Autonomous Body under MoP, will be allowed only after obtaining the approval of Ministry of Power.

**9. Procedure in cases already pending before the Arbitral Tribunals / Courts:**

In cases of disputes pending before the Arbitration Tribunals or the Courts, both of the parties [i.e. Developer and Contractor] need to agree to explore the possibilities of conciliation through the Conciliation Committee of Independent Experts. In case of such agreement, an appropriate reference shall be made to the Conciliation Committee, upon which the Committee shall proceed to examine such reference(s). The option of resolution through conciliation through CCIE would be open only in the event of the parties withdrawing from arbitration proceedings and undertaking to forego their rights to proceed for further arbitration in the subject matter. However, other legal remedies would be open to the parties in the event of the conciliation proceedings not being successful.

**10.** The Conciliation Mechanism shall be available in all the existing and future contracts. Suitable provisions of Conciliation Mechanism shall be incorporated in the contract documents entered into in the future by all CPSUs/Statutory Bodies of Ministry of Power.

**11.** CCIE is an alternate dispute resolution mechanism being put in the place by the Ministry. If the Contractor is not willing to take recourse to this process or has any reluctance in this behalf, there shall be no compulsion to take such a recourse.

This issues with the approval of Hon'ble Minister of Power and New & Renewable Energy.

**(R. P. Pradhan)**
**Director (Hydel-II)**

1. Chairperson, CEA
2. Chairperson, CWC
3. CMDs / Chairman(s) of all the CPSUs / Statutory Bodies / Autonomous Bodies under the Ministry of Power

**Copy to**:

1. PS to Hon'ble Minister of Power & NRE
2. PS to HMoS for Power
3. Sr. PPS to Secretary (Power)
4. Sr. PPS to AS (SKG) / Sr. PPS to AS (VKD) / Sr. PPS to AS&FA
5. PPS to All Joint Secretaries in Ministry of Power
6. PPS to EA
7. All Directors / Deputy Secretaries / Under Secretaries / Deputy Directors, MoP

**Annex**

**Template Letter to be sent to the Concessionaire/ Contractor/ Consulting party**

From:

HOP – concerned Developer
Address …….
…….
…….

To

_____
_____
_____

No. _____ Date: _____

**Subject: Your reference dated _____ regarding the Dispute in the project _____ for a meeting at the level of CMD (Developer) and Chairman (Contractor Agency) for settlement.**

Sir,

Kindly refer to your above cited reference on the subject cited above. It is agreed to refer the matter for consideration of the CMD, Developer and Chairmen of BOD of the Contractor for settlement of the dispute. However, in order to arrive at any proposed conciliation, it would be useful if the team from the Developer and your Company / firm discuss and crystallise the issues in advance of the proposed meeting.

2. You are, therefore, requested to discuss the issues / disputes with the Developer team led by the Contract Management Division of the Developer on a date mutually convenient.

Yours Sincerely,

(_____)
HOD / General Manager
Concerned Developer

**Copy to**:

1. CMD, Developer
2. AGM(Project), Developer. It is requested that all correspondence / documents relating to the subject along with index may please be furnished to the Contract Management Division within 7 days of this letter.

ANNEX-II

**Government of India**
**Ministry of Power**

**Notification No. 11/22/2021-Th.II** **Date: 7th January 2022**

**INVITATION FOR EXPRESSION OF INTEREST (EoI) FOR EMPANELMENT OF MEMBERS OF CONCILIATION COMMITTEE OF INDEPENDENT EXPERTS(CCIE) FOR RESOLUTION OF DISPUTES IN CONTRACTS OF CPSUs/STATUTORY BODIES OF MINISTRY OF POWER**

## 1.0 Background

CPSUs/Statutory Bodies (Developer) executing power projects, have been raising concerns that the present modalities of dispute resolution are not adequate to expeditiously and effectively address the disputes between the developer and the contractors. The delay in resolution of such contractual disputes has been identified as one of the major reasons impacting timely completion of power sector projects. The existing mechanism of dispute resolution through Dispute Resolution Boards or Arbitration Tribunal often takes considerable time, which leads to sub-optimal cash flow for the contractors and in time and cost overrun of the projects.

After careful consideration, Government of India in the Ministry of Power has decided to constitute 3 Committees of Independent Experts (hereinafter CCIE) for settlement of disputes arising in contracts of CPSUs / Statutory Bodies executing power projects. Each of the three CCIEs, shall have three members having high level of integrity and proven track record. The Members shall be appointed from amongst the following categories:-

I. Former Officers of the rank of Secretary / Additional Secretary to the Govt. of India.
II. Sector Experts having substantial domain knowledge of project development and O&M of power projects.
III. Experts in Finance with experience in senior positions of Financial Institutions.

Provided that one of the Members in each CCIE should be from the category mentioned at (II) above i.e. sector expert having substantial domain knowledge of project development and O&M of power projects.

The main objectives of CCIE are as follows:

- To provide faster and cost effective mechanism for resolution of contractual disputes.
- For expeditious elimination of disagreements in a just and fair manner.
- To avoid time and cost overruns to ensure timely completion of the Projects.

With the above objectives in view, Ministry of Power, Govt. of India, intends to select and empanel members of CCIE with high level of integrity and proven track record, by adopting a transparent and objective selection process as per the requirements set out in this EoI.

## 2.0 Expression of Interest

Expression of Interest (EoI) is invited from domestic individual for empanelment as members of CCIE for settlement of disputes arising in contracts of CPSUs / Statutory Bodies executing power projects.

## 3.0 Eligibility and Experience Requirements

A retired person with the following qualifications and experience shall be eligible to apply to be empanelled as member of CCIE:

**Category – I**:

Has held the post of the rank of Secretary / Additional Secretary to the Government of India in any of the Ministries/Departments.

**Category-II**:

Has held the post of full time functional Director (dealing with technical matters) / CMD in the Board of a CPSU operating in the field of power generation, distribution or transmission.

Or

Has held the post of full time functional Director (dealing with technical matters) in the Board of a State PSU/Private Sector Company (with annual turnover of Rs 2000 crore or above) operating in the field of power generation, distribution or transmission.

Or

Has held the post of Chairperson/Member in Central Electricity Authority/Central Water Commission.

**Category-III**:

Has held the post of full time functional Director/CMD in the Board of a Scheduled Commercial Bank/Financial Institutions/NBFCs (including REC/PFC/IREDA)

## 4.0 Broad Scope of Work

The broad scope of work of the CCIE shall include the following:

- Once a conciliation request has been raised by the contractor, within 30 days the same shall be referred to the CCIE in the event of the matter remaining unresolved internally. The CMD/Board of the Developer may suitably decide