

**GOVERNMENT OF INDIA
ROAD TRANSPORT AND HIGHWAYS
LOK SABHA**

UNSTARRED QUESTION NO:3458
ANSWERED ON:03.09.2012
NHA
Jindal Shri Naveen

Will the Minister of ROAD TRANSPORT AND HIGHWAYS be pleased to state:

- (a) whether unfavourable rulings have been awarded against the National Highways Authority of India (NHA) by Disputes Resolution Board in a number of cases against infrastructure companies;
- (b) if so, the details thereof along with the total amount stuck therein;
- (c) whether NHA has set up a committee in this regard;
- (d) if so, the details thereof along with the recommendations made by the committee;
- (e) whether NHA has considered the option of out of court settlements in certain cases; and
- (f) if so, the details thereof and if not, the reasons therefor?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS (SHRI JITIN PRASADA)

- (a) As per terms of contract agreement the Dispute Resolution Board (DRB) make recommends on the issues raised by the parties. The recommendations are not considered as rulings and are not binding upon the parties. The Award of Arbitration passed by Arbitral Tribunal, which is the next step after DRB, is enforceable in law.
- (b) There are 251 cases comprising 1635 disputes pending before Arbitral Tribunals and Courts, including claims amounting to Rs. 11084.53 crores.
- (c) & (d) An Independent Expert Group (IEG) comprising former Chief Justice of High Court as head, former Dy C&AG, former Vigilance Commissioner and former DG (RD) & SS, MoRTH as Members of IEG has been constituted. 19 cases were referred to IEG till date, out of which recommendations on 17 cases have been made by IEG.
- (e) & (f) Also NHA has decided to constitute a six member Committee comprising three members each from NHA and National Highways Builders Federation (NHBF) to discuss amicable settlement on some generic issues.