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Trends, Outcomes, and Efficiency of Construction Arbitration in Nepal: A Mixed-Methods Analysis of NEPCA Case Records

By

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DECLARATION

I hereby declare that the thesis entitled **"Trends, Outcomes, and Efficiency of Construction Arbitration in Nepal: A Mixed-Methods Analysis of NEPCA Case Records"** submitted to the Department of Civil Engineering in partial fulfillment of the requirement for the degree of Master of Science in Construction Management, is a record of an original work done under the guidance of **Er. Subash Kumar Bhattarai** and **Asst. Prof. Mahendra Raj Dhital**, Institute of Engineering, Pulchowk Campus. This thesis contains only work completed by me except for the consulted material which has been duly referenced and acknowledged.

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The undersigned certify that we have read and recommended to the Institute of Engineering for acceptance, a thesis entitled **"Trends, Outcomes, and Efficiency of Construction Arbitration in Nepal: A Mixed-Methods Analysis of NEPCA Case Records"** submitted by Diksha Panta in partial fulfillment of the requirements for the degree of Master of Science in Construction Management.

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ABSTRACT

This study examines the trends, outcomes, and efficiency of construction arbitration in Nepal administered by the Nepal Council of Arbitration (NEPCA) following the 2016 amendment that removed mandatory adjudication from public procurement contracts. A mixed-methods explanatory sequential design was employed. Quantitative data were extracted from all 151 completed construction arbitration cases registered at NEPCA across fiscal years 2075 to 2080 BS (2018–2024 CE). Non-parametric statistical methods (Spearman's correlation, Kruskal-Wallis H test, Chi-square test, Mann-Whitney U test) were used to analyze relationships between case attributes and outcomes. Qualitative data were obtained through semi-structured Key Informant Interviews with four practitioners, each with 15-20+ years of experience in Nepal's construction arbitration sector.

Case filings rose steadily (35% increase) over the study period, with road (34.4%), building (21.2%), and bridge (19.2%) projects accounting for 74.8% of all cases. Three-member panel appointments increased from 65% to 97% of cases. Median arbitration duration was 368 days, consistently exceeding the statutory ceiling of 321 days. The mean Award-to-Claim Ratio was 0.46. A Kruskal-Wallis H test revealed significant variation in duration across registration years ($H(8) = 20.093$, $p = 0.010$), with the highest durations occurring in the immediate post-amendment period (2076: 542.50 days). No case-level attribute predicted duration, indicating delays arise from procedural conduct rather than case complexity. Significant predictors included: contract amount ($r_s = 0.173$) and Claim-to-Contract Ratio ($r_s = -0.358$) for Award-to-Claim Ratio; construction sector ($p = 0.014$), tribunal composition ($p = 0.028$), and repeat player effect ($p = 0.005$) for decision outcomes; and contract amount ($p < 0.001$), tribunal size ($p < 0.001$), and claim amount ($p = 0.001$) for appeal rates.

Reinstating mandatory adjudication for NCB contracts, enforcing strict timelines with automatic default mechanisms, establishing capacity-building programs for local and provincial government clients, maintaining technical competence in tribunal composition, and developing expedited procedures for lower-value cases are major recommendations from the study.

Keywords: *construction arbitration, NEPCA, Nepal, non-parametric statistics, tribunal composition, repeat players, arbitration efficiency, mixed-methods*

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ABBREVIATIONS

ADR	Alternate Dispute Resolution
ELS	Empirical Law Studies
FIDIC	International Federation of Consulting Engineers
FY	Fiscal Year
ICB	International Competitive Bid
ICC	International Chamber of Commerce
ICL	International Construction Law
KII	Key Informant Interview
NCB	National Competitive Bid
NEPCA	Nepal Council of Arbitration
PPA	Public Procurement Act
SNRTP	Strengthening the National Rural Transport Program
UNCITRAL	United Nations Commission on International Trade Law

CHAPTER ONE: INTRODUCTION

1.1 Background

Construction contracts occupy a uniquely complex position within the broader landscape of commercial agreements. Unlike most commercial transactions, construction projects are long-duration undertakings executed in dynamic physical environments, governed by multilayered contractual frameworks and subject to continuous interaction between technical, financial and regulatory contingencies. The confluence of these factors makes disputes not merely probable but, in much of the international and domestic literature, effectively inevitable (Fenn, Lowe, & Speck, 1997; Kumaraswamy, 1997). In Nepal, where the construction sector functions as a central engine of national infrastructure development, underpinning road networks, hydropower generation, urban buildings, water supply systems and river work, the frequency and financial magnitude of contractual disputes have grown substantially in proportion to the scale of infrastructure investment (Singh et al., 2025; Shrestha, 2023). Arbitration has emerged as the primary mechanism for resolving such disputes, upheld by the Arbitration Act, 1999 and administered institutionally through the Nepal Council of Arbitration (NEPCA) since its establishment in 1991.

The policy landscape governing construction dispute resolution underwent a fundamental structural shift when amendments to the Public Procurement Regulations removed mandatory adjudication as a prerequisite to arbitration in National Competitive Bidding (NCB) contracts (PPA, 2016). Prior to this reform, the procurement framework mandated a multi-tiered dispute resolution ladder, negotiation, adjudication by a designated engineer or dispute board and only then escalation to arbitration. Each tier was designed to filter disputes, narrow contested issues, produce a structured evidentiary record and encourage resolution before the full cost and duration of formal arbitration was incurred. The removal of the adjudication tier collapsed this ladder to a direct path from negotiation failure to formal arbitration, with material consequences for NEPCA's caseload, the quality of evidentiary records presented to tribunals and the substantive outcomes of proceedings.

Despite these structural changes, systematic empirical analysis of NEPCA's institutional case data remains scarce. Existing literature focuses predominantly on legal framework analysis, historical overviews, or isolated procedural assessments, rarely integrating quantitative case performance data with stakeholder perspectives in a manner capable of generating actionable, evidence-based reform recommendations. This thesis addresses that gap.

1.2 Statement of the Problem

Nepal's Public Procurement Act, 2007 (as amended 2016) and associated Regulations originally mandated a sequenced dispute resolution process for NCB construction contracts: negotiation between the parties, followed by adjudication by a designated engineer or dispute board and only then escalation to arbitration. This architecture was deliberate. Adjudication served as a filter mechanism, producing structured written decisions with supporting fact-records that parties could either accept or challenge through arbitration. It ensured that claims arriving at arbitration were accompanied by a pre-established evidentiary foundation, narrowed contested issues and had already survived at least one impartial technical assessment.

Subsequent amendments removed this requirement from NCB contracts, collapsing the dispute resolution ladder. Claims now arrive at arbitration without the structured evidentiary record that adjudication would have produced. Tribunals are consequently required to reconstruct factual records that should have been created contemporaneously during project execution, a process that extends duration, increases cost and reduces the reliability of award reasoning in technically complex matters (Sah & Bhattarai, 2021; Singh et al., 2025).

These structural changes have occurred against a backdrop of several further institutional challenges. First, median arbitration duration of 368 days systematically exceeds the statutory maximum of 321 days, indicating procedural inefficiency that undermines arbitration's theoretical advantage of expedition. Second, fewer than 22% of Department of Roads arbitration awards are accepted and implemented without court challenge, with a Ministry of Finance circular recommending exhaustion of all appeal avenues before enforcement, creating structural incentives toward appeal that are independent of the legal merits of any particular dispute (Mishra & Aithal, 2023; Subedi, 2025). Third, the mean

Award to Claim Ratio of 0.46 suggests either widespread over-claiming, inadequate claim substantiation, or both; a dynamic that wastes tribunal time and imposes cost on all parties. Fourth, the rising participation of local and provincial government entities as respondents, driven by federalization, is introducing a new class of institutionally inexperienced disputants without corresponding support mechanisms.

Despite the significance of these challenges, no prior study has systematically examined which case characteristics predict outcomes and efficiency across Nepal's construction arbitration caseload, nor triangulated such analysis with expert practitioner insight to derive implementable reforms. This thesis addresses that gap directly.

1.3 Research Questions

The study is guided by the following research questions:

RQ 1: What are the defining institutional trends and case characteristics of construction arbitration within NEPCA over the study period?

RQ 2: What is the measurable effect of the dissolution of mandatory Adjudication on the time performance (duration) of arbitration proceedings in Nepal?

RQ 3: To what extent do project-specific and procedural factors influence the efficiency and finality of arbitral outcomes?

RQ 4: How do practitioner perspectives explain the underlying causes of observed statistical patterns and what reforms are necessary to enhance the arbitration process in Nepal?

1.4 Research Objectives

The overall objective of the study was to examine the trends, outcomes, and efficiency of construction arbitration in Nepal by analyzing NEPCA case records. The specific objectives are:

1. To identify the prevailing trends and institutional dynamics of construction arbitration in Nepal by analyzing the characteristics of completed NEPCA cases.

2. To re-examine the effect of the dissolution of Adjudication on the time performance of arbitration proceedings in Nepal.
3. To examine the influence of project and procedural factors on arbitration outcomes, specifically regarding duration, award values and the rate of appeals.
4. To contextualize statistical findings through practitioner insights and develop evidence-based recommendations for improving the efficiency of the arbitration process.

1.5 Significance of the Study

This study makes four interconnected contributions. First, it provides the first census-level empirical analysis of NEPCA construction arbitration cases across a six-year post-adjudication-removal window (2075–2080 BS), generating a descriptive baseline from which trends, anomalies and emerging patterns can be assessed. Second, it applies a theoretically grounded statistical framework to test which case characteristics — financial scale, tribunal composition, sector type, repeat player status — predict arbitral outcomes and procedural efficiency, moving the literature from description to analytical inference. Third, it provides the first statistically grounded re-examination of the effect of adjudication dissolution on the time performance of construction arbitration in Nepal, using year-on-year Kruskal-Walli's analysis to establish whether measurable changes in duration are attributable to the post-amendment caseload surge. Fourth, it triangulates quantitative findings with qualitative expert insight to produce recommendations grounded in both statistical evidence and practitioner knowledge, bridging the gap between academic analysis and institutional reform.

The practical significance extends beyond academic contribution. Nepal's federalization dividend is bringing an increasing volume of local and provincial government disputes to NEPCA without corresponding increases in institutional readiness. Building sector cases overtook road sector in frequency by 2080 BS. River works and water supply disputes are on a clear upward trajectory. These structural shifts demand evidence-based responses in arbitrator panel composition, appointment procedures and enforcement frameworks, responses that this study is positioned to inform.

1.6 Scope and Limitations

This study analyses all 151 completed NEPCA construction arbitration cases filed between 2075 and 2080 BS, constituting a census of the defined population. Cases filed in 2081/82 were excluded owing to their incomplete status. The analysis is confined to non-confidential case-level data accessible through NEPCA's institutional records and annual reports; specific claim causes, detailed pleading timelines and dissenting arbitrator opinions remain confidential under Section 9 of the Arbitration Act, 1999 and are not examined.

The findings are grounded in Nepal's legal, economic and institutional environment of 2075–2080 BS and characterize the transitional post-adjudication-removal period rather than a stable mature arbitration regime. Causal direction cannot be definitively established from cross-sectional case data; the study employs theoretically grounded variable selection and qualitative triangulation to mitigate this limitation but reports associations rather than causal claims. The qualitative component is limited to four key informants, a purposive selection that captures diverse professional roles but cannot claim statistical representativeness across the full practitioner population.

CHAPTER TWO: LITERATURE REVIEW

2.1 The Emergence of a Claim and Dispute in Construction

A project dispute typically originates as a claim, triggered by unforeseen site conditions, design ambiguities, or owner-directed changes (Fenn et al., 1997). Semple, Hartman and Jergeas (1994) demonstrated that claims and disputes arising from scope changes and documentation gaps were a major cause of schedule slippage, with projects adopting systematic claim management experiencing materially less delay. Kumaraswamy (1997) identified poor risk allocation and reactive dispute handling as key drivers of time overruns, arguing that proactive resolution protocols could mitigate schedule variance. Assaf and Al-Hejji (2006), in a study of large building projects in Saudi Arabia, found that owner-contractor disagreements and slow decision-making were among the most significant contributors to delays, often extending project durations by more than ten percent.

Empirical evidence from Nepal's rural road sector confirms that claims frequently originate from specific contract management failures. Sah and Bhattarai (2021), in a study of 34 Strengthening the National Rural Transport Program (SNRTP) sub-projects, identified improper planning, poor site management and slow decision-making as primary triggers of contractual friction. These inefficiencies, including lack of timely monitoring, failure to conduct regular contract management meetings and inadequate qualification of contract management teams, create conditions where unresolved claims predictably escalate into formal disputes. The same study found that 78.6% of surveyed professionals acknowledged significant inefficiencies in contract management, including improper record-keeping and lack of timely issue management, deficiencies that necessarily propagate forward into arbitration, requiring tribunals to reconstruct factual records that should have been created during project execution (Sah & Bhattarai, 2021; Shrestha et al., 2019).

2.2 Alternative Dispute Resolution in Construction

Since the traditional litigation process often exacerbates and escalates the very conflicts it seeks to resolve through its adversarial nature, prolonged timelines and lack of confidentiality, Alternative Dispute Resolution (ADR) offers a more nuanced framework

emphasising party autonomy and the preservation of long-term relationships (Menkel-Meadow, 2000). Fenn, Lowe and Speck (1997) provided comparative evidence that projects employing ADR mechanisms achieved faster settlements and shorter dispute cycles than those relying on litigation. Cheung and Yiu (2006), focusing on Hong Kong construction projects, confirmed that ADR improved the timeliness of settlements, reducing disruption to project programmes. Love et al. (2010) showed that unresolved technical disagreements cascaded into network-wide delays, whilst timely dispute closure attenuated schedule slippage.

