

भारत सरकार Government of India
रेल मंत्रालय Ministry of Railways
रेलवे बोर्ड (Railway Board)

No. 2024/RS(G)/709/25

Date: 17/03/2025.

The General Managers, All Indian Railways/PUs, NF(C), CORE
DG, RDSO/Lucknow, NAIR/ Vadodara
PCAO, PLW/Patiala, COFMOW
CAO, WPO/Patna, RWP/ Bela

Sub.: Settlement of Commercial Disputes between Central Public Sector Enterprises (CPSEs) and Government Organizations- Administrative Mechanism for Resolution of CPSE's Disputes (AMRCD).

Ref.:

- (i) Department of Public Enterprises OM No.: DPE-GM-05/0003/2019-FTS-10937 dated 14/12/2022 (Annexure-A)
- (ii) Department of Public Enterprises OM No.: DPE-05/0002/2023-AMRCD dated 25/07/2024 (Annexure-B)
- (iii) Department of Public Enterprises OM No.: DPE-02/0001/2023-AMRCD/FTS-13578 dated 17/12/2024 (Annexure-C)
- (iv) Railway Board OM No.: 2024/RS(G)/779/5 dated 03/01/2025 (Annexure-D)
- (v) Department of Public Enterprises OM No. DPE-02/0001/2023-AMRCD/FTS-13578 dated 24/02/2025 (Annexure-E)

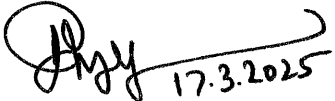
Ministry of Railways, including its subordinate authorities, and CPSEs under its administrative control enter into contractual obligation related to **procurement of Goods and Services** with other Ministries/ Departments/ CPSEs which may result in commercial disputes.

2. In this regard, it is clarified that the interpretation and application of the provisions of commercial contract(s) in case of dispute(s) between the following Organizations/ Departments shall be taken up under Administrative Mechanism for Resolution of CPSE's Disputes (AMRCD) only:

- (a) CPSE and CPSE;
- (b) CPSE and Ministry/ Department of Central Government;
- (c) CPSE and Public Authority/ Organization or University under the Central Government;
- (d) CPSE and State Governments/ State PSUs/ Public Authority/ Organization or University under the State Government.

3. This issues with the concurrence of Finance Directorate of Ministry of Railways and approval of Railway Board (M/TRS).

Enclosures as above.


(S.Natarajan)
Director Railway Stores (IC)
Railway Board
Email drsic@rb.railnet.gov.in
Tel. No. 011 23047518

No. 2024/RS(G)/709/25

Date: 17/03/2025

1. PFAs, All Indian Railways & Production Units.
2. The ADAI (Railways), New Delhi.
3. The Directors of Audit, All Indian Railways.

24/7/25
17/3/2025
For Member Finance,
Railway Board

LIST FOR DISTRIBUTION

Directors of all CTIs,
CMDs /MDs of all Railway PSUs/ autonomous bodies/ societies,
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CORE, WPO/Patna and RWP/Bela
Sr. Prof. (Material Management), NAIR, Vadodara, ED (Stores), RDSO, Lucknow
Chief Commissioner, Railway Safety, Lucknow
Zonal Railway Training Institute, Sukadia Circle, Udaipur

Copy to:

The Genl. Secy., AIRF, Room No. 248, & NFIR Room No. 256-C, Rail Bhavan
The Secy. Genl., IRPOF, Room No. 268, FROA, Room No. 256-D & AIRPOA, Room
No. 256-D Rail Bhavan.

Copy to:

PSOs/Sr. PPSs/PPSs/ PSs to:
MR, MoSR(S), MoSR(R)
CRB&CEO, M(TRS), M(Infra), M(O&BD), M(F), Secretary/RB, DG (RHS), DG (RPF),
DG (HR), DG(Safety)

EDPG/MR, EDPG/ MoSR(R), JDPG/MoSR(S)
All AMs, PEDs & Executive Directors of Railway Board.

Public Enterprises Bhawan,
Block No. 14, CGO Complex,
Lodhi Road, New Delhi-110003.

