भारत सरकार Government Of India
रेल मंत्रालय Ministry Of Railways
(रेलवे बोर्ड) (Railway Board)

No. 2009/CE-I/CT/14/Main **New Delhi, dated 17.01.2018**

To,

As per list attached

Sub: Modification to clause 64 of General Conditions of Contract - 2014 for implementation of Arbitration and Conciliation (Amendment) Act 2015.

Ref: Rly. Bd's letter No. 2015/CE-I/CT/ARB/18, dated 16.11.2016.

In continuation to Railway Board's letter under reference, Board (ME & FC) has approved to modify para 64.3(c) of General Condition of Contract (GCC) -2014 Part-II & Annexure II of above referred letter.

2. The modified para 64.3(c)(iii) is as under:-

Clause	Existing	Modified
64.3(c) (iii)	(i) Qualification of Arbitrator (s)	(i) Qualification of Arbitrator (s)
	(a) Serving Gazetted Railway Officers of not below JA Grade level.	(a) Serving Gazetted Railway Officers of not below JA Grade level.
	(b) Retired Railway Officers not below SA Grade level, three years after his date of retirement.	(b) Retired Railway Officers not below SA Grade level, ~~three~~ one year after his date of retirement.
	(c) Age of arbitrator at the time of appointment shall be below 70 years.	(c) Age of arbitrator at the time of appointment shall be below 70 years.
	(ii) An arbitrator may be appointed notwithstanding the total number of arbitration cases in which he has been appointed in the past.	(ii) An arbitrator may be appointed notwithstanding the total number of arbitration cases in which he has been appointed in the past.
	(ii) While appointing arbitrator(s) under Sub-Clause 64.(3)(a) (i), 64.(3)(a) (ii) & 64.(3)(b) above, due care shall be taken that he/they is/are not the one/those who had an opportunity to deal with the matters to which the contract relates or who in the course of his/their duties as Railway servant(s) expressed views on all or any of the matters under dispute or differences. The proceedings of the Arbitral tribunal	~~(ii)~~(iii) While appointing arbitrator(s) under Sub-Clause 64.(3)(a) (i), 64.(3)(a) (ii) & 64.(3)(b) above, due care shall be taken that he/they is/are not the one/those who had an opportunity to deal with the matters to which the contract relates or who in the course of his/their duties as Railway servant(s) expressed views on all or any of the matters under dispute or differences. The proceedings of the Arbitral tribunal

17.1.18

	or the award made by such Tribunal will, however, not be invalid merely for the reason that one or more arbitrator had, in the course of his service, opportunity to deal with the matters to which the contract relates or who in the course of his/their duties expressed views on all or any of the matters under dispute.	or the award made by such Tribunal will, however, not be invalid merely for the reason that one or more arbitrator had, in the course of his service, opportunity to deal with the matters to which the contract relates or who in the course of his/their duties expressed views on all or any of the matters under dispute.

3. In supersession to Annexure II to letter under reference, revised Annexure-II is enclosed herewith.

4. This issues with the concurrence of Finance Directorate of the Ministry of Railways.

5. Please acknowledge receipt.

Enclosures:
(i) Revised Annexure-II regarding Format of Certification by Arbitrators

अनिल कुमार 17/1/18

(अनिल कुमार)
निदेशक/सिविल इंजीनियरिंग(जी)/रेलवे बोर्ड
[Tele: 030-47598(Rly), 9717647611(CUG)]
Email-padcegrb@gmail.com

No. 2009/CE-I/CT/14/Main New Delhi, dated 17.01.2018

Copy forwarded for information to :
(i) FA&CAOs, All Indian Railways.
(ii) The Dy. Comptroller and Auditor General of India (Railways), Room no. 224, Rail Bhawan, New Delhi

For Financial Commissioner / Railways

Revised Annexure-II

Certification by Arbitrators appointed under Clause 63 & 64 of Indian Railways General Conditions of Contract

1. Name :

2. Contact Details :

3. Prior experience (Including Experience with Arbitrations) :

4. **I do not have more than ~~five~~ ten on-going Arbitration cases with me.**

5. I hereby certify that I have retired from Railways w.e.f. _____ and empanelled as Railway Arbitrator as per 'The Arbitration and Conciliation Act- 1996'.

