



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण

(सड़क परिवहन और राजमार्ग मंत्रालय, भारत सरकार)

National Highways Authority of India

(Ministry of Road Transport and Highways, Government of India)

जी-5 एवं 6, सेक्टर-10, द्वारका, नई दिल्ली - 110 075 • G-5 & 6, Sector-10, Dwarka, New Delhi-110075

दूरभाष/Phone : 91-11-25074100 / 25074200



NHAI/ Policy Guidelines/ Dispute Resolution & Legal Matters/ 2025

Policy Circular No. 2.1.83/2025 dated 02nd May, 2025

{Decision taken on E-Office File No. NHAI/DRB/2020 (Comp. No.3033)}

Sub: Amendment to the provisions of Contract/ Concession Agreements pertaining to the constitution of Dispute Resolution Board (DRB) -reg.

Vide Policy Guidelines No. 2.1.37/2020 dated 16.03.2020 & Corrigendum No. 2.1.38/2020 dated 13.05.2020, it was directed to adopt the procedure of Dispute Resolution Board (DRB) in all ongoing PPP/HAM/EPC/Item Rate Projects.

2. Articles 26.1.3 and 24.1.3 of the Standard Agreements for EPC and PBMC respectively contain provisions related to Dispute Resolution as under:

"Failing mediation by the Independent Engineer or without the intervention of the Independent Engineer, either Party may require such Dispute to be referred to the Dispute Resolution Board ("DRB") in accordance with the procedure set forth in Schedule-{} to the Contract Agreement".

3. It has been observed that for Projects where Project Cost put to Tender is ₹300 Cr (Rupees Three Hundred Crore) or less, constituting Dispute Resolution Board is not feasible in Engineering, Procurement and Construction (EPC) Contracts, Performance-Based Maintenance Contracts (PBMC) and Item Rate Contracts.

4. Accordingly, while using EPC/ PBMC/ Item Rate Contracts for ₹300 Cr below works, the Dispute Resolution Clause be deleted (relating to the Projects approved within NHAI).

5. To implement the above amendment in Ongoing Contracts for below ₹300 Cr (Cost put to Tender) works where such work was approved within NHAI, the concerned Technical Division/RO as applicable shall enter into a Supplementary Agreement with the Contractor after getting the approval of the concerned Member to delete DRB provision if exists in such Contract.

6. This issue with the approval of Competent Authority.

[Handwritten signature]
02/05/25

(CS. Sanjay Kumar Patel)

I/c Chief General Manager (Coord.)

To:

1. All Officers of NHAI HQ/ ROs/ PIUs/ CMUs/ Site Offices
2. PDs to send to Representatives of Contractors and Consultants.

Copy to:

1. Hindi Division for translation in Hindi.
2. Library for hosting the circular on library site.
3. Web Admin for circulation.