Dated: 14th December, 2022

OFFICE MEMORANDUM

Subject: Settlement of commercial disputes between Central Public Sector Enterprises (CPSEs) *inter se* and CPSE(s) and Government Department(s)/Organization(s) - Administrative Mechanism for Resolution of CPSEs Disputes (AMRCD).

Whereas guidelines for resolution of commercial disputes between Central Public Sector Enterprises (CPSEs) *inter se* and also between CPSEs and Government Departments/Organizations were issued vide DPE OM No. 4(1)/2013-DPE(GM)/FTS-1835 dated 22nd May, 2018 followed by clarification dated 4th July, 2018 and 11th July, 2018. These guidelines were further amended vide DPE OM No. DPE-GM-05/0003/2019-FTS-10937 dated 20.02.2020.

2. And whereas a need has been felt to streamline the existing guidelines with a view to consolidate them and institutionalise a better monitoring mechanism for faster resolution of disputes.

Now therefore the Revised Guidelines (in supersession of the aforesaid notifications/Office Memoranda) shall be as follows: -

3. Replacement of PMA and Applicability: -

- 3.1 Permanent Machinery of Arbitration (PMA) stands wound up from the date of issue of DPE OM dated 22-05-2018. All pending cases with Sole Arbitrator, PMA and Appellate Authority stand transferred to concerned administrative Ministries/Departments.
- 3.2 A decentralised 'Administrative Mechanism for Resolution of CPSEs Disputes' (AMRCD) having two level (tier) structures shall replace the erstwhile Permanent Machinery of Arbitration (PMA) mechanism of DPE.

3.3 Any dispute or difference relating to the interpretation and application of the provisions of commercial contract(s) between Central Public Sector Enterprises (CPSEs)/ Port Trusts *inter se* and also between CPSEs and Government Departments/Organizations (excluding disputes relating to Railways, Income Tax, Customs & Excise Departments), shall be taken up by either party for its resolution through AMRCD only.

3.4 No appeals are to be made to Cabinet Secretary in such matters, including those in which Sole Arbitrator has passed order before the date of notification of AMRCD, unless the resolution of the disputes has been considered at the level of Administrative Ministry / Department as per procedure prescribed below.

4. Procedure and Structure of Committees: -

- 4.1 At the First level (tier), the disputes shall be arbitrated upon by a Committee comprising of Secretaries of the Administrative Ministries/Departments to which the disputing CPSEs/Parties belong and Secretary, Department of Legal Affairs. In case the two disputing parties belong to the same Ministry/Department, the above said Committee will comprise Secretary of the Administrative Ministry/Department concerned, Secretary, Department of Legal Affairs and Secretary, Department of Public Enterprises. In case of a dispute between CPSE and State Government Department/Organization, the matter shall be arbitrated through a committee comprising Secretary of the Ministry/Department of the Union to which the CPSE belongs, Secretary- Department of Legal Affairs and a Senior Officer (not below the rank of Secretary in the State Government) nominated by the Chief Secretary of the State concerned.
- 4.2 In case the dispute remains unresolved even after consideration by the above Committee, the same will be referred through DPE at the Second level (tier) to the Cabinet Secretary whose decision will be final and binding on all concerned.
- 4.3 At the First level (tier), the claiming party (Claimant) will approach the FA of its administrative Ministry/Department for referring the dispute to the DPE through DPE web-portal. The FA of the administrative Ministry/Department of the claimant after initial scrutiny would intimate DPE through DPE web-portal for notification of the constitution of CoS. This may be done within 30 days of the receipt

of the dispute claim. DPE will notify the constitution of the CoS to all members of CoS and FAs of the concerned administrative Ministry/Department within 15 days of receipt of FA's reference. The meetings of CoS will be organized by FA of claimant party and would be held in the Administrative Ministry / Department of the claiming party to examine the facts and resolve the dispute on merit. The FAs of the concerned Administrative Ministries / Departments will represent the issues related to the dispute in question before the above Committee. After arriving at a decision by the Committee, the Secretary of the administrative Ministry / Department of the claiming party will write down the decision and it will be signed jointly by the two Secretaries and Secretary, Department of Legal Affairs. A copy of the decision will be communicated by the Secretary of the administrative Ministry / Department of the claiming party to each party to the dispute for implementation and also uploaded on DPE web-portal (<http://pesurvey.nic.in>).