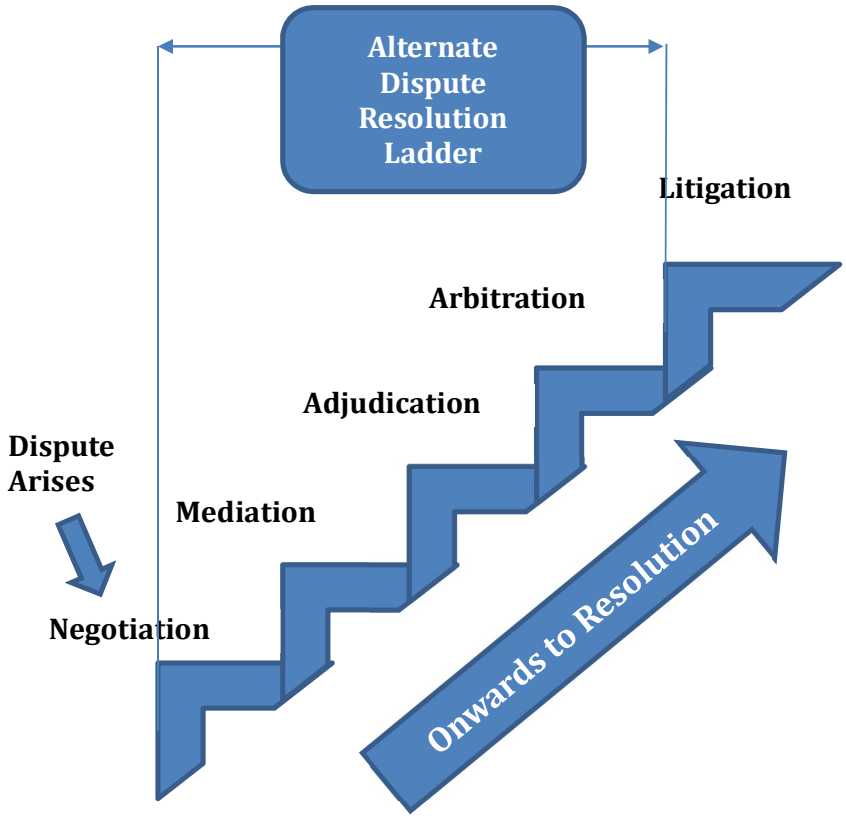


Figure 1: Alternate Dispute Resolution Ladder (Source: Visualized by Author)

The principal ADR mechanisms relevant to Nepal's construction sector are: negotiation (the immediate first attempt by parties to reach a direct compromise); mediation (introduction of a neutral third party who facilitates communication without imposing a decision); adjudication (provision of an interim binding decision by a neutral technical expert, designed primarily to protect cash flow during ongoing projects, as described by Chern, 2020); and arbitration (a private, formal process in which an arbitrator hears evidence and renders a binding decision). It was noted that the primary strength of ADR lies in its ability to offer tailored justice, ensuring that the final resolution aligns more closely with the actual interests of the participants rather than just their legal positions

(Goldberg et al., 2020). Effective contract management is the foundation of dispute prevention; Shrestha, Shrestha and Bhattarai (2019) articulate that most disputes escalating to arbitration could have been avoided through disciplined adherence to contract administration procedures.

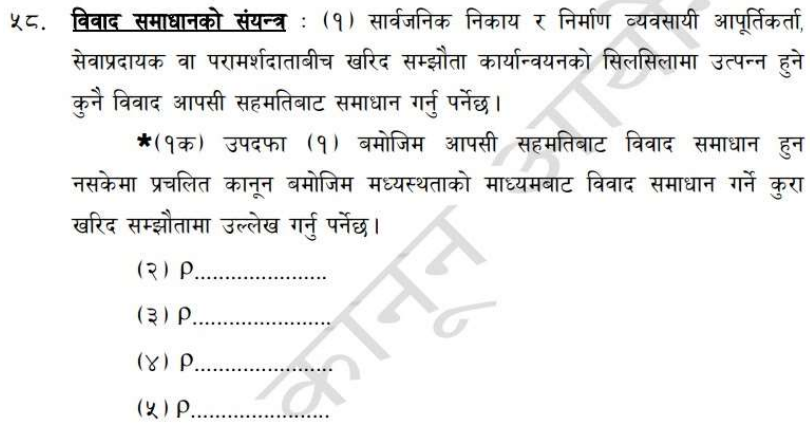
2.3 Evolution of Arbitration Law in Nepal

The beginnings of arbitration in Nepal can be traced to the Panchayat system of community dispute resolution, predating any formal judicial framework. The concept was formally introduced through the Development Board Act of 1957, which empowered arbitrators appointed under contractual provisions to issue final and binding awards unreviewable by courts. The Arbitration Act of 1981 subsequently created a general domestic commercial arbitration law, but its provisions were proven inadequate and highly susceptible to misuse by defaulting parties seeking procedural escape routes (Adhikari, 2022; Yadav, 2024). The current Arbitration Act, 1999 was enacted to replace both preceding modalities, substantially modelled on the UNCITRAL Model Law on International Commercial Arbitration (1985, as amended 2006). It established a modern framework incorporating Kompetenz-Kompetenz (Section 16(1)), separability of the arbitration clause (Section 16(3)), party autonomy, arbitral confidentiality (Section 9) and a pro-enforcement stance with strictly limited grounds for court intervention (Sections 30, 32, 34) (Shrestha, 2023; Yadav, 2024).

Since its establishment in 1991, NEPCA has served as Nepal's principal institutional arbitration body, though not currently being used for its intended institutional purposes. With its institutional rules, updated through the NEPCA Arbitration Rules 2020, it complements the 1999 Act by providing detailed administrative procedures for case registration, arbitrator's appointment, document management and fee administration as well as providing an organized venue. The Arbitration Act, 1999 however is yet to formally recognize institutional arbitration in the manner contemplated by Article 2(a) of the UNCITRAL Model Law, rendering NEPCA-administered proceedings a hybrid character, institutional in administration but statutory in their ultimate legal basis (Dahal, 2024; Shrestha, 2023).

2.4 The Removal of Mandatory Adjudication in Nepal (2016 Amendment)

The Public Procurement Act, 2063 (2007) (PPA) in its original form embedded a multi-tiered dispute resolution structure within public construction contracts. Under the pre-amendment framework, the PPA afforded contracting parties the flexibility to choose their preferred means of dispute settlement by specifying appropriate provisions in the procurement contract, and arbitration was not imposed as a mandatory mechanism. Crucially, the original Act provided for dispute settlement through adjudication and dispute resolution panels or boards as intermediate mechanisms, functioning as a structured pre-arbitration filter through which contractual disputes were required to pass before escalating to formal arbitration proceedings (PPA, 2007).



५८. **विवाद समाधानको संयन्त्र** : (१) सार्वजनिक निकाय र निर्माण व्यवसायी आपूर्तिकर्ता, सेवाप्रदायक वा परामर्शदाताबीच खरिद सम्झौता कार्यान्वयनको सिलसिलामा उत्पन्न हुने कुनै विवाद आपसी सहमतिबाट समाधान गर्नु पर्नेछ।

*(१क) उपदफा (१) बमोजिम आपसी सहमतिबाट विवाद समाधान हुन नसकेमा प्रचलित कानून बमोजिम मध्यस्थताको माध्यमबाट विवाद समाधान गर्ने कुरा खरिद सम्झौतामा उल्लेख गर्नु पर्नेछ।

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Figure 2: Public Procurement Act, 2007 1st Amendment on Dispute Resolution (Source: ppmo.gov.np)

The First Amendment to the PPA, introduced on 14 July 2016 (2073-03-30 BS), fundamentally restructured this framework as seen in figure 2, arbitration the mandatory post-amicable-resolution mechanism while simultaneously removing all provisions relating to dispute settlement through adjudication or dispute resolution panels and boards.

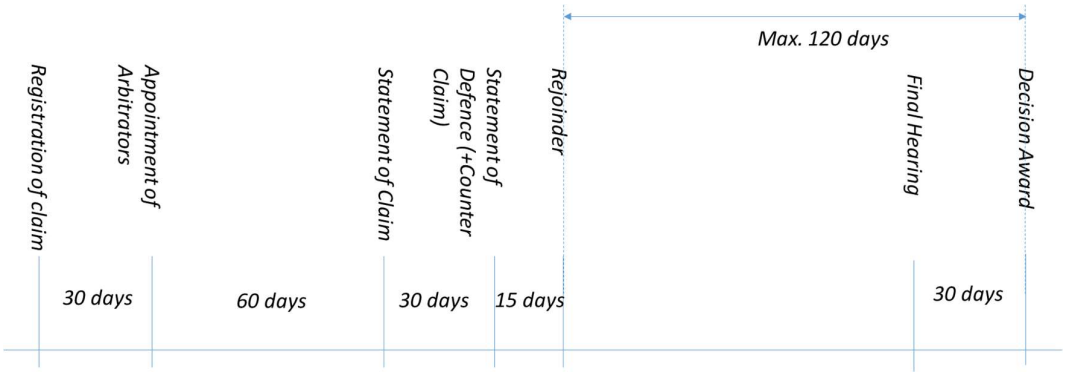

Figure 3 : Timeline of Arbitration process conceptualized on the basis of Arbitration Act, 1999 (Source: Visualized by Authors)

As illustrated in the (figure 3) arbitration is a complex and higher order in dispute resolution which takes significantly longer duration for resolution of dispute at 120 days after submission of documents which itself takes 120 days compared to previously existing adjudication at 120 days from date of appointment of adjudicator (NEPCA, 2015). Thus, the policy-shift fundamentally altered the dispute resolution ladder (Figure 1) by removing the intermediate filter of adjudication, a change whose consequences are examined in this thesis (Abwunza et al., 2021b; Sah & Bhattarai, 2021).

2.5 Tribunal Appointment, Composition and Competence

The appointment of arbitrators is governed by Section 5 of the Arbitration Act, 1999, which provides that the number of arbitrators shall be as specified in the arbitration agreement otherwise where the agreement is silent three arbitrators shall ordinarily be appointed. Afterwards, under the NEPCA Arbitration Rules 2020, each party appoints one co-arbitrator within 15 days of registration; the two co-arbitrators then jointly appoint the presiding arbitrator within a further 15 days, failing which NEPCA's appointment committee makes the appointment. For sole arbitrator appointments, the parties jointly nominate within 30 days of registration, with NEPCA appointing in default (NEPCA Rules, 2020; Arbitration Act, 1999, Section 6).

The composition of tribunals, specifically the balance between legal practitioners and technical experts, is a recurring concern in Nepal's construction arbitration practice. Singh et al. (2025) observe that over-reliance on legal practitioners without adequate technical expertise produces tribunals ill-equipped to evaluate engineering evidence, potentially affecting both the quality and duration of awards. Internationally, tribunal size and

composition entail trade-offs between speed and perceived legitimacy: sole arbitrators typically offer faster scheduling for lower-complexity matters, whereas three-member panels deliver broader expertise and reassurance for high-stakes disputes (Welser, 2014; ICC, 2018). Scheduling compatibility across panel members emerges as a concrete driver of hearing cadence and award timelines, whilst the proactive versus passive role of the presiding arbitrator shapes overall case momentum (Florescu, 2020).

2.6 Case Registration, Proceedings and Statutory Timelines

Under Section 14 of the Arbitration Act, 1999, the claimant must file its statement of claim within three months from the date a dispute requiring arbitration arises. The respondent submits objections within 30 days; if a counter-claim is raised, the claimant receives a further 15 days for a rejoinder; extensions of up to seven days may be granted upon application. The minimum possible completion of the pleading stage is therefore 120 days, extending to 201 days where all extension rights are exercised.

In total the time taken for an Arbitral Proceedings can be 240-321 days.

Following the pleading stage, Section 24 of the Act governs substantive proceedings. The tribunal must close hearings by formal order and issue its written decision within 30 days of closure. The total period for post-submission proceedings is bounded at 120 days under the Act, producing a combined statutory range of 240 (optimistic) to 321 (maximum extension) days (Arbitration Act, 1999). In practice, this is the interval most frequently exceeded; the median observed duration of 368 days and mean of 417 days indicate systematic non-compliance with legislative expectations (Pradhan & Paudel, 2024; Sharma Paudel, 2022).

Practitioners note that difficulties in serving registration notices, particularly where government respondents require formal ministerial-level acknowledgement, can delay commencement of the appointment clock by weeks (Singh et al., 2025; Chapagain & Gautam, 2025). A Ministry of Finance circular has recommended that government entities seek Supreme Court review before enforcing arbitral or judicial decisions, creating a structural incentive toward appeal independent of the legal merits of any particular dispute and significantly undermining the finality that is arbitration's principal theoretical advantage (Subedi, 2025). Mishra and Aithal (2023) document that in Department of

Roads Road contracts, fewer than 22% of arbitration awards are accepted and implemented without court challenge.

2.7 Repeat Players in Construction Arbitration

The concept that parties appearing repeatedly in dispute proceedings gain structural advantages over first-time participants was first theorized by Galanter (1974). Repeat players develop institutional familiarity with procedures, awareness of precedents and strategic preparedness that one-time participants cannot match. In Nepal's construction arbitration context, this dynamic is shaped by the contract management failures identified by Sah and Bhattarai (2021): undertrained contract management teams, poor client-contractor communication and slow internal decision-making. Contractors encountering these systemic problems across multiple projects develop claim expertise, whilst government clients appear repeatedly as respondents without meaningfully improving their institutional response capacity.

2.8 Financial Characteristics and Claim Dynamics

International literature consistently demonstrates that higher dispute quantum is associated with expanded procedural steps, greater evidentiary demands and longer timelines (Abwunza, 2020; ICC, 2018). Dispute attributes, including complexity, claim quantum and number of disputants, create heavier document loads and expert evidence requirements that correlate with extended procedural cycles. In Nepal's public procurement context, contract amount thresholds additionally determine oversight intensity and audit exposure, influencing both disputing behavior and arbitral outcomes.

