

**MAHANAGAR TELEPHONE NIGAM LIMITED
(A GOVERNMENT OF INDIA ENTERPRISE)**

No. MTNL/20-96(3)/2012-MM/2015-16/Procurement Manual

Dated December 02, 2016

AMENDMENT No. 8

To

Executive Director,
MTNL,
Delhi/Mumbai

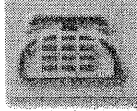
Sub: Amendment to MTNL's Manual of Procurement of Telecom Equipment and Stores (July 2012).

Ref. Legal Section Letter No. MTNL/CO/LEGAL/Empanelment of Arbitrators/2016 Dated 10.10.2016

Legal Section C.O. vide their letter under reference has conveyed the approval of the Competent Authority for incorporating the Modified Arbitration Clause in MTNL's Manual of Procurement of Telecom Equipment and Stores (July 2012) for all the future agreements/contracts to be entered into by MTNL as follows:

S. No.	Clause No.	Existing Provision	Amended provision
1	20, Section III	20.1 In the event of any question, dispute or difference arising under this agreement or in connection there-with (except as to the matters, the decision to which is specifically provided under this agreement), the same shall be referred to the sole arbitration of the CMD, MTNL or in case his designation is changed or his office is abolished, then in such cases to the sole arbitration of the officer for the time being entrusted (whether in addition to his own duties or otherwise) with the functions of the CMD, MTNL or by whatever designation such an officer may be called	ARBITRATION, APPLICABLE LAW AND JURISDICTION 20.1 All the disputes, differences, controversies / differences of opinions, breaches and violation arising from the Agreement between parties shall be resolved by mutual discussions / reconciliations in good faith. 20.2 If the dispute, difference, controversies / differences of opinion, breaches and violation arising from or related to the Agreement, then such questions, disputes or differences (except as to the matters, the decision to which is specifically provided under this Agreement) shall be

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		<p>(hereinafter referred to as the said officer), and if the CMD or the said officer is unable or unwilling to act as such, then to the sole arbitration of some other person appointed by the CMD or the said officer. The agreement to appoint an arbitrator will be in accordance with the Arbitration and Conciliation Act 1996. There will be no objection to any such appointment on the ground that the arbitrator is a Government Servant or that he has to deal with the matter to which the agreement relates or that in the course of his duties as a Government Servant he has expressed his views on all or any of the matters in dispute. The award of the arbitrator shall be final and binding on both the parties to the agreement. In the event of such an arbitrator to whom the matter is originally referred, being transferred or vacating his office or being unable to act for any reason whatsoever, the CMD, MTNL or the said officer shall appoint another person to act as an arbitrator in accordance with terms of the agreement and the person so appointed shall be entitled to proceed from the stage at which it was left out by his predecessors.</p> <p>20.2 The arbitrator may from time to time with the consent of both the parties enlarge the</p>	<p>referred to the sole arbitration of any person appointed in terms of the provisions of Arbitration and Conciliation Act 1996 (As amended from time to time) by the Chairman and Managing Director, MTNL/ Executive Director/CGM WS (as the case may be) or in case his designation is changed or his office is abolished, then in such cases to the sole arbitration of any person appointed by such officer for the time being entrusted (whether in addition to his own duties or otherwise) with the functions of the Chairman and Managing Director/Executive Director/CGM WS (as the case may be), MTNL or by whatever designation such an officer may be called (hereinafter referred to as the said officer). In the event of such an Arbitrator to whom the matter is referred, being vacating his office or neglecting his work or being unable to act for any reason whatsoever, the Chairman and Managing Director/Executive Director/CGM WS (as the case maybe), MTNL or the said officer shall appoint another person to act as an Arbitrator and the person so appointed shall be entitled to proceed from the stage at which it was left out by his predecessors.</p> <p>20.3 The Arbitration and Conciliation Act, 1996 as amended from time to time and the rules made thereunder shall be deemed to apply to the arbitration proceedings under this clause.</p>
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	<p>time frame for making and publishing the award. Subject to the aforesaid, Arbitration and Conciliation Act, 1996 and the rules made there under, any modification thereof for the time being in force shall be deemed to apply to the arbitration proceeding under this clause.</p> <p>20.3 The venue of the arbitration proceeding shall be the office of the CMD, MTNL, New Delhi or such other places as the arbitrator may decide.</p> <p>20.4 The commercial disputes between Central Public Sector Enterprises inter se and Central Public Sector Enterprise(s) and Central Government Departments shall be settled through PMA in the Department of Public Enterprises the guidelines for which have been circulated by DPE vide letter No.4(1)/2011-DPE (PMA)-GL dated 12.06.2013</p>	<p>20.4 The venue of the Arbitration proceedings shall be Delhi/Mumbai, as the case maybe.</p> <p>20.5 The commercial disputes between Central Public Sector Enterprises inter se and Central Public Sector Enterprise(s) and Central Government Departments shall be settled through PMA in the Department of Public Enterprises the guidelines for which have been circulated by DPE vide letter o. 4(1)/2011-DPE (PMA)-GL dated 12.06.2013.</p> <p>In the event of any dispute or difference relating to the interpretation and application of the provisions of the contracts, such dispute or difference shall be referred by either party for Arbitration to the sole Arbitrator in the Department of Public Enterprises to be nominated by the Secretary to the Government of India in-charge of the Department of Public Enterprises. The Arbitration and Conciliation Act, 1996 shall not be applicable to arbitration under this clause. The award of the Arbitrator shall be binding upon the parties to the dispute, provided, however, any party aggrieved by such award may make a further reference for setting aside or revision of the award to the Law Secretary, Department of Legal Affairs, Ministry of Law & Justice, Government of India. Upon such reference the dispute</p>
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			shall be decided by the Law Secretary or the Special Secretary/Additional Secretary, when so authorized by the Law Secretary, whose decision shall bind the Parties finally and conclusively. The Parties to the dispute will share equally the cost of arbitration as intimated by the Arbitrator".
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6/12/2016
(Kulwant Chand)
DGM (MM)

Copy to:-

1. CVO, MTNL, CO
2. PGM (D)/PGM(O), MTNL, Delhi/Mumbai
3. GM(HR-I)/GM(HR-II)/GM(Fin.), MTNL, CO
4. GM (IT)/GM(Plg. & Tech.), MTNL, CO
5. GM (IT), MTNL, Delhi/Mumbai
6. G.M (MM), MTNL Delhi/Mumbai
7. GM (Fin), MTNL, Delhi/Mumbai
8. CEs (Elec. & Civil), MTNL Delhi/Mumbai
9. CS as ATR