4.4 In case where one party (1st party) to the dispute is a Department /Organization of a State Government, the procedure for admitting the dispute will be the same as above. However, in such cases, all meetings in connection with resolution of the dispute will be held in the Administrative Ministry/Department (Union) of other party (2nd Party) irrespective of the position of the 1st Party whether as a Claimant or Respondent. The presentation of the issues before the above Committee in this case will be done by the FA of the concerned Administrative Ministry/Department and the nominated officer of the State Government Department/Organization.

4.5 The CoS at the first level (tier) shall finalise its decision within three months of the constitution of the Committee by DPE.

5. Appeal

5.1 Any party aggrieved with the decision of the Committee at the First level (tier) may prefer an appeal before the Cabinet Secretary at the Second level (tier) within 30 days from the date of receipt of decision of the Committee at First level, through its administrative Ministry/Department on DPE web-portal. The appeal should be in the form of a concise self-contained Note which should invariably include the comments / views of the Opposite Party (Respondent) through its administrative Ministry / Department.

5.2 Appeal in reference to resolution of the dispute as per para 5.1 above is to be made to Cabinet Secretary only after exhausting the channel of dispute resolution at the first level (1st tier) of the Committee of Secretaries as per procedure prescribed *ibid*.

5.3 The decision of Cabinet Secretary will be final and binding on all concerned.

6. Arbitration Clause

6.1 All CPSEs will ensure inclusion of a clause in all the existing and future commercial contracts between CPSEs, *inter-se* and CPSEs and Government Departments/Organizations as under: -

"In the event of any dispute or difference relating to the interpretation and application of the provisions of commercial contract(s) between Central Public Sector Enterprises (CPSEs) / Port Trusts inter se and also between CPSEs and Government Departments/Organizations (excluding disputes relating to Railways, Income Tax, Customs & Excise Departments), such dispute or difference shall be taken up by either party for its resolution through AMRCD as mentioned in DPE OM No. 05/0003/2019-FTS-10937 dated 14th December, 2022 and the decision of AMRCD on the said dispute will be binding on both the parties."

6.2 The on-going contracts shall also be suitably amended accordingly.

7. Review of Progress:-

7.1 DPE shall be the single point for capturing all details related to AMRCD cases through its web-portal (<http://pesurvey.nic.in/>). DPE shall also provide secretarial assistance to the Cabinet Secretariat in all matters relate to AMRCD including appeal cases.


7.2 The decision taken by the CoS / Appellate Authority will be implemented by the concerned CPSEs within one month from the date of the decision and action taken would be updated on web portal of DPE.

7.3 A monthly status report of pending cases will be sent to Cabinet Secretariat through DPE web-portal. The FA of the concerned Administrative Ministry / Department of the claimant CPSE will get the position updated by 10th of the following month so that a consolidated report could be sent by 15th of every month to Cabinet Secretariat.

7.4 The administrative Ministry of the claimant CPSEs will also report the delay in disposal of the cases beyond the stipulated three months' time in their monthly DO to Cabinet Secretariat with reasons of delay and the likely extended date for final disposal.

8. All the administrative Ministries / Departments concerned with Central Public Sector Enterprises/ Govt. Organisations / Port Trusts etc. are requested to bring these consolidated guidelines to the notice of all CPSEs/organisations under their administrative control for strict compliance of the above guidelines including adhering to the timelines stipulated therein.

9. This issues with the approval of the Competent Authority.


पवनेश कुमार शर्मा/(Pavanesh Kumar Sharma)

निदेशक/ Director

Tel.:011- 24363066


- (i) Secretary of all Ministries / Departments of the Government of India.
- (ii) Chief Secretary of all the States and Union Territories.

Copy to:

Chief Executive of all CPSEs for information and necessary compliance.

Copy forwarded for kind information to:

- (i) The Prime Minister's Office, South Block, New Delhi.
- (ii) The Cabinet Secretariat, Rashtrapati Bhawan, New Delhi.
- (iii) PS to the Minister (Finance), Udyog Bhawan, New Delhi.
- (iv) Secretary (DPE), CGO Complex, New Delhi
- (v) Secretary (Law), Department of Legal Affairs, Shastri Bhawan, New Delhi.


