

Guidelines for Empanelment and Nomination of Arbitrators, Presiding Arbitrators, Dispute Review Experts, Member/Chairman of Dispute Review Board and Conciliators etc.

1. Empanelment

1.1 A list of empanelled Arbitrators will be maintained by the IRC Secretariat. For this purpose, willing engineers may submit their applications in the prescribed proforma as per formats A-1 to A-5 (Appendix 1) to the IRC Secretariat alongwith the prescribed processing fee for empanelment.

1.2 The qualifications and eligibility criteria for selection of arbitrators are given below:

- (a) The person should be physically and mentally fit.
- (b) The person should hold at least a Bachelor Degree in Civil Engineering or its equivalent.
- (c) The person should have one year membership of IRC. The person should be a life member of IRC.
- (d) The person should have handled project work in highways at the level of Chief Engineer and above or equivalent.
- (e) The person should be holding the post of or retired from the post of at least Chief Engineer or above in the Central/State Government.
- (f) The person from the public sector should be holding the post of or retired from the post equivalent to at least Chief Engineer in the Central/State Government.
- (g) In case, person is from private sector, he should hold at least the post of Project Head or equivalent viz. Executive Director at the time of retirement of a Firm of repute having annual turnover of at least Rs.2000/- crores (Rupees two thousand crores).
- (h) The person should not have been convicted or facing any criminal prosecution.
- (i) The person should be 50 to 80 years of age.
- (j) The person should have experience in dealing with contract matters and contract disputes.

- 1.3 Applications received in IRC will be scrutinized by IRC Secretariat with respect to the qualifications and eligibility criteria. The empanelment of Arbitrators will be based on the approval accorded by the Executive Committee of IRC.
- 1.4 The applicants would be required to pay a non-refundable application fee of Rs.6,000/- (Rupees six thousand only) to IRC along with their application.
- 1.5 The empanelment would be done every 3 months and the list of empanelment would be valid for a period of four years. Before the expiry of the panel, the empanelled persons would be given opportunity for re-empanelment.
- 1.6 IRC would collect information regarding the cases in which the applicant has been associated with contract management, arbitration, and dispute resolution pertaining to civil works along with the application for empanelment and the details would be updated every year.
- 1.7 The list of empanelled Arbitrators so prepared would be applicable for nomination as Member/Presiding Officer of Arbitral Tribunal/Sole Arbitrator, Dispute Review Board/Expert, Adjudicator and Conciliators.
- 1.8 The Executive Committee may at any time add the name of any person to the list of Empanelled Arbitrators or delete the name of any person from the Panel without assigning any reason.

2. Nomination

- 2.1 The request for nomination of the arbitrator, adjudicator, conciliator, dispute review expert, and member/chairman of dispute review board should be accompanied by the copies of the contract indicating the dispute resolution/arbitration clause to be appointed by IRC.
- 2.2 The Department/Party requesting for the nomination would be required to pay a lump sum amount of Rs.50,000/- (Rupees fifty thousand only) as processing fee to the Indian Roads Congress for nomination.

- 2.3 The requests for nomination of the arbitrator, adjudicator, conciliator, dispute review expert, and member/chairman of dispute review board will be received by the Secretary General, Indian Roads Congress from the concerned parties giving salient particulars, such as, name of work, cost of work, stage of work, nature of dispute, amount of the claim involved, copy of arbitration clause in the contract, detail of claim, names of arbitrators appointed by each party, etc.
- 2.4 On receipt of the request for appointment of an arbitrator for a particular work, the Secretary General, IRC will prepare a short list of five arbitrators from among the list maintained in the IRC Secretariat and put up along with their information to the High Powered Committee for nomination. The nomination of Arbitrator may be considered within 30 days from the date of receiving the complete details and prescribed processing fee. If urgent meeting of High Powered Committee cannot be held, the matter may be decided by circulation or telephonic consent to be ratified at the next meeting. A standing order of the Executive Committee of the IRC is needed to authorize the High Powered Committee to nominate a person from the empanelled list.
- 2.5 The selection of an arbitrator will be decided depending upon the nature of dispute. The broad criteria for preparation of shortlist shall be as below:
- (i) The person should not be connected with the work or parties in dispute. Such an undertaking will need to be given by the Arbitrator appointed by the IRC within seven days of receiving the letter of appointment. In case the appointed Arbitrator refuses to give this undertaking or recuses himself, the IRC will appoint another arbitrator within a fortnight without any additional processing fee.
 - (ii) Persons who are having comparatively less number of arbitration/dispute Resolution cases in hand should be preferred.
 - (iii) Persons who have not been nominated by IRC earlier should be considered in preference to those whose name has been nominated before.
 - (iv) The arbitrator should be nominated from the adjoining State/U.T. in which the site of work is situated.

3. The expenditure in connection with the arbitration, such as fees, TA/DA, Secretarial and out of pocket expenses, etc. will be borne by the concerned parties in terms of the conditions of contract.
4. After completion of arbitration and declaration of the award, a copy of the award should be sent to the Indian Roads Congress for record.
5. IRC will not be responsible for the acts of commission/omission of the arbitrators and their job will be over once the name of the arbitrator is sent to concerned Department.
6. The High Powered Committee would have full discretion to nominate a person or a Group of persons or not to nominate a person without giving any reason.