

GOVERNMENT OF KERALA

Abstract

Arbitration – Insistence of speaking awards - Orders issued

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PUBLIC WORKS (H) DEPARTMENT

G.O.Ms.No.62/84/W&P

Dated, Trivandrum, 21-07-1984.

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Read:- G.O.Ms 53/78/PW Dated 02-05-1978.

ORDER

As per the G.O. read above, the applicability of Arbitration has been restricted to works the estimated PAC of which is Rs.2 lakhs and below. In most of the cases that go before the Arbitration, the awards are in favour of the Contractors and the cases involve huge sums of money. Since the awards are non speaking, it has become very difficult for Government to successfully challenge such awards in a court of law. Therefore the question of introducing a clause in the agreement making it obligatory for the Arbitrators to state the reasons for the award they pass has been under consideration of Government for some time past. Government have examined the matter in all its aspects and are of opinion that it is highly necessary to amend the agreement/code to make it obligatory for the Arbitrators to state the reasons for the award they make. Government therefore order that the agreement conditions be suitably modified making it obligatory on the part of the Arbitrator to state the reasons for his award and to quantity the amount awarded. Government also order that henceforth adequate Security Deposit shall be insisted upon for entertaining Arbitrator claims.

2. The Chief Engineer, General will forward necessary proposals to Government for amending the Public Works Department code/Manual immediately.

By Order of the Governor

To

All Chief Engineers etc.

Endt. On F6/156/84 dated 18-08-1984

Copy to the Superintending Engineer, Irrigation Central Circle, Trichur

Sd/-  
For Chief Engineer

Endt. On F6/156/84 dated 18-8-84.

Copy to the Executive Engineers for information and strict attention.

Copy to all seats in DB and E5

Copy to SE, PA, FA, AA, JS and HDs.

Copy to Stock File.

For Superintending Engineer