

Himachal Pradesh Power Corporation Limited
(A State Govt. Undertaking)
Himfed Building, BCS, New Shimla, Shimla-171009.
Phone: 0177-2670633, Fax No.: 0177-2671589
CIN:U40101HP2006SGC030591



No. HPPCL/P&A/PRM/Policy Personnel/ADRC/2022-18047-69

Dated:-10/03/22

Circular No. 11/2022

Subject:- Provisions of Alternate Dispute Resolution Policy –Amendment(2) thereof.

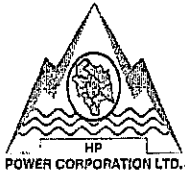
In supersession to this office Circular No.10/2022 dated 12/01/2023 vide which the various provisions of the Alternate Dispute Resolution Policy had been amended, are hereby once again reviewed & modified and may now be read as under:

The Management of HPPCL has decided to constitute a Permanent High Level Power Committee in order to pace up the decision making for Dispute Resolution and to decide on the future course of action for,

- i) **Acceptance or Rejection of Contractor's claims which are beyond the powers of HoP/EIC/HoD.**
- ii) Acceptance and Rejection of decisions of DB/AT/Court in respect of the claims of the contractor(s).
- iii) **Settling of claims of contractor(s) by an amicable negotiation after the award of DB/AT/court is received, without further referring the matter to the adjudicating forum.**

In view of the aforesaid constitution of the Permanent High Level Power Committee, the existing provisions of the "Alternate Dispute Resolution Policy" notified vide Circular No.2/2017 dated 16/03/2018 are amended as under:

1. The Alternate Dispute Resolution Cell(ADRC) and the Standing Committee as notified at Para 2 of the "Alternate Dispute Resolution Policy" stands dissolved and following Permanent High Level Power Committee is hereby constituted **for Acceptance or Rejection of Contractor's claims which are beyond the powers of HoP/ EIC/HoD** and for all the disputes related to & arising out of the Civil & Electrical "Works" and "Procurement of Goods and Services"
 - i) For all the **Contractor's claim which are beyond the powers of HoP/ EIC/HoD** and disputes related to & arising out of Civil "Works" and "Procurement of Goods and Services"
 1. The Director.(Civil)- Chairman.
 2. Head of Concerned Project- Member –cum-Presenting Officer.
 3. The General Manager (Civil Contracts)- Member.
 4. The General Manager (Corporate Planning)- Member.
 5. The General Manager from Project other than concerned project to be nominated by the Director (Civil)- Member.
 6. The General Manager (Electrical)- Member.
 7. The AGM/DGM (Civil Contracts)- Member Secretary.
 8. The Additional General Manager (Finance)- Member.
 9. The Head of Legal Cell- Member.



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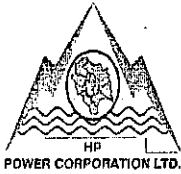
ii) For all the Contractor's claim which are beyond the powers of HoP/ EIC/HoD and disputes related to & arising out of Electrical "Works" and "Procurement of Goods and Services"

1. The Director (Electrical)- Chairman.
2. Head of Concerned Project- Member –cum-Presenting Officer).
3. The General Manager (Electrical) - Member.
4. The General Manager (Generation) - Member.
5. The General Manager (Civil Contracts)- Member.
6. The AGM/DGM (Electrical Contracts)- Member.Secretary.
7. The Additional General Manager (Finance)- Member.
8. The Head of Legal Cell- Member.

2. In respect of the all the Contractor's claim which are beyond the powers of HoP/ EIC/HoD and disputes related to & arising out of "Works" and "Procurement of Goods and Services" of other functional areas i.e. Personnel/Finance/ IT/ Environment matters etc., the Managing Director/Functional Director will decided and refer the matter to the appropriate committee constituted by them in this regard.