The Claim to Contract Amount Ratio operationalizes the concept of claim proportionality identified in dispute causation research (Fenn et al., 1997; Kumaraswamy, 1997). Low ratios suggest focused discrete variations; high ratios may indicate project dysfunction, extensive scope changes, or strategic over-claiming. The Award to Claim Ratio conversely reflects tribunal assessment of claim merit and substantiation quality. Nepal's post-adjudication-removal context is characterised by increasing contractor propensity to exaggerate claims, combined with genuine documentation deficits in the absence of dispute board oversight (Shrestha et al., 2019).

2.9 Arbitral Decision-Making: Commercial Norms and Award Quality

Understanding how arbitrators make decisions on the substance of disputes is a relatively underdeveloped area of empirical inquiry in construction arbitration research. Besaiso and Fenn (2022) addressed this gap through semi-structured interviews with 28 international construction arbitrators from 11 countries, with a combined experience of approximately 400 international construction arbitrations. Their research reveals that international construction arbitrators tend to apply the parties' contracts and the governing law as primary sources of obligations. However, the contract and its governing law do not appear to be the only sources of obligations: some arbitrators are receptive to arguments based on commercial practice and international construction law (ICL), though they do not concur on the authority of these substantive norms.

International construction law, comprising FIDIC standard forms, construction arbitration awards, scholarly writings and developed jurisdictions' construction law, emerges as a method for finding commercially sensible solutions where both the parties' contracts and the governing law are silent on the matter in dispute (Besaiso & Fenn, 2022). The award inconsistency, when perceived by government respondents, may itself contribute to the strategic decision to challenge awards through court review rather than accept and implement them, reinforcing the appeal incentive structure documented by Subedi (2025).

2.10 Empirical Legal Studies: Theoretical Foundations

This research is situated within the tradition of empirical legal studies (ELS), an interdisciplinary approach that applies quantitative and qualitative social science methods to the systematic analysis of legal phenomena, institutions and outcomes. ELS emerged prominently in the latter decades of the twentieth century as a counterweight to purely doctrinal legal scholarship, seeking to replace normative assertions about how law should work with evidence-based analyses of how legal institutions and processes actually function (Drahozal & Naimark, 2005; Franck et al., 2017).

In the context of arbitration research, the ELS tradition has produced a growing body of empirical scholarship examining arbitral outcomes, decision-making patterns, institutional characteristics and efficiency metrics. Drahozal and Naimark (2005) identified the collection and systematic analysis of arbitration data as foundational to what

they termed 'a science of international arbitration, an empirical program capable of moving arbitration scholarship from anecdote and assertion toward evidence and inference. Subsequent work by Franck et al. (2017), drawing on psychological and behavioral research methods applied to arbitral decision-making, demonstrated that arbitrators' backgrounds, training and experience systematically influence their decisions in ways that are empirically measurable and theoretically predictable.

Drahozal's (2009) empirical analysis of arbitration clause usage across corporate transaction, executive employment and franchise contracts exemplifies the ELS method: rather than speculating about the effects of business court competition on arbitration, he collected and analyzed actual contract data to test whether parties were switching from arbitration to business courts. His finding that there was no significant evidence of switching, despite the structural arguments suggesting such a shift should occur, illustrates the value of empirical testing over theoretical prediction in legal institutional analysis. The study also highlights that different types of contracts and disputes respond differently to institutional competition: confidentiality advantages, for instance, continue to drive arbitration clause adoption in executive employment contracts even as business courts offer comparable expertise and speed (Drahozal, 2009).

Besaiso and Fenn's (2022) grounded theory study of international construction arbitral decision-making represents the ELS method applied to the qualitative dimension: using semi-structured interviews with 28 arbitrators and secondary analysis of arbitration awards to construct an empirical account of how arbitrators actually make their decisions, rather than how doctrinal theory predicts they should. Their findings on the contested status of commercial norms and ICL in arbitral reasoning demonstrate that legal institutional behavior is more varied, contextual and practitioner-dependent than formal legal sources suggest.

For the present study, the ELS framework justifies three methodological commitments. First, it mandates the use of actual institutional case data, NEPCA's completed case records, as the primary source of evidence, rather than reliance on doctrinal legal analysis of the Arbitration Act, 1999 or NEPCA Rules alone. Second, it requires that variable selection and analytical methods be grounded in theoretically specified causal mechanisms drawn from both legal and social science literature, ensuring that statistical analysis tests substantively meaningful hypotheses rather than identifying spurious

correlations. Third, it supports the integration of qualitative expert testimony as a complementary data source capable of providing the interpretive depth and causal explanation that quantitative case data alone cannot supply (Besaiso et al., 2017; Franck et al., 2017).

Empirical legal studies of arbitration have demonstrated that institutional characteristics, including the composition and background of decision-makers, the procedural rules governing proceedings and the competitive environment in which arbitration operates, systematically influence outcomes in ways that case-by-case doctrinal analysis cannot reveal. This institutional perspective is central to the present research's theoretical framework, which treats Nepal's arbitration system as an institution whose performance is shaped by the interaction of legal rules, organizational capacity, party behavior and systemic incentives. The ELS approach enables this institutional analysis to be grounded in measurable case outcomes rather than normative assumptions.

2.11 Theoretical Framework: Linking Case Characteristics to Arbitral Outcomes

2.11.1 The Problem of Arbitral Ineffectiveness

Abwunza's research was motivated by a clear observation: construction arbitration is characterized by incessant delays, high costs and awards that are frequently challenged or rejected, yet the existing literature had done little beyond descriptive identification of causes and had not systematically investigated the contributing factors (Abwunza, 2021; Abwunza et al., 2021b). Effective dispute resolution requires not only timely and economical resolution but also outcomes that are acceptable to the disputants, a three-dimensional conception of effectiveness encompassing procedural efficiency, cost effectiveness and award quality (Abwunza et al., 2019).

The tension between procedural efficiency and award quality is a central theme in Abwunza's work. His qualitative case study applying distributive justice theory found that participants were not only more concerned about the quality of the award than the efficiency of the proceedings leading to it, but were also grossly misguided in their expectations about arbitration (Abwunza et al., 2019).

2.11.2 Complexity of the Dispute

Abwunza's (2021) framework identifies dispute complexity as a primary determinant of arbitral outcomes, with more complex cases requiring greater tribunal resources, more extensive evidence examination and longer proceedings. His structural model found that mismatches between case complexity and tribunal competence directly restricted tribunals' ability to guide disputants on efficient evidence presentation and to render well-reasoned awards within statutory timeframes (Abwunza et al., 2021b). The need to customize dispute resolution clauses during contract drafting to incorporate desired arbitrator qualifications and thereby minimize complexity-competence mismatches is identified as a key reform recommendation (Abwunza, 2021).

According to Coser (1956), the intensity of a dispute is directly proportional to the "stakes" involved. In construction arbitration, the Contract Amount serves as the primary metric for these stakes. When the financial value of a project is substantial, the conflict shifts toward a purely "realistic" orientation, where the parties' actions are strictly calculated to protect material interests. This theoretical foundation suggests that as project scale increases, the structural complexity of the dispute also increases, as the parties perceive the cost of an unfavorable arbitration award as a threat to organizational survival. Consequently, larger financial stakes necessitate more formal, multi-member tribunals and lead to higher rates of appeal as a strategic necessity.

While absolute contract value defines the stakes, Deutsch (1973) provides the foundation for understanding the Claim to Contract Amount Ratio as a measure of Conflict Intensity. Deutsch highlights that the psychological and strategic orientation of parties, either Cooperative or Competitive, is determined by the "size" of the dispute relative to the perceived total value.

A high Claim to Contract Amount Ratio signals a "zero-sum" environment where one party's gain is inextricably linked to the other's total loss. Deutsch's framework posits that such high-intensity conflicts foster misperceptions and impoverished communication, which act as a catalyst for escalation. This foundation justifies why the ratio of a claim, rather than just its value, dictates the outcome of a case: high intensity triggers a competitive cycle that gravitates toward the "escalation ladder" of arbitration and subsequent appeals, rather than amicable settlement.

Different project sectors represent distinct "Conflict Environments" with varying degrees of technical interdependence and institutional risk. The environment in which a conflict occurs determines how it is expressed and resolved. In technically complex sectors like infrastructure or hydropower, the "Structural Complexity" of the project creates more frictional points that make disputes more inherent and harder to manage; technical uncertainties, geological risks and multi-layered contracting (Coser, 1956).

2.11.3 Competence of the Tribunal

Abwunza (2021) put forth competence of the tribunal as the functional match between arbitrators' skills and the technical and legal demands of the case, is one of the four key determinants of arbitral effectiveness in his structural model. His research found that tribunals with limited functional skills were systematically associated with both inefficient proceedings and poor-quality awards, as limited competence restricted their ability to properly guide disputants on efficient evidence presentation approaches (Abwunza et al., 2021b). Recommendations from Abwunza's (2021) doctoral work emphasize the need for parties to incorporate desired arbitrator qualifications into dispute resolution contract clauses from the outset to prevent competence-complexity mismatches. This factor is operationalized in the present research through Tribunal Composition, specifically the engineer-to-lawyer ratio within the panel (EEE, EEL, ELL, or LLL configurations). Construction disputes inherently require technical competence to assess quantum calculations, defect causation and delay attribution, alongside legal expertise for procedural management and contractual interpretation.

2.11.4 Approach to Presentation of Evidence

The approach to the presentation of evidence pertaining to the quality, organization and strategic presentation evidential submissions by the parties is tied to increased efficiency and effectiveness of arbitration. The case study findings suggested that inefficient evidence presentation, whether due to poor documentation quality, strategic delay tactics, or guerrilla procedural conduct, contributed to both timeline extensions and the production of awards based on incomplete or poorly substantiated factual records (Abwunza et al., 2020b; 2021b). The tribunals' failure to streamline proceedings when process control was skewed in favor of one party through opportunistic procedural behavior was identified as a primary cause of delays across all five cases (Abwunza et

al., 2021b). Proactive gathering and documentation of evidence during contract execution is recommended as the most effective preventive intervention (Abwunza, 2021).

Repeat Player Status (for both client and contractor) proxies the procedural experience and strategic preparedness shapes evidence presentation quality consistent with Galanter's (1974) hypothesis that accumulated institutional familiarity produces strategic advantages in evidence organization and submission. Award to Claim Ratio serves simultaneously as an inverse proxy for claim discipline: high claim-to-award ratios reflect over-claiming behavior or inadequate substantiation, both of which impose additional evidential burden on tribunals and extend proceedings through the need to assess and discount inflated or poorly evidenced claims (Abwunza, 2021; Shrestha et al., 2019).

2.12 Theoretical Framework

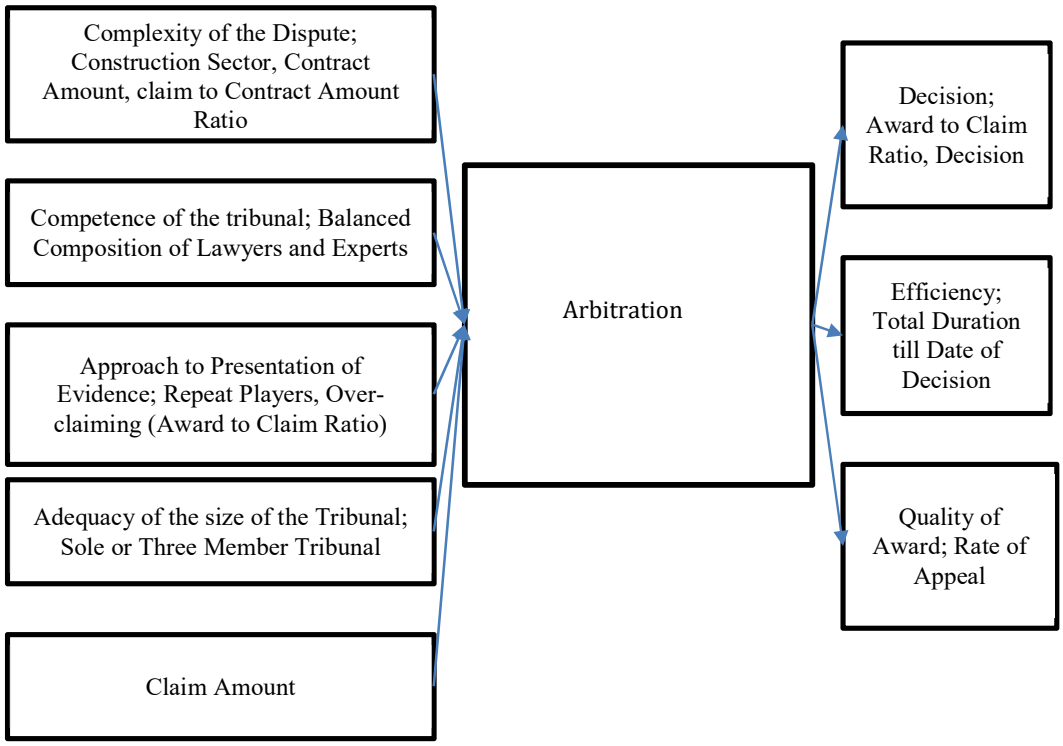

Figure 4: Theoretical Framework based on literature review (Source: Visualized by Author)

2.13 Research Gap

The efficiency of arbitration in construction disputes has received considerable attention globally but remains insufficiently researched in Nepal's specific context. Prevalent

literature on Nepalese ADR focuses on general legal frameworks or broad historical analyses rather than empirical efficiency evaluation using actual case data. Existing writings rarely integrate mixed-methods approaches combining stakeholder perceptions with rigorous quantitative performance analysis.

Specifically, despite NEPCA's publicly available case data, there has been little systematic exploitation of this resource to analyze trends by dispute type, claim size, award duration, or tribunal composition. Studies lack qualitative insights into how practitioners assess efficiency and reform strategies remain largely theoretical without empirical prioritization grounded in stakeholder feedback and actual performance data. This research addresses these empirical, analytical and practical deficiencies by leveraging NEPCA data for robust trend and predictor analysis, eliciting practitioner insights through KII and systematically mapping efficiency determinants in line with international benchmarks.

