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P.V. APRAM,
Law Officer, PWD.

Office of the Chief Engineer,
Public Office Building,
Trivandrum, Dt. 4.12.1981.

Circular No. 278/Law/81.

Sib: Arbitration - action on awards passed by the Arbitrators avoidance of delay-instructions issued.

Ref: Govt. Circular No. 20105/H2/75/PW dated 23.2.1975.

Attention of all the officers in the PWD particularly those who have been empowered to execute agreements in respect of works, is invited to para 1 of the Govt. Circular cited, extract of which is reproduced below for ready reference.

"1. As soon as the Suptg. Engineer, Executive Engineer gets a copy of the award he shall examine the correctness regarding the factual and technical aspects with special reference to the provisions in the agreement. He shall send a report to his senior officers, the Chief Engineer the Government, the Government Pleader and the Law Officer regarding the correctness of the award. If the award is totally favourable to Government he shall immediately move the Govt. Pleader who represented him before the Government Arbitrator to cause the award to be filed in court under Sib Sec. (2) of Sec. 14 of the Arbitration Act, 1940. According to Article 119 of the Limitation Act, 1963 the application for the filing of the award in court has to be made within 30 days of the date of receipt of the notice of the making of the award. If the award is not totally favourable to Government the Engineer shall obtain from the Govt. Pleader who conducted the case before the Arbitrator his recommendation as under para 3(A) Suits (ii) last sub para of Government Memorandum No. A1.3006/56/Law dated 29th December 1950 regarding the further action to be taken on the award. He shall also take the legal advice of the Law Officer regarding the further action to be taken. For this purpose he shall send to the Law Officer copies of (i) the award (ii) the contractor's claim petition before the Arbitrator (iii) the contract agreement (v) the technical report of the Engineer on the award and (vi) the advice of the Govt. Pleader regarding the action to be taken on the award".

According to the Circular, the officers who have executed the agreement out of which the Arbitration proceedings arose are obliged to seek the legal advice of the Law Officer, PWD forwarding the details mentioned in the circular. It is found that the details are not being received in time. Sometimes they are received only after repeated reminders.

On late the volume of work in the Law Officer's office has enormously increased, consequent on the increase in the number of Arbitration cases, suits and O.Ps in respect of construction works and writ petitions before the High Court in respect of service matters and contracts. It is practically impossible to make frequent and repeated correspondence with the various officers calling for details with the existing staff facilities in this office.

Hence all officers are concerned with the arbitration cases are requested to see that all details in respect of arbitration cases are forwarded to me as soon as the awards are passed, without waiting for a formal request from this office. It is needless to emphasise that timely action is required at all stages of arbitration to protect the interests of the Government. Objections against the award have to be filed within 30 (thirty) days from the date of receipt of the notice from the court regarding the filing of the award in court after containing the legal advice of the law officer. It may be specially noted that the court has no power to condone delay in cases of belated submission of objections on the award.

Sd/-
Law Officer.

To

All Superintending Engineers/ Executive Engineer/
Asst. Exec. Engineers (B & R) Irrigation/ Projects/
National Highways.

Forwarded / by order

Sd/-
Section officer.

/ copy /

Dtd: on EE/A1. 1162 /84. Dt. 23.10.84.

Copy to Assistant Executive Engineers, Forest Engineering
Sub Division, Trivandrum and Trichur ~~for guidance.~~

Technical Assistant, Divisional Accountant for guidance.
Copy to Executive Engineer's table.

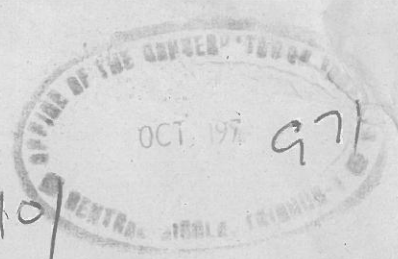

Executive Engineer.

Forest Engineering Division,
Trivandrum.

ss.24/10.

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GOVERNMENT OF KERALA
Abstract

State Committee on Environmental Planning and Co-ordination-
reconstituted-Orders issued.

HEALTH(S) DEPARTMENT

G.O.MS.No.194/79/HD. Dated, Trivandrum: 22-9-1979.

- Read: 1. G.O.MS.25/76/Plg. dated 24-4-76.
2. G.O.MS.14/78/HD dated 13-1-78.
3. G.O.(MS)134/78/HD dated 9-5-78.

ORDER

Government are pleased to reconstitute the State Committee on Environmental Planning and Co-ordination as indicated below:

- | | |
|---|------------------|
| 1. Chief Minister. | : Chairman. |
| 2. Minister, Public Health and Electricity. | : Vice Chairman. |
| 3. Land Use Commissioner | : Member. |
| 4. Special Secretary(Health) | : Member |
| 5. Secretary, Water & Transport. | : " |
| 6. Professor A. Abraham, Chairman, Science & Technology Committee. | : " |
| 7. Dr.K.N.Pai, Poojappura, Trivandrum. | : " |
| 8. Dr.P.N.Krishnan, Professor Centre for Development Studies, Trivandrum. | : " |
| 9. Shri.Zafar Fatchally, Worldlife Fund, Dodda Gubbi Post, Via. Vidayanagar, Bangalore. (Representative of the National Committee on Environmental Planning and Co-ordination, Government of India, New Delhi.) | : " |
| 10. Shri.N.Sundareswaran, Cashew Exporter, Quilon. | : " |
| 11. Chief Engineer, Public Health Engineering Department. | : " |
| 12. Chief Engineer, General Buildings and Roads. | : " |
| 13. Chief Engineer(Irrigation) | : " |
| 14.& | |
| 15. Chief Engineer, Projects (2 officers) | : " |
| 16.& | |
| 17. The Chief Conservator of Forests (2 officers) | : " |

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