3. Consequent upon the creation of Permanent High Level Power Committee, the procedural instructions issued vide the "Alternate Dispute Resolution Policy" notified vide Circular No.2/2017 dated 16/03/2018 are also amended to the following extent:

S.N	Current Procedural Instructions	Amended Procedural Instructions
1.	<p>Instruction No.1: In respect of the works awarded with the approval of Director/ Managing Director/ Board of Directors (BoDs), immediately after receiving the decision of DB and on/or notification of any dispute by the contractor for reference to AT.</p> <p>a) The concerned HoP/EIC will submit the complete case alongwith detailed comments and clear-cut recommendations to the ADRC in respect of the disputes pertaining to Civil Work packages.</p>	<p>In respect of the works & <u>procurement of Goods & services</u> awarded with the approval of Director/ Managing Director/ Board of Directors (BoDs) OR any other matter referred by the Functional Director or by Managing Director, immediately, after receiving the <u>Contractor's claims which are beyond the power of HoP/ EIC</u>, after receiving the decision of DB/AT and on/or notification of any dispute by the contractor for reference to AT.</p> <p>a) The concerned HoP/EIC will submit the complete case <u>(in shape of Memo elaborating all the facts and figures in chronological order)</u>, detailed comments and clear-cut recommendations <u>viz.-a-viz contractual provisions</u> alongwith the Advice of Legal Counsel, if any engaged, shall also be enclosed</p>



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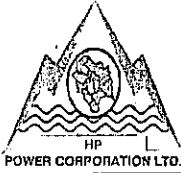
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	<p>b) The concerned HoP/EIC will submit the complete case alongwith detailed comments and clear cut recommendations to the Corporate Electrical Contracts who in turn shall forward the case with comments/recommendations to ADRC in respect of disputes pertaining to Electro-Mechanical work package and Wind/Solar Power Projects. .</p>	<p>to the "Corporate Civil Contract Cell" who in turn shall forward the case with comments/recommendations to member secretary of the Permanent High Level Power Committee (HLPC) in respect of the disputes pertaining to Civil Work packages for placing before HLPC.</p> <p>b) The concerned HoP/EIC will submit the complete case <u>(in shape of Memo elaborating all the facts and figures in chronological order)</u>, detailed comments and clear-cut recommendations <u>viz.-a-viz contractual provisions</u> alongwith the Advice of Legal Counsel, if any engaged, shall also be enclosed to the Corporate Electrical Contracts who in turn shall forward the case with comments/recommendations to member secretary of the Permanent High Level Power Committee (HLPC) in respect of disputes pertaining to Electro-Mechanical work package and Wind/Solar Power Projects for placing before HLPC.</p>
<p>2.</p>	<p>Instruction No.2: In respect of the disputes pertaining to procurement of Goods and Services at Corporate Office, immediately after receiving the decision of DB and on/ or notification of any dispute by the contractor for reference to AT, the respective HoD will submit the complete case alongwith the detailed comments and clear cut recommendations to the ADRC.</p>	<p>In respect of the <u>Contractor's Claim which are beyond the powers of HoD</u> & disputes pertaining to <u>works</u> & procurement of Goods and Services at Corporate Office OR any other matter referred by the Functional Director or by Managing Director, immediately, after receiving <u>Contractor's claim which are beyond the powers of HoD</u>, after receiving the decision of DB/AT and on/ or notification of any dispute by the contractor for reference to AT, the respective HoD will submit the complete case <u>(in shape of Memo elaborating all the facts and figures in chronological order)</u>, detailed comments and clear-cut recommendations <u>viz.-a-viz contractual provisions</u>, alongwith the Advice of Legal Counsel, if any engaged, shall also be enclosed to the member secretary of respective Permanent High Level Power Committee (HLPC) for placing it before the HLPC.</p>



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3.	Instruction No.3: The Concerned officer from the Project/Corporate Office shall present the case before the ADRC. The ADRC after considering the case in totality shall submit its recommendations normally within a period of two to three weeks to the Head of Corporate Civil Contracts.	The Concerned HoP/HoD from the Project/Corporate Office respectively shall present the case before the Permanent High Level Power Committee . The Permanent High Level Power Committee after considering the case in totality shall submit its recommendations by fast tracking the process to the Whole Time Directors of HPPCL including Managing Director.
4.	Instruction No.4: After obtaining the recommendations/comments of ADRC, the Head of Corporate Civil Contract shall submit the case alongwith the recommendations to Whole Time Directors(WTD) which shall comprise all Whole Time Directors of HPPCL excluding Managing Director	Stands Deleted
5.	Instruction No.5: The WTD shall further submit its recommendations as whether to contest/defend the case at next level or otherwise to the Managing Director, HPPCL within two weeks time	Stands Deleted
6.	Instruction No.6: After decision on the matter by the Managing Director (or BoD's in case Managing Director deems it fit to refer the matter to BoD), the process to refer the matter to the adjudicating forum shall be initiated. In case the decision is to be accepted the same shall be placed before the Competent Authority for approval.	After decision on the matter by the WTD (or BoD's in case WTD deems it fit to refer the matter to BoD), the process to refer the matter to the adjudicating forum shall be initiated and in case the decision is to be accepted <u>or the Claim of the Contractor is to be settled by way of further negotiation</u> the same shall be conveyed to the concerned for further necessary action. <u>Similarly, the decision taken by the WTD (or BoD's in case WTD deems it fit to refer the matter to BoD) with respect to the Contractors Claim for it's acceptance or rejection, as the case may be, shall be conveyed to the concerned HoP/HoD for further necessary action.</u>
7.	Instruction No.7: Steps 1-6 above shall be repeated (even if it is the same case) when the case is moved form AT. to court of law and from one court to another court after receiving the decision therefrom.	Status Quo.