CHAPTER THREE: RESEARCH METHODOLOGY

3.1 Research Approach

This research adopts a pragmatic epistemological stance aligned with mixed-methods inquiry, recognizing that the complexity of construction arbitration outcomes cannot be adequately understood through quantitative analysis alone, nor through purely interpretive approaches that lack empirical grounding. The methodology integrates an explanatory sequential design wherein quantitative analysis of institutional case data first establishes measurable patterns and relationships, which are subsequently contextualized, validated and extended through qualitative key informant interviews. This approach is particularly appropriate for investigating arbitration efficiency in Nepal's evolving institutional landscape, where formal procedural frameworks interact with informal practices, stakeholder behaviors and systemic capacity constraints in ways that quantitative records alone cannot fully reveal.

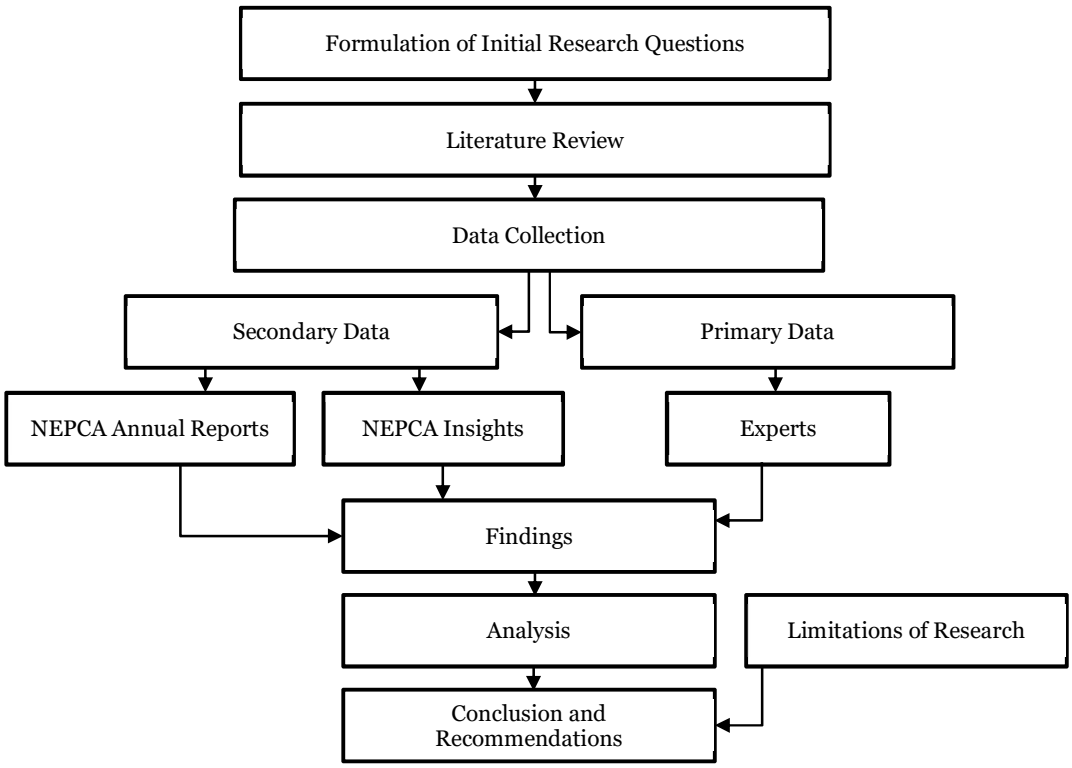

Figure 5: Methodological Framework

3.2 Research Design

This study adopts a cross-sectional, census-based research design encompassing all 151 completed construction arbitration cases administered by NEPCA across fiscal years 2075 to 2080 BS. A mixed-methods design is employed, integrating quantitative analysis of institutional case records with qualitative Key Informant Interviews (KII). The quantitative strand uses non-parametric statistical methods to test associations between case characteristics and arbitral outcomes. The qualitative strand employs semi-structured KII with four experienced practitioners to contextualise, validate and extend quantitative findings. The integration of both strands follows a triangulation protocol in which qualitative insights explain mechanisms behind statistical patterns, producing a more complete account of Nepal's construction arbitration system than either strand could achieve alone.

3.3 Study Area

The study area is Nepal's construction arbitration sector as administered by the Nepal Council of Arbitration (NEPCA), headquartered in Kathmandu. NEPCA is Nepal's principal institutional arbitral body for construction disputes and administers cases arising from contracts funded by federal, provincial, and local governments as well as private-sector clients across all geographic regions of Nepal. The analysis encompasses all construction sectors represented in NEPCA's caseload, including road, bridge, building, hydropower, irrigation, river works, water supply and sanitation, and airport projects. The temporal scope covers fiscal years 2075 to 2080 BS (approximately 2018 to 2024 CE), representing the post-adjudication-removal transitional period following the Public Procurement Act amendment of 2016 (2073 BS). Data for the qualitative component was collected through KII conducted in Kathmandu with practitioners who have active involvement in NEPCA-administered proceedings.

3.4 Population, Sampling Technique and Sample Size

The study population comprises all completed construction arbitration cases registered at NEPCA following the 2016 amendment to Nepal's Public Procurement Regulations. A two-year maturity period (FY 2073/74–2074/75) was incorporated to allow disputes arising from contracts executed under the amended procurement regime to reach

arbitration, given that construction disputes typically manifest near project completion. The census sample encompasses N = 151 cases filed during fiscal years 2075 through 2080 BS (2018–2024 AD), representing the complete population of NEPCA-registered construction arbitration cases concluded within this analytical window. Cases filed in FY 2081/82 were excluded owing to their incomplete status, as arbitration proceedings routinely extend across fiscal year boundaries.

3.5 Methods of Data Collection

Quantitative data were extracted from NEPCA's institutional case records, annual reports and published arbitration decisions where confidentiality protocols under Section 9 of the Arbitration Act, 1999 permitted disclosure. Variable extraction targeted case-level data on contract amounts, claim amounts, award amounts, tribunal composition, construction sector, employer type, repeat player status and proceeding duration. Qualitative data were obtained through semi-structured key informant interviews (KII) with three practitioners holding a minimum of ten years' experience in Nepal's construction arbitration sector, purposively selected to represent arbitrators, legal counsel and engineering claims experts.

3.6 Data Analysis

3.6.1 Categorical Comparisons: Chi-Square and Fisher's Exact Test

Chi-square tests of independence examine associations between categorical predictor variables (construction sector, employer type, tribunal composition category, repeat player status) and categorical outcome variables (decision direction, appeal status). The test evaluates whether observed frequency distributions deviate significantly from expected distributions under the null hypothesis of independence. The test statistic is:

$$\chi^2 = \Sigma[(O_{ij} - E_{ij})^2 / E_{ij}]$$

where O_{ij} represents observed frequencies and E_{ij} expected frequencies, calculated as (row total × column total) / grand total. Fisher's Exact Test is preferred when any expected cell frequency falls below 5 in more than 20% of cells, calculating the exact probability of the observed distribution through combinatorial enumeration without distributional assumptions.

Effect size measures quantify the strength of association independently of sample size. Phi coefficient (φ) applies to 2×2 contingency tables: $\varphi = \sqrt{(\chi^2/n)}$. Cramér's V generalises to larger tables: $V = \sqrt{[\chi^2/(n \times \min(r-1, c-1))]}$, where r and c denote the number of rows and columns. Effect size interpretation follows Cohen (1988): small ≈ 0.10; medium ≈ 0.30; large ≈ 0.50.

3.6.2 Group Differences: Mann-Whitney U and Kruskal-Wallis H

The Mann-Whitney U test evaluates whether two independent groups differ significantly in their distribution of a continuous outcome variable without assuming normality or variance homogeneity. The U statistic counts how often observations from one group exceed those from the other:

$$U = n_1 n_2 + [n_1(n_1+1)/2] - R_1$$

where n_1 and n_2 are group sample sizes and R_1 is the sum of ranks for group 1. This test is applied to two-group comparisons: sole arbitrator versus three-member panel on duration and Award to Claim Ratio; and repeat versus non-repeat players on Award to Claim Ratio and duration.

The Kruskal-Wallis H test extends Mann-Whitney U to three or more independent groups, serving as the non-parametric analogue to one-way ANOVA. The H statistic follows:

$$H = [12 / (n(n+1))] \times \Sigma(R_i^2 / n_i) - 3(n+1)$$

where n is the total number of observations, k is the number of groups, R_i is the sum of ranks for the i-th group and n_i is the sample size of the i-th group. The H statistic approximately follows a chi-square distribution with (k−1) degrees of freedom (Siegel & Castellan, 1988). This test is applied to outcome differences across construction sectors, tribunal composition types and employer types. Where H yields a significant result ($p < 0.05$), post-hoc pairwise comparisons using Dunn's test with Bonferroni correction identify which specific group pairs differ significantly, controlling the familywise error rate.

3.6.3 Relationships Between Continuous Variables: Spearman's Rank Correlation

Spearman's rank correlation coefficient (ρ or r_s) assesses the strength and direction of monotonic relationships between two continuous or ordinal variables without requiring

linearity or bivariate normality, properties particularly appropriate for financial variables with exponential characteristics and distributions distorted by extreme values:

$$\rho = 1 - [6\Sigma d_i^2 / (n(n^2-1))]$$

where d_i is the difference between paired ranks and n is the number of observations (Siegel & Castellan, 1988). ρ ranges from −1 to +1; significance is evaluated at $\alpha = 0.05$ (two-tailed). Effect size interpretation: small $|\rho| \approx 0.10$; medium ≈ 0.30; large ≈ 0.50. Spearman's correlation is applied to examine: contract amount × claim amount; claim amount × award amount; claim amount × duration; and Award to Claim Ratio × duration.

3.6.4 Qualitative Component: Key Informant Interviews

Semi-structured KII protocols are designed to contextualize, validate and extend quantitative findings. Key informants are selected purposively across three professional categories: practicing NEPCA-panel arbitrators; legal counsel specializing in construction arbitration representation; and engineering experts with substantial claims preparation and expert witness experience. All informants hold a minimum of ten years' construction arbitration experience in Nepal, ensuring both pre- and post-adjudication-removal comparative insight.

Interview protocols are organized into four thematic modules: (i) structural changes and institutional adaptation following adjudication removal; (ii) tribunal composition and competence effects on quality and duration; (iii) procedural efficiency determinants and bottlenecks; and (iv) claim behavior, award patterns and enforcement challenges. Interviews are conducted in Nepali or English according to informant preference, recorded with informed consent and transcribed verbatim. Thematic analysis follows Charmaz's (2006) systematic coding procedure: initial open coding identifies recurring patterns; focused coding groups related concepts into thematic categories aligned with the theoretical framework; and analytical coding examines relationships between themes and their convergence or divergence with quantitative findings.

3.7 Reliability and Validity

Methodological triangulation combines multiple research approaches to achieve more comprehensive understanding than any single method provides (Denzin, 1978). In this research, triangulation serves three functions. Corroboration: qualitative expert insights

validate or challenge quantitative patterns. Complementarity: qualitative data illuminate causal mechanisms and behavioral dynamics invisible in case records, for instance, explaining why client hesitation in arbitrator appointment extends duration beyond any variable captured in the quantitative dataset. Expansion: expert knowledge extends findings to assess future trends and reform feasibility beyond the empirical window.

Integration occurs at three analytical levels. Validation integration examines concordance between quantitative patterns and expert explanations. Explanation integration leverages qualitative insights to elucidate causal mechanisms underlying statistical associations. Recommendation integration synthesizes empirical evidence and expert judgement into reform proposals that balance statistical justification, contextual appropriateness and implementation feasibility. Each recommendation will explicitly reference: (a) the quantitative evidence; (b) the qualitative causal explanation; (c) international best practice; and (d) an implementation feasibility assessment within Nepal's legal and institutional context.

3.8 Ethical Considerations

Participation in KII is entirely voluntary and governed by informed consent. Informants are advised of their right to withdraw at any stage without consequence. Interview recordings and transcripts are stored securely; informants are identified by professional category only in reporting and any quotations used are reviewed by the respective informant prior to publication. The use of NEPCA case data complies with the institution's data access and confidentiality protocols and no party or arbitrator is identified in published analyses.

