

WEB UPDATE : MYSORE PROJECT (02 Nov 22)

1. Reference Web update on Mysore project uploaded on 17 Oct 22.
2. Hearing in arbitration case between M/s GJS and AFNHB was held on 01 Nov 22. M/s GJS had failed to pay his share of balance fee of Rs. 11,99,999/- till 31 Oct 22 and had instead moved an application on 31 Oct 22, praying four weeks time to arrange funds. This move was vehemently opposed by AFNHB by submitting that it was only a delay tactics being adopted by M/s GJS. It was submitted that M/s GJS who was unable to pay the arbitral fee, was enjoying the 'Interim Injunction' wherein AFNHB had been refrained from carrying out further joint measurement. On the other hand, AFNHB despite payment of full arbitral fee was facing hardship as AFNHB was not allowed to proceed further. Therefore, the application filed by AFNHB for early hearing and early disposal of applications filed by M/s GJS needed to be disposed off on priority.
3. After hearing both the side, the Hon'ble Arbitrator pronounced order in all three applications filed by M/s GJS. The gist of the order is as follow:-
 - (a) There is no requirement of appointing Local Commissioner for carrying out joint measurement. Existing BOO is to continue the joint measurement, as per clause 63 of contract agreement. Subsequently, balance work to be undertaken by AFNHB.
 - (b) No requirement of securing BG amount in a separate account or term deposit. AFNHB can utilize the said amount for completing the unfinished work.
 - (c) No stay against termination of contract.
4. With the above order, the existing BOO is to re-assemble at project site on 04 Nov 22 at 1000 hrs for carrying out balance joint measurement as per contract provisions. Convening Orders for the same have already been issued.