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Policy on Empanelment of Arbitrators Panel on KRCL

KRCL will have one Empanelment of Arbitrator panel including Serving Railway Officers and Retd Railway Officers (Includes Railway PSU Serving/ retired officers) as per the Railway Board Policy and KRCL-GCC and/or its amendment from time to time.

KRCL shall normally follow the guidelines issued by Railway Board and Arbitration Act in force with respect to appointment of Arbitrators, payment of fees and other Arbitration matters.

The consolidated guidelines /policy as approved by Competent Authority are brought out together and a policy guidelines ON EMPANELMENT OF ARBITRATORS PANEL ON KRCL is as below :

Policy Details/Guidelines

1.0 Qualification of Arbitrators : As per Clause No.64.(3) (c) (iii) (i) of KRCL GCC and/or its amendment from time to time are :

- (a) Serving Railway Officers of not below JAG level.
- (b) Retired Railway Officers not below SA Grade level,one year after his/her date of retirement.
- (c) Age of arbitrator at the time of appointment shall be below 70 years.
- (d) An arbitrator may be appointed notwithstanding to the total number of arbitration cases in which he/she has been appointed in the past.

2.0 Vigilance Clearance

- (a) For retired Railway officers, Vigilance clearance from Railway board to be obtained through Vigilance Dept/KRCL.
- (b) No vigilance / disciplinary case should be pending against the serving officers at the time of submission of application for empanelment.
- (c) No penalty should have been imposed on the applicant in any vigilance / disciplinary case during past 5 years for serving employees and within 5 years of retirement for retired officers.
- (d) The applicant should not have been convicted or facing criminal prosecution and should not have been declared insolvent.
- (e) The retired officer should be physically and mentally fit to act as arbitrator

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3.0 General Conditions

- (a) In case of retired applicants, they should not be employed / engaged on full time basis anywhere at the time of application.
- (b) Submission of the application does not confer any right upon the applicant to be empanelled.
- (c) The applicant may or may not be empanelled and the present communication is merely an "Invitation to an Offer".
- (d) Empanelment does not confer any right to be assigned any case, which shall be at the sole discretion of KRCL and it may or may not assign any case at all to the person empanelled.
- (e) Preference will be given to the candidates having Engineering/Finance background except where the issue involved is legal or any other matter.

4.0 Methodology of Empanelment of Arbitrators Panel

- (a) Applications to be scrutinized by Engg Dept.(Open Line) and proposal to be prepared for Renewal/Fresh/ Deletion of Arbitrators.
- (b) Proposal shall be Examined by a nominated committee consisting of CE, FA&CAO and Law Officer.
- (c) Committee shall put up the recommendations to CMD through Dir(W&W).
- (d) Empanelment of Arbitrators Panel will be approved by CMD/KRCL.
- (e) KRCL shall reject any application without specifying any reason and the applicant shall not have any right to challenge through any means or legally of the decision taken by KRCL on his/her rejection of application or its further processing for empanelment.

5.0 Validity of Empanelment

The empanelment shall be valid for a period of Two Years or till attainment of the age of superannuation (in the case of serving officers) and 70 years (in case of retirees), whichever is earlier.

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6.0 Review of Empanelment of Arbitrators Panel

- (a) The review of empanelment of arbitrators shall be done once in a year in the month of April.
- (b) The last date for consideration of application for the year is during March month.
- (c) Application Received after the March month of the year, will be considered for the next year review empanelment.
- (d) Due to any internal delay in annual reviewing /processing of new applicants by KRCL , the existing arbitration panel shall continue till a new panel/reviewing is done.

7.0 Reconciliation of disputes and Settlement

Reconciliation of disputes and its settlement procedure shall be followed by appointing the conciliators as per the Clause No. 63 of KRCL GCC and/or its amendment from time to time.

8.0 Procedure for Appointment of Arbitrator for each case

- 8.1 Appointment of Arbitrator to be done as per Clause No. 64.(3)(a)(i) to (iii) of KRCL GCC and/or its amendment from time to time where applicability of section 12 (5) of Arbitration and Conciliation Act has been waived off.
- 8.2 Appointment of Arbitrator to be done as per Clause No. 64.(3)(b)(i) to (ii) of KRCL GCC and/or its amendment from time to time where applicability of Section 12 (5) of Arbitration and Conciliation Act has not been waived off.
- 8.3 Modification/ Change of appointment of Arbitrators to be done as per the Clause No.64(3) (c) (I), clause 64(3)(a)(i) and clause 64(3)(a)(ii) of KRCL GCC and/or its amendment from time to time.
 - (a) Arbitrator shall be liable to return all records pertaining to arbitration proceedings to KRCL.
 - (b) The Arbitrator is required to publish the award within 1 (one) year of the date of appointment in the case.

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9.0 Payment to Arbitrator member and other facilities

- (a) Fee and Emoluments to Retired Railway Officer(s) Working as Arbitrator(s) members shall be as per the Railway Board policy vide letter No 2009/CE-I/CT/I 4/Main dated 04.09.2019 and dated 01 04.2019 or any Rly Board new circular/guidelines from time to time
- (b) All expenses on arbitration shall be borne by claimants and KRCL .
- (c) KRCL shall not pay Contractor's share of fees to Arbitrators, if there is no Counter Claim from KRCL even if arbitral panel goes ahead on its own of finalizing and settling the case.
- (d) KRCL shall only pay its applicable share of Arbitration fees to members.
- (e) The fee shall be paid to the concerned Arbitrator as per above schedule only and application should be submitted only if the applicant is agreeable to the schedule mentioned above.

10.0 The provisions of Arbitration and Conciliation Act, 1996 as amended upto date, shall be followed in conduct of all arbitral proceedings unless otherwise provided in the contract and KRCL GCC and/or its amendment from time to time.

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