पवनेश कुमार शर्मा/(Pavanesh Kumar Sharma)

निदेशक/ Director

Tel.:011- 24363066

DPE-05/0002/2023—AMRCD
Government of India
Ministry of Finance
Department of Public Enterprises

Public Enterprises Bhawan,
Block No. 14, CGO Complex,
Lodhi Road, New Delhi-110003.
Dated: 25th July, 2024

Office Memorandum

Subject: Settlement of commercial disputes between Central Public Sector Enterprises (CPSEs) inter se CPSE(s) and Government Departments/Organization(s) -Administrative Mechanism for Resolution of CPSE's Disputes(AMRCD)-reg

The undersigned is directed to refer to Department of Public Enterprises (DPE)'s OM No. 05/0003/2019-FTS-10937 dated 14.12.2022 on the subject mentioned above.

2. Para 3.3 of the said OM specified the applicability of AMRCD guidelines and stated that any disputes or difference relating to interpretation and application of the provisions of commercial contract(s) between Central Public Sector Enterprises (CPSEs)/Port Trusts inter-se and also between CPSE(s) and Government Department(s)/Organization(s) (excluding disputes relating to Railways, Income Tax, Customs & Excise Departments) shall be taken up by either party for its resolution through AMRCD only.

3. It is observed that some Government Department(s)/Organization(s) lack clarity on the applicability of the ARMCD guidelines dated 14.12.2022.

4. In this regard, it is clarified that the interpretation and application of the provisions of commercial contract(s) in case of dispute/s between the following Organizations/Departments shall be taken up under AMRCD only:

- i. CPSE and CPSE;
- ii. CPSE and Ministry/Department of Central Government;
- iii. CPSE and Public authority/Organization or University under the Central Government;
- iv. CPSE and State Governments/State PSUs/ Public authority/Organization or University under any State Government.

5. All the administrative Ministries/Departments and State Governments concerned with CPSEs/PSUs/Govt. Organizations are requested to bring these guidelines to the notice of all CPSEs/organizations under their administrative control for strict compliance.

6. This issues with the approval of the Competent Authority.



(Kranti E. Khobragade)

Deputy Secretary to the Govt. of India

Email: kranti.khobragade@gov.in

To

1. Secretary of all Ministries/Departments of the Government of India
2. Chief Secretary of all the States and Union Territories

Copy for information to:

- 1) The Cabinet Secretariat, Rashtrapati Bhawan, New Delhi
- 2) Secretary, Department of Legal Affairs, Shastri Bhawan, New Delhi
- 3) Chief Executives of all CPSEs for information and necessary compliance.

No. DPE-02/0001/2023—AMRCD/FTS-13578

Government of India
Ministry of Finance
Department of Public Enterprises

Public Enterprises Bhawan,
Block No. 14, CGO Complex,
Lodhi Road, New Delhi-110003.
Dated: 17th December, 2024

Office Memorandum

Subject: Settlement of commercial disputes between Central Public Sector Enterprises (CPSEs) inter se CPSE(s) and Government Departments/Organization(s) -Administrative Mechanism for Resolution of CPSE's Disputes(AMRCD)-reg

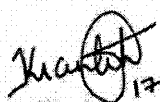
The undersigned is directed to refer to Department of Public Enterprises (DPE)'s OM No. 05/0003/2019-FTS-10937 dated 14.12.2022 on the subject mentioned above.

2. Para 3.3 of the said OM specified the applicability of AMRCD guidelines and stated that any disputes or difference relating to interpretation and application of the provisions of commercial contract(s) between Central Public Sector Enterprises (CPSEs)/Port Trusts inter-se and also between CPSE(s) and Government Department(s)/Organization(s) (excluding disputes relating to Railways, Income Tax, Customs & Excise Departments) shall be taken up by either party for its resolution through AMRCD only.