3.9 Research Matrix

A research matrix was formulated to achieve the set objectives with coordination from supervisors:

Table 1: Research Matrix

Objective	**Data Source**	**Data Collection Method**	**Analysis Tools/Techniques**	**Outcomes**
To identify the prevailing trends and institutional dynamics of construction arbitration in Nepal by analyzing the characteristics of completed NEPCA cases.	NEPCA Annual Reports (2075-2080 BS)	Census of 151 completed cases; extraction of case-level data	Descriptive statistics (frequencies, percentages, mean, median, percentiles); graphical analysis (bar charts, area charts, line charts, boxplots); interquartile range analysis	Yearly filing trends (35% increase); sectoral distribution (road 34.4%, building 21.2%, bridge 19.2%); shift from sole to three-member panels; median claim NRs. 33.96M; median award-to-claim ratio 0.44; median duration 368 days

To re-examine the effect of the dissolution of mandatory Adjudication on the time performance of arbitration proceedings in Nepal.	NEPCA Annual Reports (2072-2080 BS including pre-amendment years)	Extraction of registration year and duration data (pre and post amendment)	Kruskal-Wallis H test for year-on-year duration comparison; descriptive year-on-year trend analysis; triangulation with expert interview insights	Significant duration variation across years ($p=0.010$); duration surge in 2076-2077 (median 542.50, 398.50 days); adjudication removal degraded evidentiary quality; confirmed by expert accounts
To examine the influence of project and procedural factors on arbitration outcomes, specifically regarding duration, award values, decision direction, and the rate of appeals.	NEPCA Annual Reports (2075-2080 BS); Key Informant Interviews	Case data extraction; semi-structured interviews with 4 practitioners	Spearman's rank correlation (continuous variables); Kruskal-Wallis H test (categorical predictors on continuous outcomes); Chi-square test and Fisher's Exact Test (categorical associations); Mann-Whitney U test (binary group comparisons); Thematic	No case attribute predicts duration; contract amount ($r=0.173$) and claim-to-contract ratio ($r=-0.358$) predict award ratio; sector ($p=0.014$), tribunal composition ($p=0.028$), and repeat player ($p=0.005$) predict decision; contract amount ($p<0.001$), tribunal composition ($p=0.001$),

			analysis of interview transcripts	tribunal size ($p<0.001$), and claim amount ($p=0.001$) predict appeals
To contextualize statistical findings through practitioner insights and develop evidence-based recommendations for improving the efficiency of the arbitration process.	KII with experts (arbitrators, legal counsel, engineering claims experts)	Semi-structured interviews with 4 experts (arbitrators, legal counsel, engineers) conducted in Nepali/English, recorded, transcribed verbatim	Thematic analysis following Charmaz's systematic coding procedure (open coding → focused coding → analytical coding); triangulation of qualitative themes with quantitative findings; synthesis of cross-cutting themes	Five themes (procedural conduct drives duration; adjudication removal degraded evidence; technical fluency shapes outcomes; financial magnitude drives appeals; federalization reshapes landscape); Five recommendations (reinstate adjudication; enforce timelines; build local/provincial capacity; maintain technical competence; develop expedited procedures)

CHAPTER FOUR: RESULTS AND DISCUSSIONS

This chapter presents the findings of the study organized according to the four research objectives outlined in Chapter 1. Section 4.1 addresses Objective 1 by describing the prevailing trends and institutional dynamics of construction arbitration in Nepal based on 151 completed NEPCA cases. Section 4.2 addresses Objective 2 by re-examining the effect of the dissolution of mandatory adjudication on the time performance of arbitration proceedings. Section 4.3 addresses Objective 3 by examining the influence of project and procedural factors on arbitration outcomes, including duration, award values, decision direction, and appeal rates. Finally, Section 4.4 addresses Objective 4 by synthesizing practitioner insights from key informant interviews and presenting evidence-based recommendations for improving the efficiency of Nepal's construction arbitration system.

4.1 Current Dynamics and Emerging Trends in Nepal's Institutional Construction Arbitration

This section establishes the descriptive baseline of Nepal's construction arbitration landscape by analyzing case filings, financial characteristics, sectoral distribution, tribunal composition, and temporal patterns across fiscal years 2075 to 2080 BS.

4.1.1 Yearly Case Filings

Figure 6 presents a bar chart showing the distribution of case filings across the study period, while Table 2 provides the corresponding frequencies in tabular format.

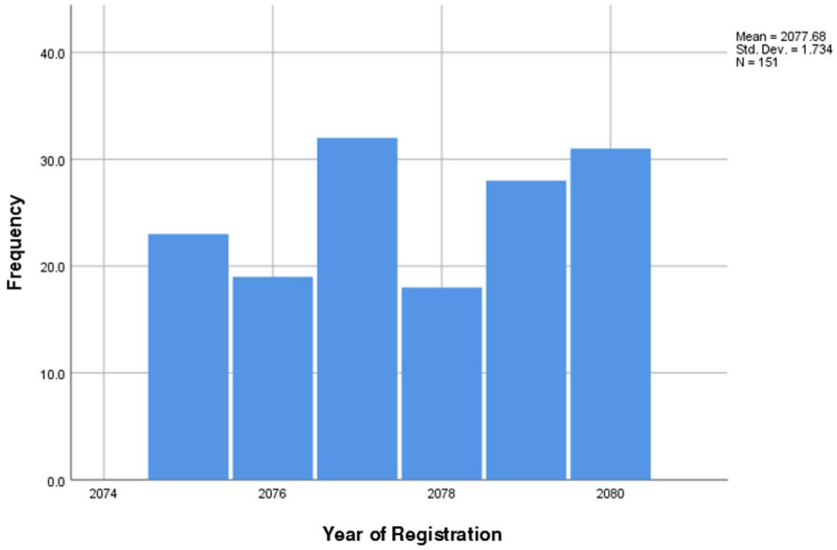

Figure 6: Bar Chart of case frequency by Year of Registration

Table 2: Case frequency by Year of Registration in a Tabular Format

Year	Frequency	Cumulative	Percentage
2075	23	23	14
2076	19	42	11.6
2077	32	74	19.5
2078	18	92	11.0
2079	28	120	17.1
2080	31	151	18.9
Total	151		100%

As shown in Figure 6 and Table 2, analysis of yearly case filings reveals a fluctuating but ultimately upward trajectory across the study period. Fiscal year 2077 recorded the highest number of filings with 32 cases, followed closely by 2080 with 31 cases. The initial year of the study period, 2075, saw 23 cases, while the final year, 2080, recorded 31 cases, representing a 35% increase in annual filings over six years. The dip observed in 2078 (18 cases) is notable and, as confirmed by expert interviewees, coincides with the COVID-19 pandemic period when disputing parties delayed initiating new claims and NEPCA struggled to adapt to online proceedings. Year 2079 (28 cases) marked a recovery, and 2080 (31 cases) returned to pre-pandemic filing levels. This upward trend, despite the pandemic interruption, indicates that construction arbitration is becoming an increasingly utilized dispute resolution mechanism in Nepal, a development practitioners attribute primarily to the removal of mandatory adjudication from the Public Procurement

Act, which collapsed the multi-tiered dispute resolution ladder and directed more disputes directly to arbitration.

4.1.2 Descriptive Statistics of Financial and Temporal Variables

Table 3 presents the descriptive statistics for contract amounts, claim amounts, award amounts, claim-to-contract ratios, award-to-claim ratios, and total duration of proceedings.

Table 3: Descriptive Statistics of Contract Amount, Claim Amount, Claim to Contract Ratio (C/C), Award to Claim Ratio (A/C) and Duration of Proceedings

		Contract Amount	Claim Amount	Award Amount	C/C Ratio	A/C Ratio	Total Duration
N	**Valid**	150	151	151	150	151	147
	Missing	1	0	0	1	0	4
Mean		457083175.69	72057662.98	26968994.34	.53	.46	417.29
Median		132295576.50	33960003.88	14651013.15	.21	.44	368.00
Skewness		5.965	6.456	3.503	5.931	2.12	2.106
Std. Error of Skewness		.198	.197	.216	.198	.20	.200
Minimum		3148486.25	935762.23	49962.00	.003	.000	23
Maximum		10056837465.00	1444220873.00	288545410.50	10.20	2.914	1818
Percentiles	**5**	9505175.25	3371812.80	941499.40	.027	.000	124.40
	25	56622624.25	12345318.40	4361208.82	.097	.07	262.00
	50	132295576.50	33960003.88	14651013.15	.213	.44	368.00
	75	404504536.43	63622973.00	33556931.80	.461	.75	505.00
	95	1413154486.75	222886924.76	103107841.87	1.235	1.00	831.00

As reported in **Table 3**, the descriptive statistics reveal several important characteristics of Nepal's construction arbitration caseload. The median contract value of NRs. 132.3

million contrasts sharply with the mean of NRs. 457.1 million, indicating a right-skewed distribution driven by a small number of very large infrastructure projects. The most extreme case, a river works project with a contract value exceeding NR. 10 billion, falls outside the typical range of disputes reaching NEPCA.

The median claim amount of NRs. 33.96 million is substantially lower than the mean of NRs. 72.06 million, again reflecting skewness from a small number of high-value claims. Of greater analytical importance is the median Claim-to-Contract Ratio of 0.21, meaning that in a typical case, the amount claimed represents approximately one-fifth of the original contract value. The maximum ratio of 10.20, where the claim exceeds the contract value by more than ten times, represents an extreme outlier that tribunals would likely view with skepticism.

The median Award-to-Claim Ratio of 0.44 is a critical finding. On average, claimants receive less than half of the amount they claim. The mean ratio of 0.46 confirms this pattern. This suggests either systematic over-claiming by contractors, inadequate substantiation of claims, or a combination of both. Practitioners interviewed for this study interpreted this finding as evidence that a significant proportion of claims reaching NEPCA are either immature or lack the evidentiary foundation necessary for full recovery. One expert noted that "the removal of adjudication removed the institutional pressure on parties to document their claims contemporaneously," resulting in claims that are filed based on reconstructed records rather than project-time documentation.

The median duration of 368 days and mean of 417 days, as shown in Table 3, represent a clear and persistent overshoot of the statutory ceiling of 321 days established by the Arbitration Act, 1999. The 5th percentile of cases resolved in 124 days demonstrates that efficient resolution is possible, while the 95th percentile of 831 days reveals that a minority of cases experience extreme delays. The presence of a case exceeding 1,800 days (approximately five years) confirms that while the institutional expectation aligns with a one-to-two-year cycle, systemic failures can produce resolutions that defeat arbitration's fundamental promise of expedition.

4.1.3 Trends in Yearly Case Distribution by Employer Type of Construction Projects

Figure 7 presents a bar chart showing the distribution of cases by employer type (Federal Government, Local Government, Provincial Government, and Other Organizations) across the study period.

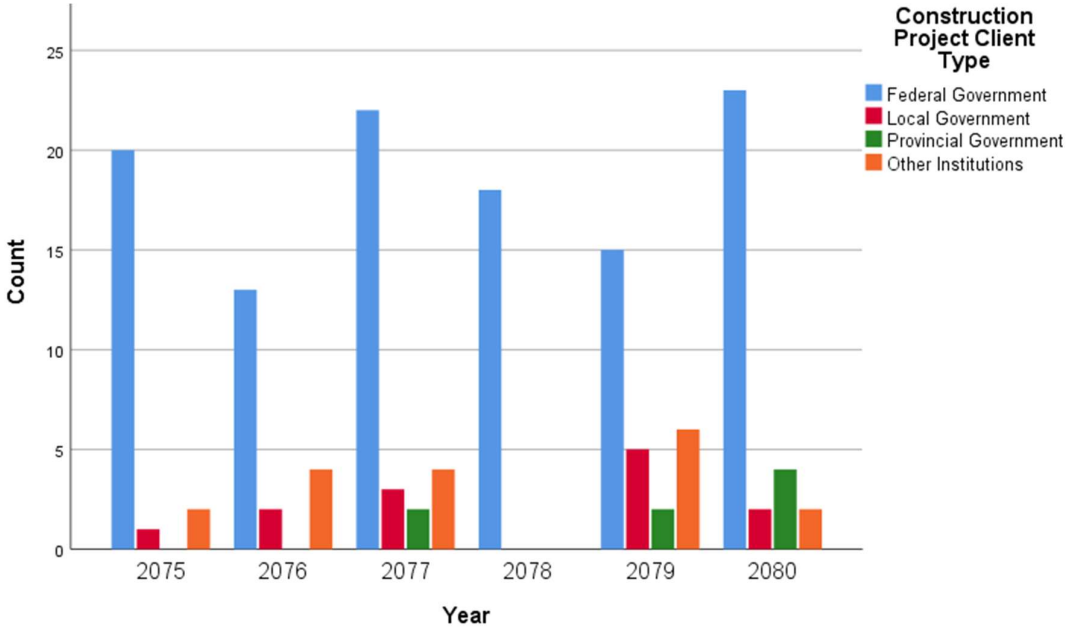

Figure 7: Bar chart of case frequency per Year by Project Client Type

As illustrated in Figure 7, the composition of client parties in construction arbitration cases has shifted notably across the study period. Federal government projects consistently constitute the majority of cases, reflecting the central government's dominant role in infrastructure procurement. However, a slow but substantial rise in cases from local and provincial governments is evident from 2075 to 2080. This trend is directly attributable to Nepal's federalization process, which has devolved procurement responsibilities to subnational governments that often lack the institutional experience and contract management capacity of federal agencies. As one expert informant observed, "local governments are making the same mistakes federal agencies made twenty years ago," producing disputes that escalate to arbitration because provincial and local clients lack dedicated contract management units. The year 2078 stands out as the only year with zero cases from local or provincial governments, which practitioners attributed to the COVID-19 pandemic halting new project initiations at the subnational level.

4.1.4 Trends in Yearly Case Distribution by Tribunal Size Appointed to Handle Arbitration Cases

Figure 8 presents a bar chart showing the trend in appointment of sole arbitrators versus three-member panels across the study period.

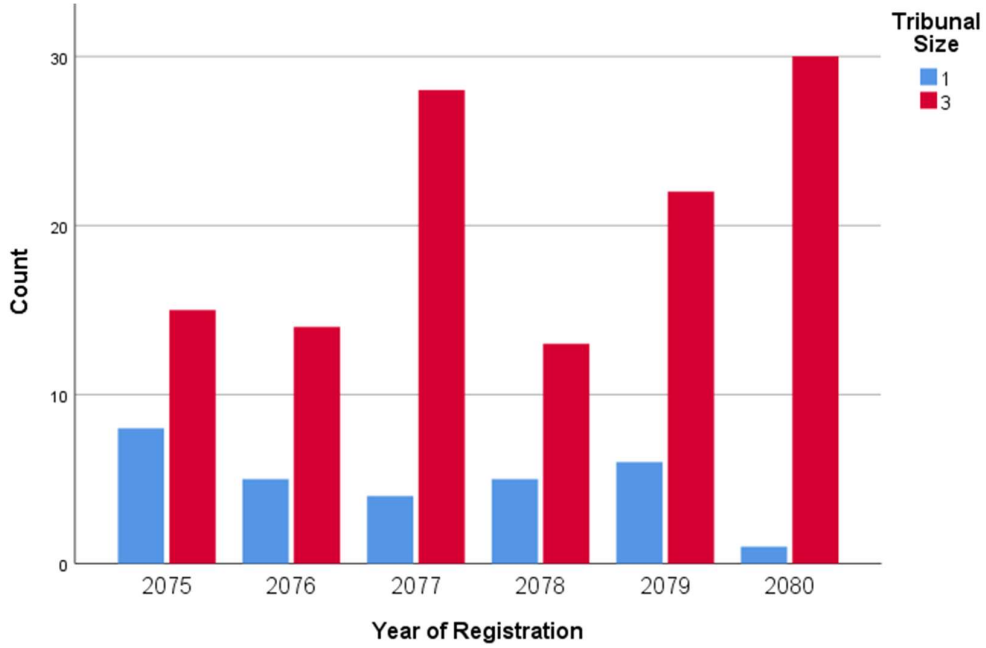

Figure 8: Bar chart of case frequency per Year by Size of Tribunal

As shown in Figure 7, the shift away from sole arbitrators toward three-member panels is one of the most pronounced institutional trends in the data. In 2075, sole arbitrator appointments accounted for approximately 35% of cases; by 2080, this had fallen to just 3%. Three-member panels now handle 97% of NEPCA's construction arbitration caseload. Expert informants offered two complementary explanations for this shift. First, the increasing financial complexity and claim quantum in construction disputes have made parties reluctant to entrust high-stakes matters to a single decision-maker. Second, and more critically, practitioners noted that sole arbitrator appointments require mutual party agreement, which has become increasingly difficult to secure in an adversarial environment. Conversely, when parties cannot agree, the default under the Arbitration Act, 1999 is a three-member panel. The near-extinction of sole arbitrator appointments thus reflects not a positive preference for three-member panels but a failure of party cooperation. The exception in 2078, where sole appointments temporarily increased, coincides with the COVID-19 period when parties may have been more willing to agree on sole arbitrators to expedite resolution.

