



# 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 /2025

#### Policy Circular No.2.1.80/ 2025 dated 13<sup>th</sup> February, 2025

{Decision taken on E-Office File No. NHAI/CMD/CCIE/2018(Part1) (Comp. No. 121843)}

**Sub: Standard Operating Procedure for Conciliation provided in the Contract / Concession Agreement for the Disputes/ Claims Recommended/ Decided by Dispute Resolution Board (DRB) - reg.**

NHAI vide Policy Circular No. 2.1.23/2017 dated 02.06.2017 established a System for Conciliation of Disputes through Conciliation Committee of Independent Experts (CCIEs). Modified SOP for Conciliation was issued vide Policy Circular No. 2.1.48 dated 09.04.2021. This covers all the disputes under the Project till date of referring the matter to CCIE at any Stage (like not yet referred to AT, referred to AT, AT awarded and challenged in the Court). Timelines to process the matters for referring to CCIEs was issued vide Policy Circular No. 2.1.50, dated 26.05.2021.

2. Articles 26, 38, and 44 of the Standard Agreements for EPC, HAM, and BOT (Toll) Projects post September 2020 include Provisions for Dispute Resolution as under:

- If either Party is dissatisfied with the decision of DRB, or if DRB is unable to resolve the dispute, the Parties are required to explore Conciliation through CCIEs established by the Authority before proceeding to Arbitration.
- If the Conciliation process through CCIE fails, either Party may escalate the Dispute to Arbitration.

3. It has been observed that numerous Disputes/ Claims Decided/ Recommended at DRB Level are coming up for Conciliation, where one or both Parties are dissatisfied with the decision of DRB. In such Cases, each decision/ recommendation of DRB is to be dealt with in Conciliation separately and all Disputes/ Claims need not be firmed up for presenting before CCIE. Accordingly, SOP dated 09.04.2021 is replaced with the SOP given below for such Cases, as decided in EC held on 10.01.2025 [Agenda item no. 648.01(xix)]:

Steps	Activity	Timeline (Days)
1. Claimant Login - Either Contractor or NHAI	<p><b>Case-1</b> If Contractor is the Claimant, Contractor will submit the proposal to GM(Tech) enclosing following details -</p> <p>(a) Name of the Project</p> <p>(b) Copy of letter of Contractor conveying dissatisfaction on DRB decision</p> <p>(c) Order of preference of 3 CCIEs</p> <p>(d) Copy of Recommendation/ Decision of DRB or if DRB failed to give decision, copies of pleadings of Parties before DRB</p> <p>(e) Copy of the relevant clauses of the Concession/ Contract Agreement</p>	D+28 (where D is the date of decision of DRB or DRB failed to give decision)

Contd...2/-

	<p>(f) Name, Address and Contact details of the Persons representing Concessionaire/ Contractor supported by a Board Resolution and a Power of Attorney</p> <p>(g) Proof of Payment of Rs. 5 lakh to NHAI as Conciliation Fees</p> <p><b>Case-2</b> If NHAI is the Claimant, GM(T) of concerned Division will submit the proposal to GM(CMD) for referring the matter to CCIE enclosing following details -</p> <p>(a) Name of the Project</p> <p>(b) Letter of Authority conveying dissatisfaction with DRB decision</p> <p>(c) Preference of CCIE</p> <p>(d) Copy of Recommendation/ Decision of DRB</p> <p>(e) Copy of the relevant clauses of the Concession/ Contract Agreement</p> <p>(f) Name, Address and Contact details of the Persons representing NHAI</p>	
<b>2. GM-Tech Login</b> (Applicable under Case 1 of Step 1)	Examine the details submitted by Contractor/Concessionaire and forward the Case to GM(CMD) for referring the matter to CCIE	D + 35
<b>3. GM-CMD Login</b>	<p><b>Case 1</b> - When the CCIE preferred by the claimant is available</p> <p>GM(CMD) shall allocate the preferred CCIE or requests additional Documents and refer the Claims to allocated CCIE</p> <p><b>Case 2</b> - When the CCIE preferred by the claimant is not available</p> <p>If preferred committee is unavailable, GM(CMD) shall forward the Case to Member-CMD.</p>	D + 38
<b>4. Member-CMD Login</b> (Applicable under Case 2 of Step 3)	Allocate CCIE and forward the Dispute to GM-CMD for referring the Claims to allocated CCIE	D+41
<b>5. GM-CMD Login</b> (Applicable under Case 2 of Step 3)	Issues the referral note  ("Schedule Meeting" button appears after referring the matter to CCIE)	D+44

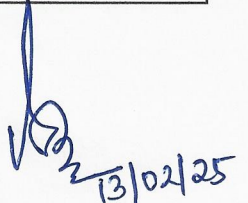
Contd...3/-





6. GM-CMD Login	Schedules/Reschedules meetings and submits proceedings of CCIE meetings. CCIEs will give recommendation about the possible terms of Settlement to both Parties, wherever necessary, as per Section 73 of A&C Act.	Ongoing (as per the dates of meeting fixed by CCIEs)
7. GM-CMD Login	Submits Final Settlement details when the Dispute is "Settled" or "Failed."	-
8.	<b>Costs of Conciliation and Deposits:</b> In terms of Sections 78 and 79 of the Act, the Contractor to deposit Rs. 5 lakh if he is the claimant and NHAI shall incur all expenditure on the Conciliation proceedings including Payment of Fees to the Conciliators, Provision of Office Space, expenditure on dedicated Expert and Secretarial Assistance and other Incidental Expenses.	
9.	<b>Residual Matters:</b> CCIE may decide on the Procedures to be followed in respect of any residual matters, including the review of this SoP from time to time, based on the experience gained in the process.	

4. This issues with the approval of Competent Authority.

  
(CS. Sanjay Kumar Patel)  
General Manager (Coord.)

To:

All Officers of NHAI HQ/ ROs/ PIUs/ CMUs/ Site Offices

Copy to:

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