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DY. DIRECTOR (SYSTEMS)-VII

DIARY No. 859

DATE 28/07/2026



निदेशक (प्रणाली) दि.दि. 27
डायरी नं. 1296
दिनांक 28/07/26

दिल्ली विकास प्राधिकरण
DELHI DEVELOPMENT AUTHORITY
ई.एम. सचिवालय
E. M's SECRETARIAT

No. EM2(3)2026/RZ/159/DDA/661

Dated: 27/7/26

MINUTES OF THE 946th MEETING OF ASB HELD ON 23.07.2026

946th meeting of Arbitration Scrutiny Board (ASB) under the chairmanship of CE(HQ), DDA was held 23.07.2026 at 05:30 P.M. in the chamber of CE(HQ), DDA to deliberate the judgement dated 15.05.2026 of Hon'ble High Court of Delhi in FAO (COMM) 233/2025 in the matter of DDA vs M/s Integrated Techno Systems Pvt for the following work: -

N.O. W : Protection of Vacant Land in Rohini Zone, DDA.
SH: Total Survey Station of Vacant Land in Sector-26, 31, 32, 33, 38, 39, 40 & 41 at Rohini.
Agency : M/s Integrated Techno Systems Pvt Ltd.
Agmt.No. : 07/EE/RPD-XI/A/2015-16

The case was submitted by CE(Rohini) vide e-file Computer No.77177.

The meeting was attended by the following officers: -

1. Shri Sanjay Kumar Khare	CE(HQ), DDA	Chairman
2. Shri Anand Prakash	CE(Rohini)	Executive Member
3. Shri Manohar Lal	Addl. CLA/DDA	Member
4. Shri B. M. Tewari	Director(Finance)	Member
5. Shri Amit Singh	Dir. (Works)	Member, Secretary

Other attendees:

1. Sh. Shivam Agrawal, EE/RMD-3/Rohini.
2. Sh. Prashant Kumar, E.O.-I to EM.

The case was presented by Sh. Anand Prakash, CE (Rohini).

BRIEF HISTORY OF THE CASE IS AS UNDER: -

Name of Work: -	Protection of Vacant Land in Rohini Zone, DDA. SH: - Total Survey Station of Vacant Land in Sector-26, 31, 32, 33, 38, 39, 40 & 41 at Rohini Zone.
Agreement No.	07/EE/RPD-XI/A/2015-16
Estt. Cost:	Rs. 1,02,00,000/-
Tend. Amt.:	Rs. 30,51,840/- (70.08% below)
St. date of Start:	01.09.2015

St. date of Completion: 15.10.2015
Act. date of completion: 16.08.2016
EOT: 305 days without levy.

The above cited work was awarded to M/s INTEGRATED TECHNO SYSTEMS PVT. LTD. with period of completion as 45 days. The date of start of work was 01.09.2015 and stipulated date of completion of the work was 15.10.2015, but the work could not be completed on scheduled date of completion and work was completed on 16.08.2016.

The disputes arose between DDA and agency (claimant) in aforesaid work. Accordingly, the claimant had moved an application dated 20.08.2019 before Engineer Member, DDA under clause 25 of the contract Agreement. Engineer Member, DDA vide communication No. EM2(07)2019/Arbn./Vol.VIII/Pt.-144/DDA3176 dated 28.10.2019 appointed Sh. R.N. Dandekar, Addl. D.G.(Retd.), CPWD as Sole Arbitrator to decide the disputes raised as per provisions of The Arbitration and Conciliation Act, 1996 (in short: "Act of 1996") as amended upto date by way of passing the Award. The parties completed their pleadings before the said learned Sole Arbitrator. Thereafter, the Claimant filed a petition before Hon'ble High Court of Delhi under Sections 14(2) read with Section 15 and 12(5) of the Act being O.M.P.(T) COMM.) 34/2020 seeking termination of mandate of Arbitrator unilaterally appointed by the Respondent. Allowing the said petition Hon'ble High Court appointed Sh. S. K. Sarvaria, Former District & Sessions Judge Delhi as Sole Substitute Arbitrator by terminating the mandate of Sh. R.N. Dandekar, Addl. D.G (Retd.). CPWD vide Order dated 03.01.2022 with specific direction that the proceedings already conducted before erstwhile Arbitrator shall not be repeated before the Substitute Arbitrator. Accordingly, Sh. S. K. Sarvaria have made declaration under Section 12 of Arbitration and Conciliation Act, 1996 as on 11.01.2022 and gave it to the parties accordingly, on the same day.

