

निदेशक (प्रणाली) दि.वि.प्रा.
डायरी नं. 112
दिनांक 11-4-23



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Azadi Ka
Amrit Mahotsav

दिल्ली विकास प्राधिकरण
DELHI DEVELOPMENT AUTHORITY
ई.एम. सचिवालय
E.M's Secretariat

No. EM 2(3)2023/DWK/209/DDA/ 143

Dated: 06/4/23

**MINUTES OF THE 859th MEETING OF ASB HELD ON 23.03.2023 IN
THE CHAMBER OF CHIEF ENGINEER (HQ), DDA**

859th Meeting of Arbitration Security Board (ASB) under the chairmanship of CE (NZ) held on 23.03.2023 at 03.00 P.M. in the chamber of CE (HQ) to deliberate Arbitral award in the matter of M/s Stallion Security Vs DDA in respect of the following work:-

N.O.W : Protection of DDA land
Sub-head : Deployment of Chowkidar for watch and ward of vacant land in WD-13 for the year 2017-18
Agency : M/s Stallion Security
Agmt. No. : 20/EE/WD-13/2017-18

The Agenda note submitted by the CE (Dwk) on e-office vide file no. ENG/CEDZ/0005/2023/DCC3/DPD5-EE(DPD-V) (Computer No. 52201) dated 15.02.2023.

The meeting was attended by the following officers:-

1. Shri Ravi Kant	CE (NZ)	Chairman
2. Shri Sanjay Kumar Khare	CE(Dwk)	Executive Member
3. Shri. Vinod Kumar Sharma	Dy. CLA-III	Member
4. Shri Raj Pal Singh	Dir. (Finance, Consultant)	Member
5. Shri R.K. Bhanwaria	Dir. (Works)/Consultant	Member, Secretary

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The case was presented by Sh. Sanjay Kumar Khare, CE(DWK),
DDA.

Brief history of the case is as under:-

The above mentioned work was awarded to M/s STALLION SECURITY vide letter no. F.8(09)AWD-13/DDA/2017-18/2941, dated 20.11.2017. The agency M/s STALLION SECURITY revoked the arbitration clause 25 seeking adjudication of the disputes through arbitration.

Shri Deepak Bhanwala has been appointed as sole arbitrator by the Delhi Arbitration Centre to decide & adjudicate contractors claims/disputes vide letter no. DAC/MSME/A/D-101-197 in the matter of arbitration between M/s STALLION SECURITY and DDA pertaining to above cited work. Ld. Arbitrator has pronounced the award dt. 20.10.2022 and received in the office of EE/DPD-5 on dt. 30.11.2022. In his communication a total amount of Rs. 91,891 (Rs 66,486+Rs 25,405) for the period from 20.06.2020 till 20.10.2022 as expense towards services of claimant including interest on principal amount and Rs 27,500/- towards legal expenses is payable by DDA to the contractor immediately.

OPINION OF PANEL LAWYER

Panel lawyer Sh. Ishan Sharma is of the opinion that the Award suffers from several infirmities including that the Ld Arbitrator has gone beyond the contractual terms to give relief to the Claimant. The

department may examine and take a decision as to whether the same should be challenged or not.

OPINION OF LEGAL CELL SLO/ENGG., DDA

Opinion of the Panel Lawyer has been taken into consideration. Thereafter, Senior Law Officer (Engg.) O/o CLA has also provided opinion on the subject matter. CLA has commented that in view of the opinions/advice of the Panel Lawyer and the Senior Law Officer (Engg.), the department may challenge the award in question.

RECOMMENDATION OF EE/DPD-5:

It is recommended to challenge the award in question.

RECOMMENDATION OF SE/DCC-3:

SE/DCC-3 is agreed with the comments given by EE/DPD-5 to challenge the award

RECOMMENDATION OF CE (DWARKA)

In view of the above recommendations of Panel Lawyer, EE/DPD-5 and SE/DCC-3, this office is also of the view that award may be challenged.

RECOMMENDATION OF ASB:-

After due discussion and deliberation, the ASB observed following:-

The award of the Arbitrator may be challenged as per recommendations of CE (Dwarka).

As per revised delegation of power issued vide no. EM1 (10)2018/Del. of Power/DDA/260 dated 29.01.2019 by CE (HQ), DDA. CE (DWARKA) is the Competent Authority in r/o award amount less than Rs. 25 lacs in consultation with CAO/DDA, with due scrutiny by Arbitration Scrutiny Board headed by CE(HQ), DDA.

-SD-
Dir(Works)/Consultant
Member Secretary

-SD-
Dy. CLA-III
Member

-SD-
Dir (Finance,
Consultant)
Member

-SD-
CE(DWK)
Executive Member

-SD-
CE(NZ)
Chairman

Director (Works)/Consultant

Copy to:

- 1) PS to EM/DDA for information.
- 2) All concerned.
- ✓ 3) Director (System) for uploading on DDA website.
- 4) EE/ DPD-5/DDA.

PS New
06/04/2023
Director (Works)/Consultant