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

**No. 2016/CE-I/CT/ARB/3 (NITI Aayog)** **Dated: 04.08.2017**

As per list attached.

**Sub:** Monitoring of Arbitration cases for implementation of instructions related to 'Measure to revive Construction Sector' issued by NITI Aayog.

**Ref:** (i) RB's letter no. 2016/CE-1/CT/ARB/3(NITI Aayog)/Pt. dt. 08.11.2016.
(ii) RB's letter no. 2016/CE-1/CT/ARB/3(NITI Aayog)/Pt. dt. 01.05.2017.
(iii) RB's letter no. 2016/CE-1/CT/ARB/3(NITI Aayog)/Pt. dt. 08.03.2017.

Vide Board's letter referred at (i) above, it was advised to implement the decisions to 'switch over the on-going Arbitration cases to new arbitration act & payment of 75% of the arbitral amount against a bank guarantee' and to send a weekly report to Board's office. The implementation of these items was being monitored on weekly basis by NITI Aayog.

2. Now, NITI Aayog has decided to discontinue the practice of sending the weekly Action Taken Report and advised to send monthly Action Taken Report in the prescribed Proforma. The required information should be submitted with details as under:-

| *Action Taken Report on NITI Aayog's direction in arbitration cases for the Month of* _____ | | | |
|---|---|---|---|
| **1.** | **Switching over to the provisions of amended Arbitration**<br>*Applicable to - Construction contracts related to big projects like new lines, doubling, Gauge conversion, workshop, etc. and Construction contracts related to creation of assets related to operation of existing Railway infrastructure. (Ref. - ii)* | | |
| i | Number of on-going Arbitration cases. | | |
| ii | Number of cases in which communications have been sent to the contractors/ concessionaires to seek their consents. | | |
| iii | Number of cases in which consent has been received from the contractors/ concessionaires. | | |
| **2.** | **Release of 75% of the Arbitral Amount against a Bank Guarantee**<br>*Applicable to - All Railway projects, where the Concessionaire/Contractor and the Railway have entered into a Concession Agreement/ Construction Contract/ Engineering Procurement Commissioning Contract for a PPP/Construction Projects/EPC project.* (Ref.- iii) | | |
| i | Summary of cases, in which the arbitral award has been challenged in the court by the Railway. | No. of cases | Amount in cases |
| | | | |
| ii | Summary of cases, in which communications have been sent to the contractors/ concessionaires for opening of the Escrow Accounts and submission of the Bank Guarantee. | | |
| iii | Summary of cases, in which the contractors/ concessionaires have opened the Escrow Account and furnished the Bank Guarantee | | |
| iv | Summary of cases, in which 75% of the Arbitral Award has been released. | | |

3. In view of above, Railways are requested to submit their consolidated position of Action Taken Report through DGM/G (Nodal officer for arbitration cases) **on or before every 2nd day of the following month.** The replies may be send through email at **aavaadey@gmail.com or padcegrb@gmail.com** with subject mentioned as **'Summarized position on Arbitration Cases for the month of _____'.**

अनिल कुमार
04/8/17

(अनिल कुमार)
निदेशक सिविल इंजी.(जी)/रेलवे बोर्ड
[Phone: 030-47598(Rly) : 011-23047598(MTNL)]
e-mail address: padcegrb@gmail.com

## LIST FOR DISTRIBUTION

1. General Managers, All Indian Railways & Production Units.
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6. CEO, NITI Aayog, New Delhi.

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**(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,
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4. MD, RITES Ltd., RITES Bhawan, Plot No.1, Sector-29, Gurgaon.
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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.

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