

The Indian Roads Congress maintains a panel of its members for nomination as Arbitrators to resolve the disputes arising in road and bridge projects. As and when request for appointment of Arbitrator is received either from the Employer or the Contractor, after scrutiny of the case, the High Powered Committee, appointed by the IRC Council, appoints the Arbitrator as per provisions of the Contract:

**The Guidelines for Empanelment and Nomination of Arbitrators, Dispute Review Board/Dispute Review Experts and Conciliators etc. are as under:**

## **1 EMPANELMENT**

1.1 The qualifications and eligibility criteria for empanelment of arbitrators are given below:

- (a) The person applying for empanelment should be physically and mentally fit.
- (b) The person should have a minimum age of 50 years and a maximum age of 70 years as on the last date of submission of applications.
- (c) The person should hold at least a Bachelor's Degree in Civil Engineering or its equivalent.
- (d) The person should have handled project work in highways for minimum period of 5 years at the level of Superintending Engineer/Chief Engineer or equivalent and above.
- (e) The person should be a Member of IRC continuously for the last 5 years excluding the year in which application for empanelment is received.
- (f) The person should be holding the post of or retired from the post of at least:
  - i) Director General, Additional Director General, Chief Engineer, Ministry of Road Transport and Highways.
  - ii) Chairman, Member, CGM of National Highway Authority of India.
  - iii) Director General, Additional Director General, E-in-C, Chief Engineer of CPWD, Border Roads Organisation, Corps of Engineers, MES, Ministry of Railways
  - iv) Principal Secretary, Secretary, Engineer-in-Chief, Chief Engineer of State PWDs.
- (g) The person should have experience in dealing with contract matters/contract disputes for a minimum period of 5 years.

1.2 The empanelment would be done every 2 years and the list of empanelment would be valid for a period of 4 years. Before the expiry of the Panel, the empanelled persons would be given opportunity for re-empanelment.

1.3 Applications received by Secretary General, IRC will be scrutinized in the IRC Secretariat and a list of

empanelled arbitrators will be prepared after obtaining approval of the Executive Committee of IRC. The applicants will be intimated of the empanelment or otherwise.

- 1.4 The applicants would be required to pay a non-refundable **processing fee of Rs 2,000/- (Rupees Two Thousand) to IRC** by way of Demand Draft drawn in favour of Secretary General, Indian Roads Congress along with their application.
- 1.5 The Executive Committee may at any time add the name of any person to the Panel of Arbitrators or delete the name of any person from the Panel without assigning any reason.
- 1.6 IRC would collect information regarding the cases in which the applicant has been associated with contract management, arbitration, and dispute resolution pertaining to civil works along with the application for empanelment and the details would be updated every year.
- 1.7 The list so prepared would be applicable for nomination of Arbitrators, Dispute Review Board/Dispute Review Experts and Conciliators.

## 2. Nomination

- 2.1 The request for nomination of the Arbitrators, Dispute Review Board/Dispute Review Experts and Conciliators should be accompanied by copies of the contract indicating the Clause for Arbitrators to be appointed by IRC. The Department/Party requesting for the nomination would be required to pay a lump sum amount of Rs 25,000/- (Rupees twenty five thousand only) as processing fee by way of Demand Draft drawn in favour of Secretary General, Indian Roads Congress.
- 2.2 Such requests for nomination of the Arbitrators, Dispute Review Board/Dispute Review Experts and Conciliators will be received by the Secretary General, Indian Roads Congress from the concerned parties giving salient particulars, such as, name of work, cost of work, stage of work, nature of dispute, amount of the claim involved, copy of arbitration clause in the contract, detail of claim, names of arbitrators appointed by each party, etc. Photocopies of all the relevant documents are to be sent to IRC alongwith request.
- 2.3 On receipt of the request for appointment of an arbitrator for a particular work, the Secretary General, IRC will prepare a short list of 5 most suitable arbitrators from among the list maintained in the IRC Secretariat and put up along with their information to the High Powered Committee consisting of the President, Treasurer and Secretary General, IRC for nomination. The total time from receipt of request alongwith payment till nomination would not normally exceed one month. If urgent meeting of High Powered Committee cannot be held, the matter may be decided by circulation or telephonic consent to be ratified at the next meeting.
- 2.4 The nomination of an arbitrator will be decided depending upon the nature of dispute. The broad criteria for preparation of shortlist shall be as below:
  - (i) The person should not be from the same Department or State in which the site of Work is situated.

- (ii) The person should not be connected with the work or firm at any stage.
  - (iii) The Arbitrator to be nominated should be from the State/UT adjoining the State in which the site of work is situated.
  - (iv) The persons should have requisite experience of similar nature as of the work such as experience of operating contract with FIDIC conditions for external aided projects, experience of bridges for bridge projects etc.
  - (v) Persons who are having comparatively less number of arbitration/dispute Resolution cases in hand would be preferred.
  - (vi) Persons who have not been nominated by IRC earlier would be considered in preference to those whose name has been considered before.
3. The expenditure in connection with the arbitration, such as fees, TA/DA, Secretarial and out of pocket expenses, etc. will be borne by the concerned parties and the payments made to the arbitrator directly. The fees for hearing, study or documents, of drafting awards, travel, etc. shall be reasonable.
  4. After completion of arbitration and declaration of the award, a copy of the award should be sent to the Indian Roads Congress for record.
  5. IRC will not be responsible for the acts of the arbitrators and the job of IRC will be over once the name of the arbitrator is sent to concerned Party.
  6. The High Powered Committee would have full discretion to nominate a person or a Group of persons or not to nominate a person without giving any reason.

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