3. AMRCD mechanism does not cover disputes involving Private Entities. There may be a situation wherein a case initially registered between two (or more) CPSEs but later on one of the parties become a Private Entity or ceases to be a CPSE for any reason. In such situation the registered case may be allowed to be deleted by DPE from the web portal of AMRCD on the request of the Administrative Ministry/Department of the claimant CPSE even after the constitution of the Committee of Secretaries (CoS).

4. All the administrative Ministries/Departments and State Governments concerned are requested to bring this O.M. to the notice of all the CPSEs/Organizations under their administrative control for strict compliance.

5. This issues with the approval of the Competent Authority.


(Kranti E. Khobragade)
Deputy Secretary to the Govt. of India
Email: kranti.khobragade@gov.in

To

1. Secretary of all Ministries/Departments of the Government of India
2. Chief Secretary of all the States and Union Territories

Copy for information to:

1. The Cabinet Secretariat, Rashtrapati Bhawan, New Delhi
2. Secretary, Department of Legal Affairs, Shastri Bhawan, New Delhi
3. Chief Executives of all CPSEs for information and compliance.

भारत सरकार Government of India
रेल मंत्रालय Ministry of Railways
रेलवे बोर्ड (Railway Board)

No. 2024/RS(G)/779/5

New Delhi, dated: 03/01/2025

OFFICE MEMORANDUM

Sub.: Settlement of Commercial Disputes between Central Public Sector Enterprises (CPSEs) and Government Organizations- Administrative Mechanism for Resolution of CPSE's Disputes (AMRCD)

Ref.: (i) Department of Public Enterprises OM F.
No:4(1)/2013-DPE(GM)/FTS-1835 dated 22/05/2018
(ii) Department of Public Enterprises OM No.
DPE-GM-05/0003/2019-FTS-10937 dated 20/02/2020
(iii) Department of Public Enterprises OM No.
DPE-GM-05/0003/2019-FTS-10937 dated 14/12/2022
(iv) Secretary, Department of Legal Affairs D.O. No. LA-84/3/2023-Adv.'A'
dated 06/02/2023
(v) Department of Public Enterprises OM No. DPE-05/0002/2023-AMRCD
dated 25/07/2024
(vi) Department of Public Enterprises OM No.
DPE-02/0001/2023-AMRCD/FTS-13578 dated 17/12/2024

Reference is invited to the Administrative Mechanism for Resolution of CPSEs Disputes (AMRCD) mechanism, which was initially formulated and communicated through the OM dated 22/05/2018(ref.(i)).

2. The aforesaid OM dated 22/05/2018 originally excluded Railways (along with the Income Tax, Customs, and Excise Departments) from the applicability of this mechanism. However, vide OM dated 20/02/2020 (ref.(ii)), it was clarified by DPE that the AMRCD mechanism was extended to cover disputes involving all Ministries and Departments, except those related to taxation matters.

3. The AMRCD mechanism was further streamlined through the OM dated 14/12/2022 (ref.(iii)), which consolidated the existing guidelines and introduced an enhanced monitoring system to expedite dispute resolution. This OM superseded previous instructions and reiterated the exclusion of disputes involving Railways,



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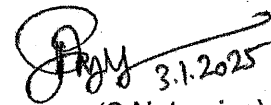


Income Tax, Customs, or Excise Departments. The exclusion was further reaffirmed in the OMs dated 25/07/2024 (ref.(v)) and 17/12/2024 (ref.(vi)).

4. Subsequently, the Secretary, Department of Legal Affairs, through a DO letter dated 06/02/2023 (ref.(iv), copy enclosed), referred to a judgment of the Hon'ble Supreme Court dated 01/02/2023 and emphasized that disputes between Ministries, Departments, and CPSEs – excluding those related to taxation – must be resolved through the existing AMRCD/AMRD mechanism. Ministries were directed to issue necessary instructions to the authorities under their administrative control to ensure compliance.

5. In this regard it is highlighted that Ministry of Railways, including its subordinate authorities, and CPSEs under its administrative control enter into contractual obligation related to procurement of Goods and Services with other Ministries/ Departments/ CPSEs which may result in commercial disputes. A doubt has arisen as to whether resolution of such disputes falls within the scope of the AMRCD mechanism. May please clarify on the matter.

Encl: As above.