After completion of proceeding the Ld. Arbitrator has pronounced the award dated 27.02.23 amounting to Rs. 57,09,128/- including interest (pre-arbitration calculated @ 9% p.a. payable for 947 days i.e. upto 180 days after date of submission of final bill i.e. 25.03.2017 to 28.10.2019-date of appointment of arbitrator and pendent elite calculated @9% p.a. payable for 1217 days from 29.10.2019 to 27.02.23- date of award). The future interest has awarded @11% p.a. from 28.02.23 till payment.

The claim-wise details of the award are as under: -

Claim No.	Details of claim	Claim amount	Award
1	Claim of Rs 3,80,152/- on account of Non-Release of due payment Against item no.1 of the agreement	Rs 3,80,152/-	Rs 2,95,081/-
2	Claim of Rs 18,24,891/- on account of additional cost for carrying out Topographical Survey work for the Three DDA parks (i.e. Avantika Park,	Rs 18,24,891/-	Rs 9,12,445/-

	Swaran Jayanti Park, District Park)		
3	Claim of Rs 8,50,123/- on account of clearing Jungle uprooting of rank vegetation, Grass, Brush, Wood, Trees and saplings of Girth upto 30cm measured at a height of 1m above GL and removal of Rubbish upto a distance of 50m outside the periphery of the area cleared	Rs 8,50,123/-	Rs 6,50,000/-
4	Claim of Rs 2,04,000/- on account of Non-Refund of EMD(Earnest Money Deposit)/Security Deposit	Rs 2,04,000/-	Nil
5	Claim of Rs 31,11,000/- Against Loss of Profits and Overhead Charges During the Period of Prolongation of Contract	Rs 31,11,000/-	Rs 24,75,000/-
6	Claim of interest Payment :- Pre-suit, Pendente Lite and Future Interest @15% P.A. Compounded yearly from the Due date of unpaid Principal Amount Under claim No. 1,2 & 3 Till the date of actual payment. (in SOC it was mentioned to be calculated as per actual date of payment) *** (Pre-Arbitration and Pendente Lite interest as calculated upto 31.01.2023- assumed date of award by the claimant as submitted in Synopsis during the course of arbitration proceedings by the claimant)	Rs 31,00,508/-	Rs 9,76,602/- (Pre-arbitration and Pendente Lite Simple interest upto calculated @9% p.a. upto date of award i.e. 27.02.2023
7	Claim on account of amount Payable against GST(Goods and Service Tax) @ 18% on claim No. 1,2,3,5,6 & 8 as payable under the clause 38 of the agreement	To be calculated based upon the claims on claim No. 1,2,3,5,6 and 8 @ of GST applicable at the time of payment (presently 18%)	Declaratory award based on the claims awarded under Claim nos. 1,2,3,5,6 and 8 by this tribunal @ of GST as applicable at the time of payment (presently 18%)
8	Claim of Rs 6,00,000/- on account of cost of arbitration and legal expenses	Rs 6,00,000/-	Rs 4,00,000/-
	Total award amount		57,09,128

The Award was referred to the Panel Lawyer, Sh. Tarun Sharma, for legal opinion. The Panel Lawyer advised that the Award be challenged before the District Court under Section 34 of the Arbitration and Conciliation Act, 1996.

Thereafter, the case was placed before the Arbitration Scrutiny Board (ASB). Accordingly, 866th meeting of ASB was held on 17.05.2023 in the chamber of Chief Engineer (HQ), DDA wherein after due discussion and deliberation the ASB was also of the view that the award of the Arbitrator may be challenged as per recommendations of CE(Rohini).

Accordingly, objections under Section 34 of the Arbitration and Conciliation Act, 1996 were filed before the Hon'ble District Court, Rohini. The Hon'ble District Court, vide judgment dated 16.07.2024, dismissed the petition and upheld the Arbitral Award stating that "the impugned Award dated 27.02.2023, passed by the learned Arbitrator is logical, the same has been passed after due consideration of the material on record and the petitioner has miserably failed to point out any flaw therein. The petition is, therefore, found to be meritless; same accordingly stands dismissed."

In the meantime, the DH filed an Execution Petition before the Hon'ble District Court, Rohini. Accordingly, an amount of Rs.32,70,548/- on account of 50% of the principal and interest amount deposited before the Hon'ble Court was released in favour of the DH on 21.10.2024.

Further, the judgment dated 16.07.2024 of the Hon'ble District Court was referred to the Panel Lawyer for further legal opinion. The panel lawyer opined that there are reasonable grounds to challenge the District Court judgment before the Hon'ble High court of Delhi under Section 37 of the Arbitration Act. The primary contention would be the non-consideration of specific claims and the apparent over-reliance on the arbitrator's findings without independent judicial scrutiny. Legal department of DDA also agreed with the opinion of Panel Lawyer and also of the opinion that concerned department may take decision to challenge the order of District Court, however, the final decision is to be taken by ASB.

