

an amount involved in the dispute below which it would not go into the exercise of conciliation after weighing the nature and quantum of disputes in the concerned organization.

- The Developer will also be free to suggest the option of resolution of disputes by conciliation in case a dispute has arisen. The case will be referred to the CCIE as per the preference of the Contractor after leaving out those CCIEs which are unavailable due to work load or any other reason like conflict of interest. A CCIE will normally be considered unavailable if it is handling cases to such an extent that there would be avoidable delay in the event of more cases being taken up by the same CCIE.
- Members of CCIE, shall declare any conflict of interest in advance. They should not have been engaged for providing any other services to any of the parties i.e. either Owner or Contractor in the last five years (s).
- The conciliation proceedings shall be completed in each case through 5 sittings in a period of not more than three months from the date the reference made to the CCIE.
- In exceptional cases, if any dispute so merits, the time period may be extended at the discretion of Conciliation Committee (with reasons to be recorded in writing), for a further period of three months. In case, a particular dispute requires more than 5 sittings, the same may be held at the discretion of the CCIE but with a cap on payment of fee for 5 sittings only.
- The CCIE shall hold day to day sitting at a suitable place (preferably the headquarter of the Developer or New Delhi) and may hold as many sittings every month as it deems appropriate keeping in view the volume of work.
- The procedure of CCIE shall not be treated as alternate arbitration proceedings where both parties come with Statement of claims/defence, arguments/counter arguments, rejoinders, written submissions etc., aided by their respective lawyers. The forum of CCIE is a conciliation forum, where mutual give and take constitutes the essence, rather than strict legal positions of the parties. Hence, the parties are expected to be brief and to the point before the committee with regard to their respective stance and view the exercise in the spirit of conciliation / settlement.
- The Conciliation process shall be conducted under Part III of the Arbitration and Conciliation Act, 1996. The Conciliation Committee would either be able to resolve and settle and dispute(s) between the parties, or the process may fail. In case of failure of the conciliation process at the level of the Conciliation Committee, the parties may withdraw from conciliation process and take recourse to the laid down legal process of Courts. However, the option of Arbitration would not be available once the conciliation mechanism is sought to be exercised. In the event of the conciliation proceedings being successful, the parties to the dispute would sign the written settlement agreement and the conciliators would authenticate the same. Such settlement agreement would then be binding on the parties in terms of Section 73 of the Arbitration and Conciliation Act, 1996
- The possibility of non-availability of any one of the members of CCIE in any proceedings cannot be ruled out. As such, the Committee comprising the other two members shall be competent to proceed in the matter. The proceedings of the Committee shall not be vitiated if one of the three members

of CCIE is not present in the deliberations of the Committee. When the parties sign the settlement agreement, at least two conciliators shall authenticate the same. Such conciliation proceedings shall be considered valid and the settlement agreement will be binding on the parties.

- After successful conclusion of proceedings, the Parties to the conciliation process, have to undertake and complete all necessary actions for implementation of the terms of settlement within a period of 30 days from execution of settlement agreement, unless a different timeline not exceeding 60 days is agreed upon in settlement agreement. All pending claims of parties, in connection with the dispute, before any other legal forum are to be withdrawn within the said 30 days in pursuance of the settlement agreement.

5.0 Process of selection of a Member of CCIE:

By evaluating the EoI submitted by the applicants, Ministry of Power, Govt. of India, would assess their capabilities for empanelment as Member of CCIE, for the proposed scope of work. Ministry of Power may use available independent data for evaluation of the applicant(s) and information that has been submitted against this document. Ministry may also call for original of the supporting documents for verification, if so deemed fit and also cross check any detail as furnished by the applicant from any other source.

The members selected through this process shall be empaneled by Ministry of Power. 3 panels of CCIE shall be prepared from the empanelled list and would be published by the Ministry of Power on its website. Each CCIE would comprise three Members.

In case of adverse findings about any of the members of CCIE such as not performing duties or lack of integrity, that member would be dropped by the Ministry from the CCIE and he/she will be replaced by a new member of the same category from the panel.