(S.Natarajan)

Director Railway Stores(IC)

Railway Board

Email- drsic@rb.railnet.gov.in

Tele- 011-23047518

**Ministry of Finance,
Department of Public Enterprises
(Kind attn: Shri Tuhin Kanta Pandey, Secretary
Email- secy-dpe@nic.in)
Room No. 305, Public Enterprises Bhawan,
Block No.14, CGO Complex,
Lodhi Road, New Delhi-110003**

डा. नितेन चन्द्र, भा.प्र.से.

सचिव

Dr. Niten Chandra, IAS

Secretary



सत्यमेव जयते



भारत गृह मंत्रालय
भारत सरकार



75
भारत गृह मंत्रालय
भारत सरकार

विधि कार्य विभाग
विधि और न्याय मंत्रालय
भारत सरकार

DEPARTMENT OF LEGAL AFFAIRS
MINISTRY OF LAW & JUSTICE
GOVERNMENT OF INDIA

D.O No. LA-84/3/2023-Adv. 'A'

Dated: February 6, 2023

Dear Secretary,

It has been the endeavour of the Government to ensure that disputes between various Ministries/Departments/CPSEs/Boards/Authorities etc., under the administrative control of the various Ministries/Departments do not reach any Court.

2. A meeting of Committee of Secretaries (CoS) Chaired by Cabinet Secretary was held on 23.01.2020, wherein it was recommended that the existing AMRCD mechanism be made applicable to disputes other than those related to taxation, and extended to all Ministries/Departments. Subsequently, to give effect to the decision, DO Letter dated 28.02.2020 and the O.M dated 31.03.2020 were issued by the Department of Legal Affairs.

3. In an Order dated 01.02.2023 passed by the Hon'ble Supreme Court of India in C.A. No.1400-1438/2017, Rashtriya ISPAT Nigam Ltd. vs. UOI, the Court has observed as under:

"....., we find it appropriate that in a matter of the present nature where the petitioner is a Public Sector Undertaking and the respondent is Western Railways is under the Union of India, we expect that a situation of this nature should be discussed amongst themselves and a procedure be laid down so that the matter could be resolved and disputes in future also could be avoided. For doing so, they may also discuss with regard to the present claim which has been made for an amicable settlement."

4. All the Ministries/Departments are requested to ensure that the inter-se disputes of various Ministries/Departments/CPSEs etc., other than those related to taxation, are resolved through the existing AMRCD/AMRD mechanism.

5. The Ministries/Departments shall accordingly issue necessary instructions in this regard to all CPSEs/Boards/Authorities etc., under their administrative control.

Warm regards,

Yours sincerely,

N. Chandra

(Dr. Niten Chandra)

All Secretaries to the Government of India (As per standard list)

Copy for information to: Shri Rajiv Gauba, Cabinet Secretary, Rashtrapati Bhawan, New Delhi.

कमरा नं. 404, चौथी मंजिल, 'ए' विंग, शास्त्री भवन, डा० राजेन्द्र प्रसाद रोड, नई दिल्ली-110 001
Room No. 404, 4th Floor, 'A' Wing, Shastri Bhawan, Dr. R.P. Road, New Delhi-110 001

Electronic copy available at: <https://ssrn.com/abstract=4644135>

DPE-02/0001/2023—AMRCD/FTS-13578

Government of India

Ministry of Finance

Department of Public Enterprises

Public Enterprises Bhawan,
Block No. 14, CGO Complex,
Lodhi Road, New Delhi-110003.


Dated: 24th February, 2025

Office Memorandum

Subject: Clarification regarding Applicability of AMRCD (Administrative Mechanism for Resolution of CPSE's Dispute) on Railways-reg

The undersigned is directed to refer to Ministry of Railway (MoR)'s No. 2024/RS(G)/773/5 dated 03.01.2025 on the subject mentioned above and to state that the disputes as mentioned by MoR in the said OM, fall under the scope of AMRCD mechanism.

2. This issues with the approval of the Competent Authority.


24/2/2025
(Shanker Lal)
Deputy Director

Ministry of Railways (Railway Board)

(Shri S. Natarajan, Director Railway Stores (IC).)

Rail Bhawan, New Delhi- 110001.

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