Hence, the matter was again placed before the Arbitration Scrutiny Board. ASB after due deliberation & discussion in its 897th meeting held under the chairmanship of CE(HQ) on 03.10.2024, decided that the award of the Arbitrator may be challenged as per recommendations of CE(Rohini) in Hon'ble High court of Delhi.

Accordingly, the judgment of the Hon'ble District Court was challenged before the Hon'ble High Court of Delhi under Section 37 of the Arbitration and Conciliation Act, 1996. In the meantime, an FDR amounting to Rs.36,97,520/- towards the balance principal amount along with interest was submitted before the Hon'ble District Court Rohini.

Now, the Hon'ble High Court, vide judgment dated 15.05.2026 has dismissed the appeal of DDA in FAO (COMM) 233/2025 and upheld the judgment of the District Court as well as the Arbitral Award. In the meanwhile, DDA's application regarding non-applicability of GST is pending adjudication before the Executing Court

Recommendation of Panel Lawyer: -

"...it is our considered legal opinion that the Judgment dated 15.05.2026 passed by the Hon'ble High Court of Delhi in FAO (COMM.) No. 233/2025 does not disclose any apparent jurisdictional error or departure from the settled principles governing condonation of delay in commercial arbitration matters. The Hon'ble High Court has exercised its discretionary jurisdiction after examining the explanation furnished by DDA in the light of the law laid down by the Hon'ble Supreme Court.

At the same time, it cannot be overlooked that the principal impediment in the present matter arose on account of the delay in the initial filing of the appeal. The issue of delay in re-filing, though substantial, ordinarily stands on a different footing and is generally viewed with comparatively greater latitude by constitutional courts where a satisfactory explanation is forthcoming. Had the appeal itself been originally filed within the prescribed period of limitation, the challenge would have stood on a materially stronger footing for consideration on merits. Consequently, the present case cannot be viewed as one where the proposed Special Leave Petition is wholly devoid of legal substance.

Nevertheless, having regard to the limited scope of interference under Article 136 of the Constitution, the fact that the impugned judgment is founded upon binding precedents of the Hon'ble Supreme Court, and the discretionary nature of the order refusing condonation of delay, the overall prospects of success in a proposed Special Leave Petition appear moderately weak. In our considered assessment, while an arguable case may be projected before the Hon'ble Supreme Court, the likelihood of securing interference with the impugned judgment remains limited.

Accordingly, from a purely legal perspective, we do not consider the present matter to be one carrying a high probability of success before the Hon'ble Supreme Court. However, since the decision to invoke Article 136 also involves considerations extending beyond legal merits, including the financial implications of the award, institutional policy, precedential value of the dispute and other administrative considerations; the question whether to pursue a Special Leave Petition ultimately remains within the domain of the competent authority of DDA.

Should the competent authority, upon balancing the legal position with its administrative, financial and institutional considerations, consider it appropriate to pursue further proceedings notwithstanding the moderate litigation risk, such decision would remain a matter of departmental policy and business prudence rather than one dictated solely by the legal merits of the case.

Without prejudice to the above, it is advisable that DDA further streamline its internal litigation management mechanism, particularly with respect to timelines for obtaining legal opinions, decision-making by the Arbitration Scrutiny Board, movement of files, and engagement with Panel Counsel, so that valuable statutory remedies are not imperiled on account of avoidable procedural delays in future matters.

In view of the foregoing discussion and analysis of the facts and circumstances of the present case, it is our considered opinion that, although sufficient legal grounds exist to invoke the jurisdiction of the Hon'ble Supreme Court by way of a Special Leave Petition challenging the impugned judgment, the likelihood of success remains moderately weak. This is primarily because the issue relates to condonation of delay in an appeal under Section 37 of the Arbitration and Conciliation Act, 1996, an area

in which the Hon'ble Supreme Court has, through a series of authoritative pronouncements, consistently adopted a strict approach while applying the principles governing limitation. Consequently, the scope for interference under Article 136 of the Constitution stands considerably narrowed. Nevertheless, should the competent authority of DDA, having regard to its administrative, institutional and policy considerations, deem it appropriate to pursue the matter, it may take a conscious departmental decision to prefer a Special Leave Petition and invite the Hon'ble Supreme Court to exercise its extraordinary discretionary jurisdiction in the peculiar facts of the case, including to consider whether the interests of justice warrant examination of the matter on merits notwithstanding the issue of limitation.