4.1.5 Trends in Yearly Case Distribution by Construction Sector type

Table 4 presents the frequency of cases by construction sector, while Figure 9 shows the area chart of sectoral trends across the study period.

Table 4: Case frequency observed as per Construction Sector

Construction Sector	Frequency	Percent	Valid Percent	Cumulative Percent
Airport	2	1.3	1.3	1.3
Bridge	29	19.2	19.2	20.5
Building	32	21.2	21.2	41.7
Hydropower	13	8.6	8.6	50.3
Irrigation	6	4.0	4.0	54.3
Others	2	1.3	1.3	55.6
Power Supply	1	.7	.7	56.3
River Works	7	4.6	4.6	60.9
Road	52	34.4	34.4	95.4
Water Supply and Sanitation	7	4.6	4.6	100.0
Total	**151**	**100.0**	**100.0**	

As reported in Table 4, road, building, and bridge projects together account for 74.8% of all construction arbitration cases at NEPCA. Road sector disputes are the most frequent at 34.4%, followed by building at 21.2% and bridge at 19.2%. This distribution reflects the relative volume of procurement in these sectors, but the year-on-year trends revealed in Figure 9 show important shifts.

Road sector cases, while numerically dominant, show a stagnant trend across the study period. Expert informants attributed this to the Department of Roads' (DoR) increasing use of ad hoc arbitration and other dispute resolution institutions alongside NEPCA, meaning that the DoR's dispute portfolio is diversifying rather than shrinking. Bridge sector cases similarly show stagnation, though practitioners noted that bridge disputes tend to be technically more complex, involving structural engineering assessments, specialized plant hire, and multi-party subcontracting chains.

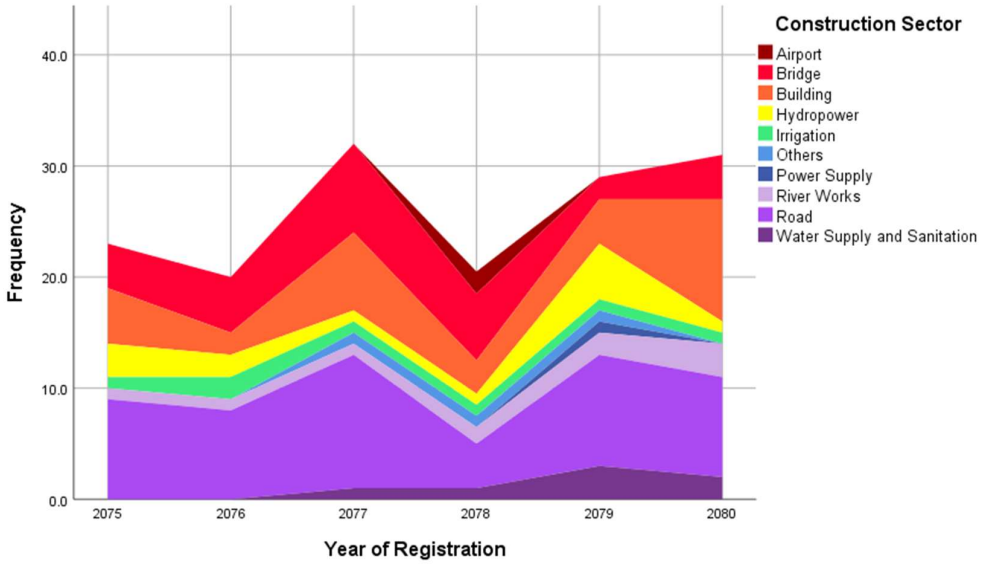

Figure 9: Area Chart showing trends of Construction Sector through 2075-2080

Building sector cases show a clear upward trend in Figure 9, overtaking road sector in frequency by 2080 BS. This rise coincides with two developments: the post-earthquake reconstruction program, which generated a large volume of building contracts, and federalization, which brought local and provincial government building projects into the dispute resolution system. Expert informants expressed concern that building sector disputes frequently involve claims over quality defects and scope variations where evidentiary records are less systematic than in infrastructure projects, making award outcomes more unpredictable.

River works and water supply and sanitation sector cases are also on upward trajectories in Figure 9. Practitioners attributed this to increased investment in these sectors under federalization and the entry of new, institutionally inexperienced clients. The rise of these sectors signals a diversification of NEPCA's caseload that will require corresponding diversification of arbitrator expertise.

4.1.6 Trends in Yearly Case Distribution by Composition of Tribunal

Figure 10 presents a line chart showing the trend in tribunal composition across the study period, classified by the ratio of engineers (E) to lawyers (L) on each panel.

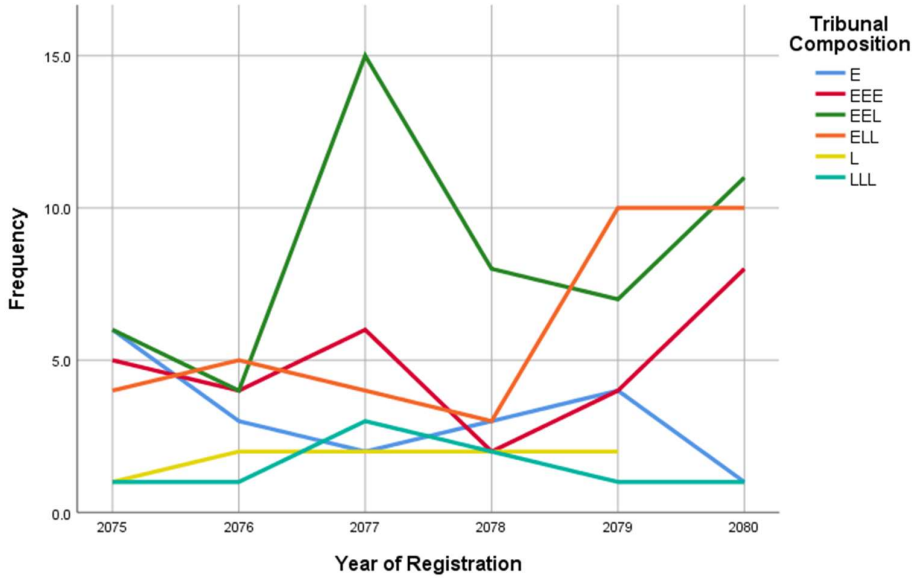

Figure 10: Line Chart showing trend in Tribunal Composition from 2075-2080

As illustrated in Figure 10, EEL (two engineers, one lawyer) is the dominant three-member composition across all years, peaking sharply in 2077 (N=15) and remaining the plurality type through 2080. This pattern is consistent with a preference for technically grounded panels in construction disputes while retaining legal expertise for procedural and evidentiary management. ELL compositions (one engineer, two lawyers) grew significantly in 2079 (N=10) and held that level in 2080 (N=10), suggesting a gradual shift toward greater legal weighting on panels. Expert informants attributed this shift to parties' increased awareness of appeal risks and the desire for decisions that are procedurally unassailable which aligns with the expert observation by Singh et al. (2025) that legal practitioners are increasingly prominent in NEPCA appointments.

EEE panels (all engineers) remained a minority throughout, peaking at N=8 in 2080, while LLL appointments (all lawyers) were consistently low (N=1-2 per year) as shown in Figure 9, confirming that all-lawyer panels remain rare in construction arbitration. The sole arbitrator category shifted from engineer-dominated in 2075 (E:6, L:0) toward effective extinction by 2080 (E:1, L:0), mirroring the broader move away from sole appointments discussed in Section 4.1.4.

4.1.7 Trends in Yearly changes in Proceeding Duration and Claim value intakes

Figure 11 presents a boxplot showing the distribution of total duration across registration years, while Table 5 provides the mean and median comparison.

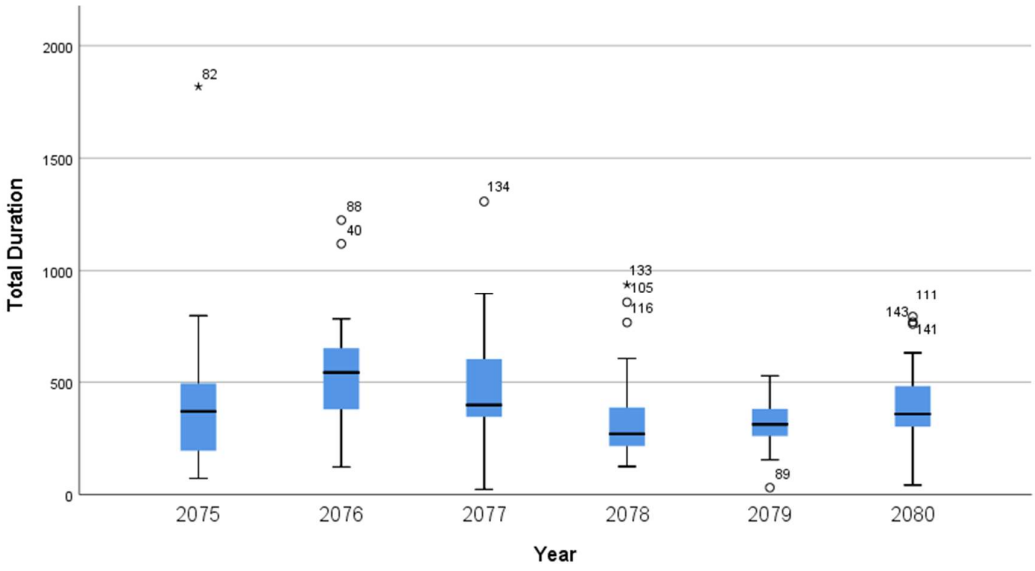

Figure 11: Boxplot of Total Duration of proceeding by Year

Table 5: Mean and Median Comparison for case completion by Year

Total Duration			
Year of Registration	**N**	**Median**	**Mean**
2075	22	369.50	419.14
2076	16	542.50	569.12
2077	32	398.50	470.47
2078	18	270.00	379.78
2079	28	312.50	313.93
2080	31	358.00	397.84
Total	147	368.00	417.29

As shown in Figure 10 and Table 5, the observation of NEPCA case durations reveals a distinct temporal pattern, with median resolution time generally oscillating between 300 and 500 days. Year 2079 emerged as the most efficient year, with the lowest median duration (312.50 days) and minimal variability. Years 2076 and 2077 exhibited the highest median delays (542.50 and 398.50 days respectively) and broader dispersion, indicating a period of increased procedural volatility. An extreme outlier in 2075 exceeding 1,800 days demonstrates that while most cases resolve within the one-to-two-year window, systemic failures can produce extreme delays.

The efficiency of 2079 requires careful interpretation. Expert informants noted that this year coincided with reduced caseloads during the COVID-19 pandemic recovery phase, when parties delayed initiating new claims and NEPCA's docket was lighter. The low median duration thus reflects lower overall activity rather than improved institutional efficiency. Once caseloads normalized in 2080, durations rebounded to a median of 358 days.

Figure 12 presents a boxplot of claim amounts across registration years, while Table 6 provides the mean and median comparison. Table 7 presents the mean ranks, and Table 8 reports the Kruskal-Walli's test statistics.

