Engineer

No.W/536/O/A/ARB/3

Dated 23/11/88

Copy for information & necessary action to:-

1. DRM/Enge/LZN, LJN, BSB, SEE & SPJ.
2. Dy.CE/CA & CWM/BWS/GKP.
3. CBE, CTE, CGE, CE(E), CE(W) & all JAG Officers in HQ.

for GENERAL MANAGER(ENGG)