Ministry reserves the right to reject any applicant, if:

- At any point of time, it is found that the applicant has a Conflict of Interest. Applicant should not have been engaged for providing any other services to any of the parties i.e. either Owner or Contractor in the last five years (s).
- At any point of time, it is found that the applicant(s) has misrepresented the facts or information; or
- The applicant does not reply promptly and thoroughly to the request for supplementary information, as may be required for evaluation.

6.0 Tenure of Engagement

The panel of Independent Experts would remain valid for a period of three (3) years from date of its formation and validity of panel can be extended but not beyond total tenure of five years.

7.0 Terms and Conditions for Payment to members of EI

Each member of CCIE would be paid a sum of Rs. 50,000/- as sitting fee (per sitting). In addition, Rs. 5,000/- per sitting will be paid for local transport charges for each day of proceeding. The conciliation proceedings shall be completed in each case through 5 sittings in a period of not more than three months from the date the reference made to the CCIE. In exceptional cases, if any dispute so merits, the time period may be extended at the discretion of Conciliation Committee (with reasons to be recorded in writing), for a further period of three months. In case, a particular dispute requires more than 5 sittings, the same may be held at the discretion of the CCIE but with a cap on payment of fee for 5 sittings only. The local transport charges shall, however, be paid as provided for each day of sitting beyond the 5 sittings. The CCIE shall hold day to day sitting at a suitable place (preferably the headquarter of the Developer or New Delhi) and may hold as many sittings every month as it deems appropriate keeping in view the volume of work.

8.0 Submission of Expression of Interest (EOI)

Interested applicants are requested to submit their application complete in all respects, with details as outlined below. The application submitted by the Applicant shall include;

- EOI Letter from the Applicant;
- Detailed Curriculum Vitae (CV) showcasing the required eligibility and experience requirements as per this EOI request;
- Documents justifying the relevant experience of the Applicant including certificates/letters of position held, roles delivered and other statements of tenure;
- List of relevant experience of applicant and any specific cases successfully handled pertaining to dispute avoidance or dispute settlement in various projects;
- Confirmation regarding Conflict of Interest provision as outlined in para 5 of this EOI request;
- Confirmation on Scope of Work, Payment Terms and other terms and conditions specified in EOI;
- Confirmation on adherence to Standard Operating Procedure (SOP) provided in Point No.-4 of this EOI request.

All documents as required above shall be furnished by the applicant **through** email at email id i.e. hydro2-mop@gov.in. Each page of the document submitted, shall be duly authenticated by the applicant.

The application (in response to this EOI) and all correspondence incidental to the application shall be written in ENGLISH language only. Any printed literature and document submitted in any other language shall be accompanied by authenticated English translation, in which case, for the purpose of interpretation of the

application, English translation shall govern. Responsibility for correctness in translation shall lie with the applicant.

9.0 Submission Details

The interested applicant should submit the information/documents through email on above mentioned email id mentioning the subject as “*EXPRESSION OF INTEREST (EOI) for EMPANELMENT AS MEMBER OF CONCILIATION COMMITTEE OF INDEPENDENT EXPERTS(CCIE)*”.

The Expression of Interest from interested candidates should reach this Ministry, on the aforesaid email i.e. hydro2-mop@gov.in, within 21 days from the date of issuance of this notification on the website of Ministry of Power. EOI(s) received after the stipulated time-frame shall not be entertained.

10.0. No Contractual Obligation

Ministry shall not be bound contractually or in any other way to any applicant to this EOI. Ministry is not liable for any costs or compensation in relation to the consideration of this EOI.

All Expression of Interest documents, upon submission by any applicant to this EOI shall become the property of Ministry.

11.0 Disclaimer

Issue of this document does not in any way commit or otherwise obliges Ministry to proceed with all or any part of a tender process. The EOI Request is not the subject of any process contract or any contractual obligations between Ministry and the applicants to the EOI.

Further, Ministry may, at its absolute discretion either modify or abandon any part or whole of the document and / or process, without giving prior notice to any or all the applicant.