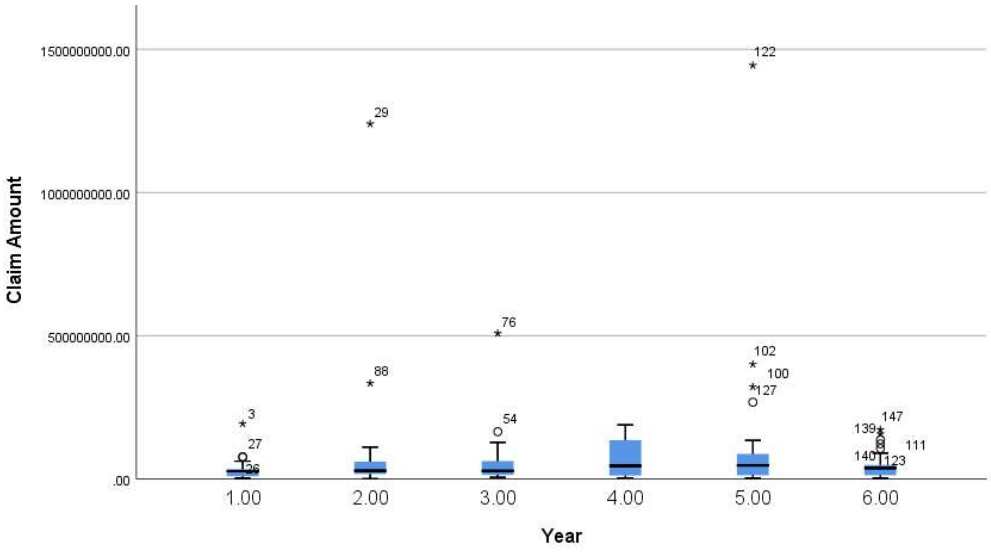

Figure 12: Boxplot of Claim Amount observed from Year 2075-2080

Table 6: Mean and Median Comparison for Claim Amount by Year

Report			
Claim Amount			
Year of Registration	**N**	**Median**	**Mean**
2075	23	27094754.44	34859185.78
2076	19	28743798.42	112976830.80
2077	32	28066595.15	56558871.41
2078	18	46004795.13	66274833.79
2079	28	47094141.50	124769324.67
2080	31	38098489.00	46323034.47

Total	151	33960003.88	72057662.98

Table 7: Ranks, Claim Amount by Year

Ranks			
	Year	N	Mean Rank
Claim Amount	2075	23	62.43
	2076	19	74.61
	2077	32	76.67
	2078	18	84.11
	2079	28	84.75
	2080	31	73.61
	Total	151	

Table 8: Test Statistics, Claim Amount by Year

	Claim Amount
Kruskal-Wallis H	4.072
df	5
Asymp. Sig.	.539

A Kruskal-Wallis H test was conducted to determine whether claim amounts differed significantly across registration years. As reported in Table 8, the test revealed no statistically significant difference across years (H (5) =4.072, p=0.539), confirming that the core financial characteristics of cases filed at NEPCA have remained relatively constant throughout the study period.

This is a substantively important finding. Despite the post-adjudication-removal surge in case volumes, the growing complexity of Nepal's construction sector driven by federalization, and the expansion of infrastructure programs, the financial scale of individual disputes reaching NEPCA has remained stable. Expert informants offered a nuanced interpretation: while some expected claim quantum to rise as larger infrastructure contracts were awarded, practitioners noted that most disputes remain rooted in recurring contractual issues variation claims, delay damages, defect liability, and payment disputes whose financial magnitude is governed by contract size norms that have not changed

dramatically in real terms over the study period. One informant specifically noted that "the median claim amount reflects the typical contract scale in Nepal's construction sector, which has remained stable despite nominal growth in infrastructure budgets."

4.1.8 Trends in Financial Distribution of Cases by Size of Tribunal

Figure 13 presents a boxplot comparing contract amounts between sole arbitrator and three-member panel cases. Table 9 provides the mean and median comparison, Table 10 presents the mean ranks, and Table 11 reports the Kruskal-Walli's test statistics.

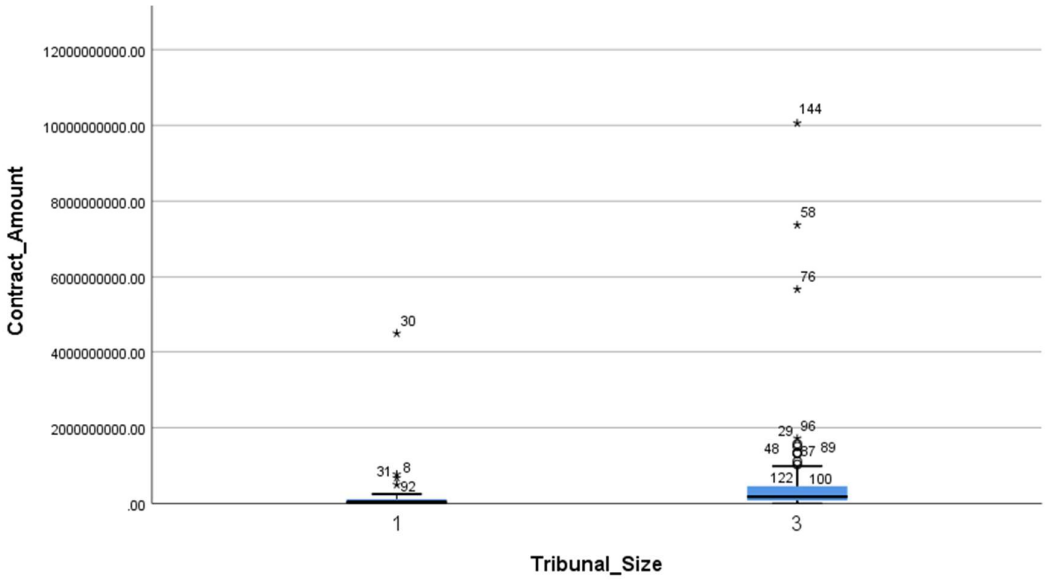

Figure 13: Boxplot of Contract Amount by Tribunal Size

Table 9: Mean and Median Comparison

	Contract Amount in NRs.		
Tribunal Size	**Mean**	**Median**	**N**
1	26,79,95,350.8	3,38,10,779.51	29
3	50,24,01,745.3	17,72,63,102.6	121
Total			150

Table 10: Ranks, Contract Amount by Tribunal Size

	Tribunal Size	N	Mean Rank
Contract Amount	1	29	45.41
	3	121	82.71

	Total	151	

Table 11: Test Statistics, Contract Amount by Tribunal Size

	Contract Amount
Kruskal-Wallis H	17.24
df	1
Asymp. Sig.	.000
a. Kruskal Wallis Test	
b. Grouping Variable: Tribunal Size	

As shown in Figure 13 and Table 11, a Kruskal-Wallis H test revealed a statistically significant difference in contract amounts between cases handled by sole arbitrators and those handled by three-member panels (H=17.24, p<0.001). As reported in Table 9, the median contract amount for three-member panel cases (NRs. 1,772,631,02.6) was more than five times higher than for sole arbitrator cases (NRs. 338,107,79.51). This confirms that larger, higher-stakes projects are systematically directed to three-member tribunals.

Figure 14 presents a boxplot comparing claim amounts between sole arbitrator and three-member panel cases. Table 12 provides the mean, median, and interquartile range, Table 13 presents the mean ranks, and Table 14 reports the Kruskal-Walli's test statistics.

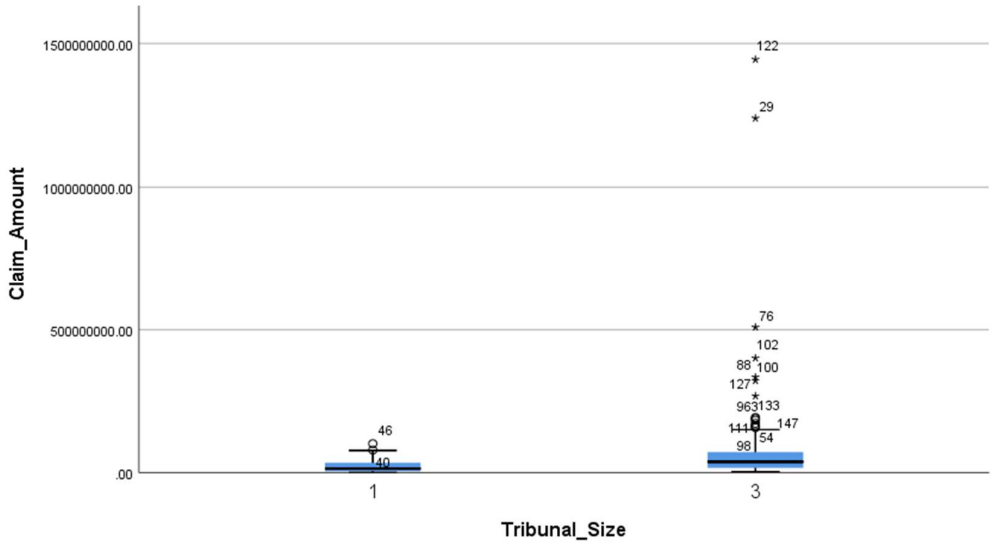

Figure 14: Boxplot of Claim Amount by Tribunal Size

Table 12: Mean, Median and Interquartile range of Claim Amount by Tribunal Size

	Claim Amount in NRs.				
Tribunal Size	**Mean**	**Median**	**1st Quartile**	**3rd Quartile**	**N**
1	2,46,10,540.41	1,41,81,374.00	40,30,614.00	3,51,88,636.33	29
3	8,33,36,077.37	3,80,35,432.00	1,64,33,475.95	72381985.75	122
Total					151

Table 13: Ranks, Claim Amount by Tribunal Size

	Tribunal Size	N	Mean Rank
Claim Amount	1	29	49.02
	3	121	82.41
	Total	151	

Table 14: Test Statistics, Claim Amount by Tribunal Size

Kruskal-Wallis H	13.66
df	1
Asymp. Sig.	.000

As reported in Table 14, a Kruskal-Wallis H test revealed a statistically significant difference in claim amounts between the two tribunal size categories ($H=13.66$, $p<0.001$). As shown in Table 12, three-member panels handle cases with substantially higher claim amounts (median NRs. 380,35,432.00) compared to sole arbitrators (median NRs. 141,81,374.00). However, it is important to note that NEPCA's Rule 33, which suggests a threshold of NRs. 30 million for sole arbitrator appointments, is not strictly followed. The 1st quartile of claim amounts handled by three-member panels sits at NRs. 17 million, while the 3rd quartile for sole arbitrators reaches NRs. 35 million, indicating substantial overlap and inconsistent application of the rule.

4.1.9 Relationship between contract amount, claim amount and award amount

Figure 15 presents a scatter plot showing the relationship between contract amount and claim amount, while Table 15 reports the Spearman's correlation coefficient.

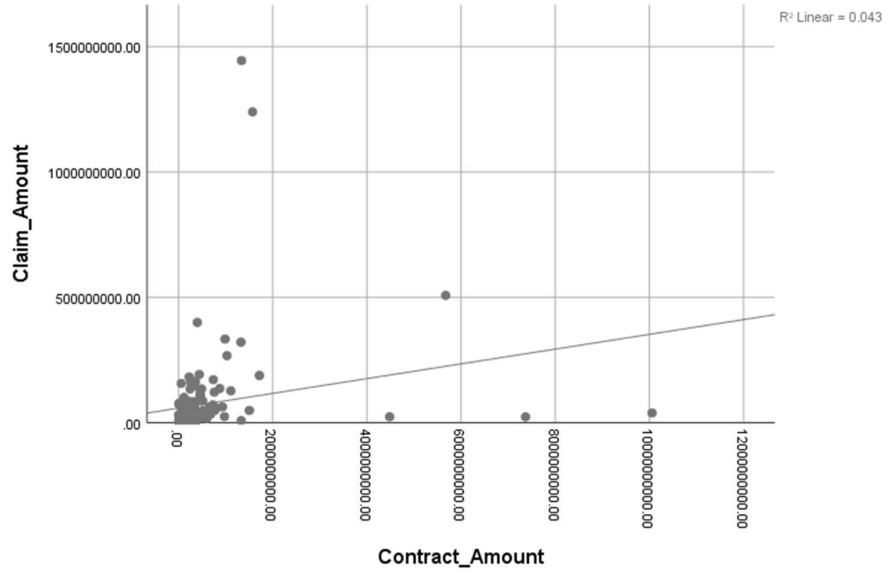

Figure 15: Scatter Plot, Contract Amount and Claim Amount

Table 15: Correlations, Contract Amount and Claim Amount

			Contract Amount	**Claim Amount**
Spearman's rho	Contract Amount	Correlation Coefficient	1.000	.598**
		Sig. (2-tailed)	.	.000
		N	150	150
	Claim Amount	Correlation Coefficient	.598**	1.000
		Sig. (2-tailed)	.000	.
		N	150	151

**. Correlation is significant at the 0.01 level (2-tailed).

As shown in Table 15, a Spearman's rank correlation coefficient was computed to assess the relationship between contract amount and claim amount. A strong, positive, statistically significant correlation was found (r_s=0.598, N=150, p<0.001). Larger contracts generate larger claims, which is consistent with the theoretical expectation that

claim quantum scales with project size. The strength of this correlation, illustrated in Figure 15, suggests that claim amounts are not random but are systematically related to the underlying contract value.

Figure 16 presents a scatter plot showing the relationship between claim amount and award amount, while **Table 16** reports the Spearman's correlation coefficient.

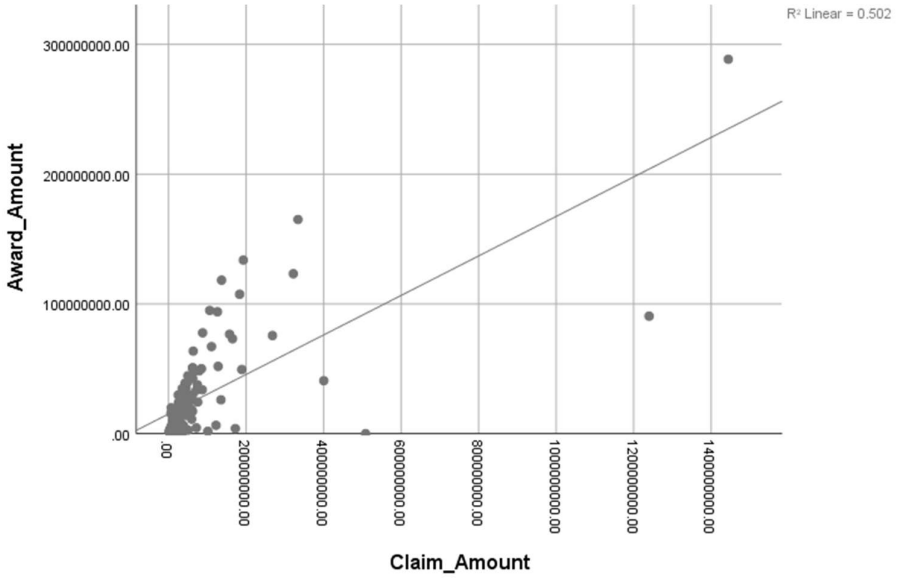

Figure 16: Scatterplot, Claim Amount and Award Amount

Table 16: Correlations, Claim Amount and Award Amount

			Claim Amount	**Award Amount**
Spearman's rho	Claim Amount	Correlation Coefficient	1.000	.711**
		Sig. (2-tailed)	.	.000
		N	151	126
	Award Amount	Correlation Coefficient	.711**	1.000
		Sig. (2-tailed)	.000	.
		N	126	126

**. Correlation is significant at the 0.01 level (2-tailed).

As reported in Table 16, a second Spearman's correlation examined the relationship between claim amount and award amount. An even stronger positive correlation was

found (r_s=0.711, N=126, p<0.001). Tribunals award more when claimants claim more. While this may seem intuitive, the strength of the correlation is noteworthy: it suggests that claims are not systematically dismissed as inflated but receive proportional recognition. The correlation is not perfect, however, and the dispersion visible in Figure 16 reflects the mediating effect of claim substantiation quality, which the Award-to-Claim Ratio (median 0.44) captures.

