

कार्यालय रक्षा लेखा महानियंत्रक/ Office of Controller General of Defence Accounts
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No.AN/III/LC/Court Cases/Misc

Dated 20-08-2019

To

All PCsDA/PCsA(Fys)/CsDA/CsFA.

Subject: Details/status of Arbitration cases filed by invoking the provisions of the Bilateral Investment Promotion and Protection Agreements and relevant investment treaties (BIPAs/BITs).

Ref: Secretary, Department of Legal Affairs, Ministry of Law & Justice DO letter No.332368/LS/2019 dated 15.07.2019.

Please find enclosed a copy of Secretary, Department of Legal Affairs, Ministry of Law and Justice DO letter cited under reference, along with enclosures received under MOD (Fin.) ID No. 31(1)/C/2015 dated 06.08.2019, for immediate necessary action.

It is requested to provide requisite information in the enclosed format i.e complete details/status of the Arbitration cases(both Civil and Criminal) related to Bilateral Investment and Protection Agreements and relevant investment Treaties (BIPAs /BITs) pertaining to Defence Accounts Department by 30.08.2019 and send to this office through E-mail at legalcgda.dad@hub.nic.in/FAX.

Nil report is also required.


(Rajeev Ranjan Kumar)
Dy. CGDA (AN)

Copy to:

EDP (local) : For uploading on CGDA's website.

— sd —
(Rajeev Ranjan Kumar)
Dy. CGDA (AN)



सचिव
 विधि और न्याय मंत्रालय
 भारत सरकार
 SECRETARY
 DEPARTMENT OF LEGAL AFFAIRS
 MINISTRY OF LAW & JUSTICE
 GOVERNMENT OF INDIA
 July 15, 2019

D.O. No.332368/LS/2019

Office of the Secy. (Def.)
 Diary No. 36/11.....
 Date 24/7/2019.....

Dear Secretary,

Government of India has signed Bilateral Investment Promotion and Protection Agreements and relevant investment treaties (hereinafter called BIPAs/BITs) with 82 countries since 1994. These agreements are within the framework of our domestic laws and, inter alia, provide for dispute resolution between foreign investors and the Government of India. Of late, the Government of India has received notices of dispute and arbitration from investors invoking provisions of various BIPAs and many cases are underway.

2. Further, Government of India has also received an arbitration awards under various BIPAs. Many of these awards are being contested by the ministries/departments in international fora. These disputes/ awards/notices and other developments in the arbitration under BIPA are being reviewed regularly by the respective ministries and Law Ministry so that the interests of Government of India are suitably protected. List of the Arbitration cases under BIT/BIPA currently underway is annexed herewith for your perusal and ready reference.

3. In view of the abovementioned list, I shall be grateful if you could send us the complete details/status of the cases (both civil and criminal) related to your Ministry/Department filed by invoking the provisions of the bilateral Investment Treaties signed between India and other jurisdictions in the enclosed format. This will not only facilitate legal assessment/audit of cases and to find solutions for their early resolution as well as to provide the required legal advice and support to Ministries/Departments on contesting arbitration proceedings initiated against the Indian sovereignty.

4. I am also enclosing a suggested list of legal firms/consultants/arbitrators who are qualified to handle cases related to arbitration for reference. You may like to also consider names in this list as your counsels. The Department of Legal Affairs will assist your ministry in this work.

U.S. ... 2308
 With regards,
 29/7/19
 Do we have any data?
 Yours sincerely,
 (Alok Srivastava)

To
 Secretaries to the Govt. of India

AS & FA (AEC) discussed. The matter may be referred handled by Coordn Dir as it pertains to the entire Mod.

IS - Coord) and CAO Sectt
 Dy. No. 332368/LS/2019
 Date 24/7/19

O/o AS & FA (AEC)
 Diary No. 1312
 Date 24.7.2019

24/7/19
 Encl.: As above.

Relates to JS (mis) after allocation of