6. I have no any past or present relationship in relation to the subject matter in dispute, whether financial, business, professional or other kind.

   Or

   I have past or present relationship in relation to the subject matter in dispute, whether financial, business, professional or other kind. The list of such interests is as under ;

7. I have no any past or present relationship with or interest in any of the parties whether financial, business, professional or other kind, which is likely to give rise to justifiable doubts as to my independence or impartiality in terms of The Arbitration and Conciliation Act-1996.

   Or

   I have past or present relationship with or interest in any of the parties whether financial, business, professional or other kind, which is likely to give rise to justifiable doubts as to my independence or impartiality in terms of The Arbitration and Conciliation Act-1996. The details of such relationship or interests are as under ;

8. There are no concurrent Circumstances which are likely to affect my ability to devote sufficient time to the arbitration and in particular to finish the entire arbitration within twelve months.

   Or

   There are Circumstances which are likely to affect my ability to devote sufficient time to the arbitration and in particular to finish the entire arbitration within twelve months. The list of such circumstances is as under ;

LIST FOR DISTRIBUTION

1. General Managers, All Indian Railways & Production Units.
1a. General Manager (Con), N.F. Railway, Guwahati.
1b. General Manager /CORE, Allahabad.
2. Principal Chief Engineers, All Indian Railways.
3. Chief Administrative Officers (Con), All Indian Railways.(Except N.F. Railway)
4. FA&CAOs/ All Indian Railways.
5. Chief Vigilance Officers, All Indian Railways.

Copy to:

(A)

1. CAO/CAO(R), COFMOW, Tilak Bridge, New Delhi.
2. CAO/CAO(R), Diesel Locomotive Works, Patiala(Punjab).
3. CAO, Rail Coach Factory/Rae Bareli Project, Kishanganj, Delhi -110007.

(B)

1. Director General, RDSO, Manak Nagar, Lucknow.
2. Director General, Railway Staff College, Vadodara
3. Director, IRICEN, Rail Path, Pune – 411 001 (Maharashtra).
4. Chief Commissioner of Railway Safety, Ashoka Road, Lucknow.

(C)

1. MD, DMRC, Metro Bhawan, 13, Fire Bridge Lane, Barakhamba Road, New Delhi- 110 001.
2. MD, CONCOR, Concor Bhawan, C-3, Mathura Road, Opp. Apollo Hospital, New Delhi- 110076.
3. IRCON International Limited, C-4, District Centre, Saket, New Delhi- 110017
4. MD, RITES Ltd., RITES Bhawan, Plot No.1, Sector-29, Gurgaon.
5. MD, RVNL, August Kranti Bhawan,Plot No.25, 1st Floor, Bhikaji Cama Place, New Delhi.
6. MD, MRVC Ltd., Churchgate Station Bldg, Mumbai- 400020
7. MD, KONKAN Railway Corporation Ltd, Rail Bhawan, New Delhi-110001.
8. MD, DFCCIL, 5th Floor, Pragati Maidan Metro Station Building Complex, New Delhi-110001
9. MD, RLDA, Near Safdarjung Railway Station, Moti Bagh, Phase-I, New Delhi- 110021
10. MD, CRIS, Chanakyapur, New Delhi.
11. CMD, RailTel Corporation of India Ltd. Plot No. 143, Institutional Area, Sector-44, Gurgaon – 122003.
12. RCF, Rae Bareilly, Kishan Ganj, Delhi-110007.
13. CME, IROAF, 12th Floor, Core-1, Scope Minar, Distt. Centre, Laxmi Nagar, Delhi- 110092
14. CAO (Workshop Projects), Chamber Bhawan, Judge's Court Road, Anta Ghat, Patna-800001, Bihar.

Copy to:

ME, M(T.), M(RS), FC, DG(S&T), DG(RS), AM(CE), AM(Works), AM(B), AM(Elec.), AM(RS), PED(Projects), PED/SDE, PED(Bridges), PED(Vigilance), EDCE(G), EDCE(P), EDTK(M) EDTK(MC), EDTK(P), EDCE(B&S), EDF(X)-I, EDF(X)-II, ED(Works), EDW(Plg.), ED/Project(Mon.), ED(L&A), ED/SDE, ED(PSU).