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## **Gujarat Public Works Disputes Arbitration Tribunal Rules, 1993**

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## **Gujarat Public Works Disputes Arbitration Tribunal Rules, 1993**

WHEREAS the draft of the Gujarat Public Works Contracts Disputes Arbitration Tribunal Rules, 1992 were published as required by sub-section (1) of section 20 of the Gujarat Public Works Contracts Disputes Arbitration Tribunal Act, 1992 (Guj. 4 of 1992) at pages 153-I to 153-6 of the Gujarat Government Gazette, Extraordinary, Part IV-B, dated the 30th June, 1992, under Government Notification, Legal Department No. GK/21/92/ARB/1092/606/K, dated the 30th June, 1992, inviting objections or suggestions from all persons likely to be affected thereby within thirty days from the date of publications of the said notification in the Official Gazette; AND WHEREAS, the objections and suggestions which were received by the Government on the said draft have been considered by the Government. NOW, THEREFORE, in exercise of the powers conferred by section 20 of the Gujarat Public Works Contracts Disputes Aribtration Tribunal Act, 1992 (Guj. 4 of 1992), the Government of Gujarat hereby makes the following rules, namely :

### **1. . :-**

(1) These Rules may be called the Gujarat Public Works Disputes Arbitration Tribunal Rules, 1993.

(2) They shall come into force from the date of the commencement of the Act.

## **2. Definitions :-**

In these rules, unless, the context otherwise require :

(a) "Act" means the Gujarat Public Works Contracts Disputes Arbitration Tribunal Act, 1993;

(b) "High Court" means the High Court of Gujarat;

(c) "Form" means the form appended to these Rules.

(d) "Schedule" means the schedule appended to these rules;

(e) Other words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the Act.

## **3. Salary and allowances of Chairman and Members :-**

(1) When a person in service is appointed as Chairman or Member of the Tribunal, he shall be entitled to the same pay and allowances as admissible to him under the post held by him prior to his appointment as a Chairman or Member, as the case may be, in the Tribunal.

(2) When a Chairman of the Tribunal, at the time of his appointment a such, has retired from the post of a Judge of the High Court, and is in receipt of or has become entitled to receive, pension, he shall be entitled to:

(a) receive last pay drawn minus pension (including any portion of pension which may have been commuted.)

(b)

(i) other allowances, medical and conveyance facilities,

(ii) rent free accommodation or House Rent Allowance in lieu thereof; as admissible to sitting Judge of the High Court; and

(c) Leave and Leave Travel concession for self and family as admissible to other re-employed pensioners, and such entitlement shall be that of the highest grade in Central Government.

(3) When member of the Tribunal, at the time of his appointment as such, has retired from the post of District Judge, Secretary of Chief Engineer and is in receipt of or has become entitled to receive pension, he shall be entitled to the last pay drawn minus pension (including any portion of pension which may have been commuted) and shall also be entitled to the allowances as may be admissible under the Bombay Civil Services Rules or orders of the Government.

#### **4. Continuance as Chairman or member after his retirement :-**

When a person in service appointed as a Chairman or Member retires in accordance with the Terms and Conditions of his service applicable to him prior to appointment in the Tribunal, he shall be continued as a Chairman or Member, as the case may be, till the completion of his tenure as provided in Section 4 of the Act:

Provided that after such retirement such Chairman or Member shall be entitled to pay and allowances in accordance with the relevant provision of Rule 4.

#### **5. Conditions of Services :-**

Chairman and Member shall be governed by the same conditions of service as may be applicable to them prior to their appointment as such.

#### **6. Reference to Tribunal :-**

(1) In the case of dispute between the parties to the works Contracts, Reference to the Tribunal for arbitration shall be made by either Party in Form-A appended to these rules.

(2) The person making the reference to the Tribunal for arbitration shall be called the petitioner and any other person served with a notice thereof shall be called the respondent.

(3) Every such reference shall contain brief contents of the Works contracts, differences and nature thereof, claim relief asked for, valuation of the reference, a list of documents, in Form 'B' appended to these rules, on which he seeks to rely, alongwith all the documents referred to therein and shall clearly specify the persons/persons liable to the affected by the claim contained in the reference.

(4) Every petition shall be accompanied by copies of reference and

documents for being served upon and supplied to each respondent.

**7. Notice :-**

A notice in respect of Reference to the Tribunal under section 8(1) shall be issued to the respondent to show cause in Form 'C' appended to these rules.

**8. Levy of Fees :-**

The fees in respect of the reference to the Tribunal and other matter shall be as specified in the Schedule appended to these rules.

**9. Collection of fess by Court-fee Stamp :-**

All fees referred to in the forgoing rule except the fees for supply of certified copies shall be collected by Court-fee stamp.

**10. Cancellation of stamp :-**

No document requiring a stamp under these Rules shall be filed or acted upon in any proceedings before the Tribunal unless the stamp has been duly cancelled by such officer as the Tribunal may, from time to time appoint, by punching out the figure-head so as to leave the amount designed on the stamp untouched and the part removed by punching shall be burnt or otherwise destroyed.

**11. Other powers of the Tribunal :-**

The Tribunal shall also have the same powers as are vested in Civil Court under the Code of Civil Procedure in respect of the following matters, namely:

(a) to allow inspection of documents under R.15 of the Code of Civil Procedure, 1908 and Section 17 of the CENTRALEXCISE ACT, 1944 to 19 of Order XI of the Code of Civil Procedure.

(b) to record admission under R.3A of the Code of Civil Procedure, 1908 and Section 4 of the Code of Civil Procedure, 1908 to 7 of Order XII, of the Code of Civil Procedure.

**SCHEDULE 1**

**Table of Fees**

SCHEDULE		
Table of Fees		
Sr. No.	Description of Documents	Fees
2		3

1.	Reference	Fifty percent of the ad-valorem as
		mentioned in the table to Schedule
		I of the Bombay Court-Fees Act,
		1956 (Bom. XXXVI of 1956).
2.	Application for review of award, if presented after the ninetieth day from the date of award.	The fee leviable on the Reference.
3.	Application for review of award,	One half fees leviable on the
	if presented on or after ninetieth	Reference.
	day from the date of award.	
4.	Application for revision if filed	Ten rupees.
	against interim order.	
5.	Application for Revision if filed	One hundred rupees.
	against final order.	
6.	Vakil patra.	Four rupees.
7.	Certified copy of award of	Six rupees.
	Tribunal.	
8.	Certified copies of documents.	same as levied for such matter in
		the High Court.
9.	Application for obtaining certified	Fifty paise.
	copies.	
10.	First Application for summons of	One rupee.
	witness.	
11.	Fees for serving and executing the	same as levied for such matter in
	process.	the High Court.
12.	Supply of certified copies.	same as levied for such matter in
		the High Court.
13.	Affidavit	Same as levied for such matter in
		the High Court.
14.	Other applications	Same as levied for such matter in
		the High Court.