Recommendation of Legal Department/CLA: -

"It has been observed by the Hon'ble Court that there has been a significant delay in filing and re-filing of the case/appeal. The Hon'ble Court has referred the judgment of Government of Maharashtra vs. Borse Brothers Engineers & Contractors Pvt. Ltd: whereby It was held that the delay is to be condoned by way of exception and not by way of rule. And, keeping in mind the standards laid down by the Supreme Court in the judgements cited supra, the Hon'ble High Court has held the explanation as not sufficient to condone the delay in filing and re-filing the appeal. Therefore, dismissed the case on the ground of delay without going into merits.

Panel lawyer has opined that although sufficient legal grounds exist to invoke the jurisdiction of the Hon'ble Supreme Court by way of a Special Leave Petition challenging the impugned judgment, the likelihood of success remains moderately weak. The scope for interference under Article 136 of the Constitution stands considerably narrowed.

After examining the judgment of the Hon'ble High Court and the opinion of Panel lawyer, I am of the considerate view that chances for success in SLP remains bleak. However, Department may take administrative decision accordingly".

Recommendation of EE/RMD-3/Rohini: -

The 50% of the award amount, along with the applicable interest, deposited before the Hon'ble Rohini Court has already been released to the Decree Holder (DH) by the Hon'ble Court. Further, the remaining principal amount, along with interest accrued up to 22.08.2025, has also been deposited before the Hon'ble Rohini Court. It is likely that the said amount will also be released to the DH on the next date of hearing, i.e., 07.08.2026. Further, DDA's petitions under Sections 34 and 37 of the Arbitration and Conciliation Act have already been dismissed by the Hon'ble Rohini Court and the Hon'ble High Court, respectively.

In view of the above, the undersigned is agreed with the comments of Ld CLA as chances for success in SLP remains bleak. However, Department may take administrative decision accordingly.

Recommendation of SE/RCC-1/Rohini: -

Agreed with the comments given by EE/RMD-3 as chances for success in SLP remains bleak. However, Department may take administrative decision accordingly.

Recommendation of CE(Rohini): -

In view of above recommendations of Panel Lawyer, CLA, EE/RMD-3 and SE/RCC-1, this office is also of the view that award of Ld. Arbitrator may not be challenged.

RECOMMENDATION OF ASB:

The petition made u/s 34 of Arbitration and Conciliation Act to challenge impugned arbitral award dated 27.02.2023 has been dismissed by the Hon'ble District Court Rohini vide its judgement dated 16.07.2024 in OMP (COMM) 77/2023.

The judgement dated 16.07.2024 of Hon'ble District Court Rohini has been challenged in Hon'ble High Court of Delhi u/s 37. However, the Hon'ble High Court of Delhi vide its judgement dated 15.05.2026 in FAO (COMM) 233/2025 has also dismissed DDA's petition.

ASB has considered the opinion of Panel Lawyer, Legal Department and Chief Engineer(Rohini) that the scope for interference under article 136 of constitution stands considerably narrowed and thus the likelihood of success of interference with impugned judgment dated 15.05.2026 by way of a Special Leave Petition before Hon'ble Supreme Court of India remains moderately weak. Accordingly, ASB, keeping in view the narrow scope of interference by way of SLP and future litigation cost, ASB has recommended to accept the judgement dated 15.05.2026 in FAO (COMM) 233/2025.

As per revised delegation of power issued vide no. EM1(10)2018/Del. Of Power/DDA/260 dated 29.01.2019 by CE (HQ) DDA, EM/DDA with consultation of CAO is the Competent Authority to accept / challenge in respect of award amount of more than Rs. 25 lacs and less than Rs. 100 lacs with due scrutiny by Arbitration Scrutiny Board headed by CE(HQ)/DDA.

-Sd-
Amit Singh
Dir(Works)
Member Secretary

-Sd-
B. M. Tewari
Director(Finance)
Member

-Sd-
Manohar Lal
Addl. CLA
Member

-Sd-
Anand Prakash
CE (Rohini)
Executive Member

-
Sd-
Sanjay Kumar Khare
CE (HQ)
Chairman

Director(Works), DDA

Copy to: -

1. EM/DDA for kind information.
2. All concerned.
3. Director (System) for uploading on DDA website.
4. EE/RMD-3/DDA Deepali Chowk, Sector-3, Rohini, Delhi-110085 for information please.

Goshi
28.7.26

DD(S) Sh. Vishwas
25/7/26

Sn. Dev, Engineer

Amit Singh
27.07.2026
Director(Works), DDA