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8.	<p>Instruction No.8: After the decision is obtained as per Sr. No.: 5 above, the concerned HoP/EIC/HoD shall in consultation with concerned Finance and legal counsel, if any engaged, prepare and finalize Statement of Defence (SoD), Statement of Claim (SoC) re-joiners/ sub-rejoinder etc. and submit the same to ADRC in the same manner as indicated at Sr. No. 1& 2 above for vetting, well in advance of stipulated timeline for filing the same.</p>	<p>After the decision is obtained <u>to further refer the matter to the adjudicating forum</u> as per Instruction No.: 6 above, the concerned HoP/EIC/HoD shall in consultation with concerned Finance and legal counsel, if any engaged, prepare and finalize Statement of Defence (SoD), Statement of Claim (SoC) re-joiners/ sub-rejoinder etc.</p>
9.	<p>Instruction No. 9 After vetting, the final documents duly signed by the HoP/EIC/HoD/DGMP&A wing as the case may be ; shall be filed before the AT/Court by the authorized presenting officer/ through counsel before the expiry of stipulated timeline/ limitation period. As per System Circular No.: HPPCL/P7A-Law/General- Vol-IV/2013-193-212 dated 17-05-2013 the case shall be defended by the concerned HoP/ HoD. The representative from concerned Finance and Corporate Legal Cell will associate in the proceedings before Adjudicator/ DB/AT/ Court.</p>	<p>The final documents duly signed by the HoP/EIC/HoD as the case may be, shall be filed before the <u>DB/AT/Court</u> by the authorized presenting officer/ through counsel before the expiry of stipulated timeline/ limitation period. As per System Circular No.: HPPCL/P7A-Law/General- Vol-IV/2013-193-212 dated 17-05-2013 the case shall be defended by the concerned HoP/ HoD. The representative from concerned Finance and Corporate Legal Cell will associate in the proceedings before Adjudicator/ DB/AT/ Court.</p>
10.	<p>Instruction No. 10 In respect of the disputes pertaining to works/ procurement of goods and services awarded at project level, the same shall continue to be processed/ managed at the project levels by the respective HoPs,</p>	<p>Status Quo.</p>

Further the Member Secretary and HoP/HoD concerned will ensure that the case may be processed within the timeline defined in the Contract or any other guidelines/ instructions/ orders issued in this regard.

The above amendments will come into force with immediate effect. Further, the existing matters which are placed/ to be placed before the ADRC, henceforth, shall stand transferred to Permanent High Level Power Committee.



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Alternate Dispute Resolution Policy is to supplement the HPPCL's dispute resolution process. HPPCL reserve the right to add/ amend/ delete any or all of the provisions. ADR is voluntary and the choice of when and how to use ADR is within the discretion of HPPCL.

All concerned are accordingly directed to comply with the above policy in letter & spirit.

Director (Personnel)

Copy forwarded to the following for information and necessary action to:-

- 1) ES to the Managing Director, HPPCL for information of worthy Managing Director.
- 2) The Director (Civil), HPPCL.
- 3) The Director (Electrical), HPPCL.
- 4) The Director (Finance), HPPCL.
- 5) All the HoPs/ HoDs in HPPCL.
- 6) The AGM (F&A), HPPCL.
- 7) Sr. Manager(IT), HPPCL with a request to upload the Circular on the official website of HPPCL.
- 8) DDA, Legal Cell, HPPCL.
- 9) Dy. Controller(F&A),HPPCL.
- 10) Guard file of Director(Personnel)
- 11) Guard File

Director (Personnel)