

Action Taken Report on the decisions taken by the CCEA in respect of Construction sector up to January 2019

| 1 | Switching over to the provisions of amended Arbitration Act | | | | Remarks |
|-------|--|--------------|---------------------------------|----------------------------------|---|
| (i) | No. of ongoing Arbitration proceedings | 53 | | | |
| (ii) | No. of cases in which communications have been sent to the contractors/concessionaires to seek their consents | 46 | | | Not applicable in 1 case because hearings have finished; only award is to be announced |
| (iii) | No. of cases in which consent from the contractors/concessionaires have been received | 15 | | | |
| 2 | Release of 75% of the Arbitral amount against a bank guarantee | No. of cases | Total award Amount (in Rs. Cr.) | 75% of award amount (Rs. In cr.) | |
| (i) | No. of cases along with amount involved in which the arbitral award has been challenged in the court by the Ministry/Department/PSU. | 71 | 820.15 | | In 1 case of Maharashtra, award has been upheld by court and PWD has recommended for payment. |
| (ii) | No. of cases along with amount involved in which communications have been sent to the contractors/concessionaires for opening of the Escrow Accounts and submission of the bank guarantee. | 54 | 563.64 | | In 4 cases of Haryana, the contractors have not been written because in these cases either the awards have been stayed or set aside by the courts. In one case of H.P., PWD has challenged the award in court wrt interest part and price escalation, hence consent not sought. |
| (iii) | No. of cases along with amount involved in which the contractors/concessionaires have opened the escrow account and furnished the bank guarantee | 5 | 378.2 | 283.665 | In 2 cases of Kerala, Contractor refused to give consent. For other cases where reply is awaited from contractor, ROs have been requested to issue reminders. In 6 cases of W.B., release of payment not applicable. |
| (iv) | No. of cases along with the amount in which 75% of the arbitral award has been released. | 5 | 378.2 | 283.665 | |