

**MINISTRY OF DEFENCE
ORDNANCE FACTORY BOARD
10A, S.K. BOSE ROAD,
KOLKATA – 700001**

**NOTIFICATION
No.104/MM/Arbitration Cell**

Date 31.01.2019

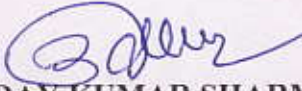
It is hereby notified that the Competent Authority of Ordnance Factory Board, 10-A S.K. Bose Road, Kolkata-700 001 is going to empanel a list of Arbitrators from Retired IOFS Officers to adjudicate the disputes raised between various establishments under Ordnance Factory Board and the various Firms in the matter of indigenous Contracts.

2. It is therefore, requested that the eligible & willing persons may forward their name to consider for empanelment as Arbitrator. The application may be forwarded as per enclosed Proforma along with requisite documents mentioned therein, within 60 days from the date of issue of this Notification through E-mail ofbmm.ofb@ofb.gov.in or Speed Post to the following address :-

The Secretary, (Director/MM)
Ordnance Factory Board,
Ministry of Defence
10-A, S.K. Bose Road,
Kolkata-700 001.
Tel:- (033- 22420965)

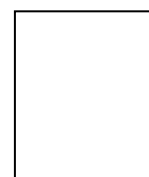
3. The Prescribed Proforma at Annexure-A and SOP (Standard Operating Procedure) at Annexure-B is enclosed herewith for detail information in the matter. The last date of submission the application is 01.04.2019.

Encl: As stated above


**(UDAY KUMAR SHARMA)
DIRECTOR /MM
FOR DIRECTOR GENERAL, ORDNANCE FACTORIES**

Tel : (033) 22439120, FAX : (033) 22486903

PROFORMA



Passport Photograph

| | | |
|-----|---|--|
| 1. | Name | |
| 2. | Personal No. (OFB) | |
| 3. | Basic Pay/Pay Scale/Level (on Retirement) | |
| 4. | Date of Birth * | |
| 5. | Date of Appointment in OFB Organization* | |
| 6. | Date of Retirement from OFB Organization | |
| 7. | Last post held on Date of Retirement | |
| 8. | Superannuation or Voluntary Retirement | |
| 9. | Present Address with Contact no. & E-mail ID | |
| 10. | No. of Arbitration cases held | |
| 11. | Whether any penalty was imposed during the service | |
| 12. | Whether any vigilance case is pending/under progress. | |

- Applicant may please enclose documentary evidence for their DOB & date of appointment in OFB.

DATE:

PLACE:

(SIGNATURE)

STANDARD OPERATING PROCEDURE FOR PREPARING
PANEL OF RETIRED IOFS OFFICERS

1. **PREAMBLE:**

All the Supply Orders/Contract Agreements/Term Contract Agreements etc. in indigenous contract issued through Ordnance Factories contain the Arbitration clause as per The Arbitration and Conciliation Act, 1996 (also called principle Act). At present, Arbitrators are appointed from IOFS Officers working in various Ordnance Factories under the administrative control of DGOF. But as per latest Arbitration & Conciliation (Amendment) Act, 2015(seventh schedule, point no. 5) if the Arbitrator is a Manager, Director or part of the Management or has a similar controlling influence, in an affiliate of one of the parties if the affiliate is directly involved in the matter in dispute in the arbitration then Arbitrator will be ineligible. Due to the said amendment, this organization is facing various legal complications in making appointment of sole Arbitrator. However, as per section 12(5) of new Act, parties may, subsequent to disputes having arisen between them waive the applicability of this sub-section by an express agreement in writing.

2. **AIM:**

Objective of this SOP is to draw a panel of Arbitrators to adjudicate the disputes raised between various establishments under Ordnance Factory Board and the various Firms in the matter of Indigenous Contracts expeditiously.

3. **ELIGIBILITY:**

The retired IOFS Officer fulfilling the under mentioned criteria are eligible to be considered among the panel of Sole Arbitrators:-

- (i) **Span of Retirement from OFB Organization:** The retired IOFS Officers who has completed 2 years after retirement before closing date of the Notification & age not exceeding 70 years and in reasonably good mental and physical fitness.
- (ii) **Rank:** The IOFS Officers must have superannuated from the Rank of SAG and above.
- (iii) **Vigilance Clearance:** There should not be any vigilance cases with applicant officers presently.

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4. **PROCEDURE:**

- (i) OFB shall publish a notification through internet (OFB WEBSITE) inviting application from Retd IOFS Officers for their willingness to be considered in the panel of Retd IOFS Arbitrators. Panel of Arbitrators from willing applicants may be finalized by the Competent Authority.
- (ii) The panel of Arbitrators will be reviewed every two years to add or delete name of Arbitrators as necessitated.

5. **ARBITRATOR'S PERSONAL INFORMATION:**

Arbitrator's personal information such as Name, Address, Date of Birth, Date of Joining in OFB Organization, Date of Retirement from OFB Organization, Contact Number/E-Mail ID and the number of Arbitration Cases pending with him, if any, shall be furnished for preparing the panel of Arbitrators.

6. **APPOINTMENT PROCEDURE:**

The appointment of Arbitrator will be considered by the Competent Authority after examining the following criteria:

- a) The proposed officer shall have fulfilled the eligibility criteria as mentioned above.
- b) The Address of officers proposed to be appointed as sole Arbitrator should be located at nearby the Factory, where disputes have arisen.
- c) The number of cases assigned at a time shall not exceed maximum of two.

7. **TIME LIMIT FOR PUBLICATION OF ARBITRAL AWARD:**

The Award shall be made within a period of twelve months from the date the arbitral tribunal enters upon the reference. However, the parties may, by consent extend the period not exceeding six months [as per Arbitration and Conciliation (Amended) Act 2015].

The Arbitrator shall maintain strict secrecy in relation to the documents and information received by him regarding the case in question and shall return records, reports etc. received during the arbitration proceedings to the competent authority at the time of submission of the award.

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8. DELETING THE ARBITRATOR'S NAME FROM THE PANEL:

The Competent Authority will keep watch on the performance of the arbitrator and if the Competent Authority finds that the arbitrator does not appear to be fair, he may consider deleting the arbitrator's name from the panel for the subsequent period.

9. MANDATE OF AN ARBITRATOR:

Once an Arbitrator is appointed by the Government Authority, the mandate of the arbitrator can be terminated and substituted by another Arbitrator as per Clause 15 and Clause 29A* of the Arbitration and conciliation(Amended) Act 2015. (* If the award is not made within the specified time or the extended period , agreed by the parties, the mandate of the arbitrator shall terminate, unless the Court has , either prior to or after the expiry of the period so specified, extended the period.)

10. ARBITRATOR'S FEES:

Necessary Arbitration Cost & Fees will be borne by both the parties equally (i.e. Parties involved in the disputes) as per Fourth Schedule of Arbitration & Conciliation (Amendment) Act 2015.

11. ARBITRATION COST:

Under Section 31(8), unless otherwise agreed by the parties, the costs of an Arbitrator shall be fixed by the Arbitral Tribunal. The tribunal shall specify-

- (a) The party entitled to costs;
- (b) The party who shall pay the costs;
- (c) The amount of costs or method of determining that amount; and
- (d) The number in which the costs shall be paid.

12. VENUE OF ARBITRATION:

The venue of Arbitration shall be the Factory where dispute has arisen. Concerned Ordnance Factory shall make available necessary accommodation along with furniture and telephone to the Arbitrator on the dates of hearings. Factory shall also provide official vehicle to the sole Arbitrator while visiting outstations as on duty as arbitrator.