4.2 Effect of Dissolution of Adjudication on Time Performance of Arbitration

This section addresses Objective 2 by re-examining the effect of the dissolution of mandatory adjudication under the Public Procurement Act (PPA) amendment of 2016 (2073 BS) on the time performance of construction arbitration proceedings in Nepal. Prior to this amendment, Nepal's procurement framework required parties to exhaust adjudication before escalating to arbitration, creating a structured filtering mechanism. The removal of this requirement collapsed the dispute resolution ladder, with NEPCA absorbing a substantially higher caseload from 2075 BS onward without a commensurate increase in institutional capacity.

Table 17 presents the descriptive statistics of duration by year of registration (including pre-amendment years 2072-2074 for comparison), Table 18 presents the mean ranks, and Table 19 reports the Kruskal-Walli's test statistics.

Table 17: Descriptive Statistics of Duration and Year of Registration

Total Duration				
Year of Registration	**Mean**	**N**	**Std. Deviation**	**Median**
2072	340.87	15	152.931	312.00
2073	397.70	30	248.949	343.00
2074	349.73	15	183.848	287.00
2075	419.14	22	366.720	369.50
2076	569.12	16	283.269	542.50
2077	470.47	32	237.734	398.50
2078	379.78	18	242.885	270.00

2079	313.93	28	109.858	312.50
2080	397.84	31	177.225	358.00
Total	404.01	207	237.048	358.00

Table 18: Ranks, Duration and Year of Registration

	Year of Registration	N	Mean Rank
Total Duration	2072	15	87.50
	2073	30	98.27
	2074	15	90.80
	2075	22	98.05
	2076	16	148.44
	2077	32	126.47
	2078	18	89.47
	2079	28	83.82
	2080	31	108.68
	Total	207	

Table 19: Test Statistics, Duration and Year of Registration

	Total Duration
Kruskal-Wallis H	20.093
df	8
Asymp. Sig.	.010

A Kruskal-Wallis H test was applied to examine whether arbitration duration differed significantly across years of registration, treating registration year as a proxy for the temporal position of cases relative to the PPA amendment. As reported in Table 19, the test revealed a statistically significant difference across years ($H(8) = 20.093$, $p = 0.010$), confirming that duration varied meaningfully across the study period rather than remaining uniform.

As shown in Table 17, cases registered in 2076 BS exhibited the highest median duration (542.50 days, mean 569.12 days), followed by 2077 BS (398.50 days, mean 470.47 days). This surge coincides directly with the post-amendment transitional period, when disputes from pre-amendment contracts were still flowing through the system alongside the new

wave of unfiltered arbitration claims. The temporal pattern is consistent with the theoretical expectation that adjudication dissolution would increase both the volume and the relative immaturity of claims reaching arbitration.

When adjudication served as a mandatory intermediate tier, it produced structured evidentiary records, narrowed contested issues, and filtered out weaker claims before they consumed tribunal time. Its removal transferred this filtering burden directly onto arbitral tribunals, which were not resourced to absorb it. The caseload spike in 2075-2077 BS (N=22, N=16, and N=32 respectively across those years as shown in Table 17) and the corresponding elevation in duration are consistent with this mechanism.

Conversely, 2079 BS recorded the lowest median duration (312.50 days), coinciding with reduced caseloads during the COVID-19 pandemic recovery phase when parties delayed initiation of new claims. Expert informants unanimously affirmed that the pandemic introduced a confounding effect: reduced case intake, yearlong Extension of Time (EOT) provisions that deferred disputes, and NEPCA's slow adoption of online proceedings all constrained throughput. Once pandemic restrictions fully lifted, durations rebounded in 2080 BS (median 358.00 days, mean 397.84 days), suggesting the structural pressures introduced by adjudication removal continued to manifest, overlaid by the deferred caseload from the COVID years.

Expert practitioners were unequivocal in their assessment of the adjudication dissolution's consequences. All four key informants expressed that the removal of adjudication was a policy error whose effects continue to be felt in current proceedings. As one informant observed: "The loss of adjudication removed the institutional pressure on parties to document their claims contemporaneously during project execution. By the time a dispute reaches NEPCA, critical evidence has often been lost, witnesses are unavailable, and site records are incomplete. Tribunals must spend months reconstructing factual records that adjudication would have produced as a matter of course."

The Kruskal-Walli’s result (p=0.010 as reported in Table 19) provides the first statistically grounded evidence in the Nepal context that the dissolution of adjudication has had a measurable and significant negative impact on the time performance of construction arbitration, a finding that directly supports the recommendation to reinstate structured pre-arbitration filtering mechanisms.

4.3 Influence of Project and Procedural factors on arbitration outcomes

This section addresses Objective 3 by examining the influence of project and procedural factors on arbitration outcomes, specifically regarding duration, award values, decision direction, and the rate of appeals. The analysis proceeds in four subsections: duration (4.3.1), Award-to-Claim Ratio (4.3.2), decision direction (4.3.3), and appeal rate (4.3.4). For each outcome variable, the Kruskal-Wallis H test is used for categorical predictors and Spearman's rho for continuous predictors.

4.3.1 Relationship of Case Attributes with Duration of the Procedure

This section investigates whether the total duration of arbitral proceedings (Total Duration, measured in days from commencement to award) is associated with structural and financial characteristics of the case. The Kruskal-Wallis H test was used for categorical predictors and Spearman's rho for continuous predictors.

4.3.1.1 Contract Amount and Duration

Table 20 presents the Spearman correlation between contract amount and total duration.

H_0: There is no statistically significant relationship between contract amount and the duration of arbitral proceedings.

Table 20: Correlations, Contract Amount and Total Duration

			Total Duration	Contract Amount
Spearman's rho	Total Duration	Correlation Coefficient	1.000	.012
		Sig. (2-tailed)	.	.887
		N	147	147
	Contract Amount	Correlation Coefficient	.012	1.000
		Sig. (2-tailed)	.887	.
		N	147	150

Note. Spearman's rho. N = 147.

As shown in Table 20, the Spearman correlation between contract amount and total duration was negligible and non-significant (rho = .012, p = .887, N = 147).

The null hypothesis is failed to be rejected (accepted): There is no statistically significant relationship between contract amount and the duration of arbitral proceedings. The null hypothesis is accepted.

4.3.1.2 Construction Sector and Duration

Table 21 presents the mean ranks for duration across construction sectors, and Table 22 reports the Kruskal-Walli's test statistics.

H_0: There is no statistically significant difference in arbitration duration across construction sectors.

Table 21: Ranks, Construction Sector and Total Duration

	Sectors	**N**	**Mean Rank**
Total Duration	Road	51	70.28
	Bridge	28	86.16
	Building	32	80.11
	Hydropower	12	46.92
	Irrigation	5	80.90
	Power Supply	1	78.00
	Water Supply and Sanitation	7	84.71
	River Works	6	77.83
	Airport	2	26.00
	Others	3	53.33
	Total	147	

Table 22: Test Statistics, Construction Sector and Total Duration

	Total Duration
Kruskal-Wallis H	12.067
df	9
Asymp. Sig.	.210

As reported in Table 22, the Kruskal-Walli's test revealed no statistically significant difference in arbitration duration across construction sectors (H (9) =12.067, p=0.210). As shown in Table 21, bridge sector disputes exhibited the highest mean rank (86.16), while airport cases had the lowest (26.00), but these differences were not statistically significant. The small sample sizes in several sector categories (airport N=2, power supply N=1) limit interpretive power.

Despite the non-significant result, a project-wise examination of Table 21 reveals meaningful directional patterns. Road sector cases (N=51, mean rank 70.28) had the lowest mean rank among the three dominant sectors, suggesting marginally faster resolution. Expert informants attributed this to the DoR's institutional familiarity with arbitration procedures. As one practitioner noted: "The DoR treats arbitration as a systemic process rather than an isolated event. Their counsel and contract management teams arrive at proceedings better prepared, reducing time spent on preliminary procedural disputes."

Bridge sector cases (N=28, mean rank 86.16) exhibited the highest mean rank among the dominant sectors, consistent with greater technical complexity. Claims involving structural engineering assessments, specialized plant hire, and multi-party subcontracting chains require more extensive expert evidence and hearing time.

The null hypothesis is failed to be rejected (accepted). No statistically significant difference in duration across construction sectors was found. The null hypothesis is accepted.

4.3.1.3 Claim to Contract Amount Ratio and Duration

Table 23 presents the Spearman correlation between the Claim-to-Contract Ratio and total duration.

H_0: There is no statistically significant relationship between the Claim to Contract Amount Ratio and the duration of arbitral proceedings.

Table 23: Correlations, claim to Contract Amount Ratio and Total Duration

			Total Duration	Claim to Contract Amount Ratio
Spearman's rho	Total Duration	Correlation Coefficient	1.000	.023

		Sig. (2-tailed)	.	.783
		N	147	147
	Claim to Contract Amount Ratio	Correlation Coefficient	.023	1.000
		Sig. (2-tailed)	.783	.
		N	147	150

Note. Spearman's rho. N = 147.

The Spearman correlation between the Claim to Contract Amount Ratio and total duration was negligible and non-significant (rho = .023, p = .783, N = 147), indicating that the relative size of claims expressed as a proportion of the contract value does not predict how long proceedings take.

The null hypothesis is failed to be rejected (accepted). No significant relationship was found. The null hypothesis is accepted.

4.3.1.4 Tribunal Composition and Duration

Table 24 presents the mean ranks for duration across tribunal composition categories, and Table 25 reports the Kruskal-Walli's test statistics.

H_0: There is no statistically significant difference in arbitration duration across different tribunal compositions.

Table 24: Ranks, Tribunal Composition and Total Duration

	Composition Tribunal	N	Mean Rank
Total Duration	E (Sole Engineer)	18	63.78
	L (Sole Lawyer)	9	78.78
	EEL	50	74.54
	ELL	36	72.47
	EEE	27	78.28
	LLL	7	81.64
	Total	147	

Table 25: Test Statistics, Tribunal Composition and Total Duration

	Total Duration

Kruskal-Wallis H	1.703
df	5
Asymp. Sig.	.888

The Kruskal-Walli's test showed no significant difference in duration across six tribunal composition categories (H (5) = 1.703, p = .888). All-lawyer panels (LLL) had the highest mean rank (81.64), while sole-engineer panels had the lowest (63.78), but none of these differences approached significance. Tribunal composition does not appear to materially affect the length of proceedings.

The null hypothesis is failed to be rejected (accepted). No statistically significant difference in duration across tribunal compositions was found. The null hypothesis is accepted.

4.3.1.5 Repeat Player Effect and Duration

Table 26 presents the mean ranks for duration across repeat player categories, and Table 27 reports the Kruskal-Walli's test statistics.

H_0: There is no statistically significant difference in arbitration duration based on the Repeat Player Effect between parties.

Table 26: Ranks, Repeat Player Effect and Total Duration

	Repeat Player Effect	N	Mean Rank
Total Duration	One-Shot Both	25	77.64
	Repeat Contractor	38	69.41
	Repeat Client	5	92.10
	Repeat Both	79	73.91
	Total	147	

Table 27: Test Statistics, Repeat Player Effect and Total Duration

	Total Duration
Kruskal-Wallis H	1.529

df	3
Asymp. Sig.	.676

No significant difference in duration was found across Repeat Player Effect categories (H(3) = 1.529, p = .676). Repeat Client cases showed the highest mean rank (92.10), though this group was very small (N = 5) and the result was far from significant. The repeat-player status of parties, whether contractor, client, or both, does not influence how long arbitral proceedings last.

The null hypothesis is failed to be rejected (accepted). No significant difference was found. The null hypothesis is accepted.

4.3.1.6 Award to Claim Ratio and Duration

Table 28 presents the Spearman correlation between the Award-to-Claim Ratio and total duration.

H_0: There is no statistically significant relationship between the Award to Claim Ratio and the duration of arbitral proceedings.

Table 28: Correlations, Award to Claim Ratio and Total Duration

			Total Duration	Award to Claim
Spearman's rho	Total Duration	Correlation Coefficient	1.000	.091
		Sig. (2-tailed)	.	.272
		N	147	147
	Award to Claim	Correlation Coefficient	.091	1.000
		Sig. (2-tailed)	.272	.
		N	147	151

Note. Spearman's rho. N = 147.

The Spearman correlation between the Award to Claim Ratio and total duration was negligible and non-significant (rho = .091, p = .272, N = 147). The proportion of the claimed amount that was ultimately awarded has no bearing on how long the proceedings lasted.

The null hypothesis is failed to be rejected (accepted). No significant relationship was found. The null hypothesis is accepted.

4.3.1.7 Tribunal Size and Duration

Table 29 presents the mean ranks for duration by tribunal size, and Table 30 reports the Kruskal-Walli's test statistics.

H_0: There is no statistically significant difference in arbitration duration based on tribunal size.

Table 29: Ranks, Tribunal Size and Total Duration

	Tribunal Size	N	Mean Rank
Total Duration	Sole Arbitrator	28	66.50
	Three-Member Panel	119	75.76
	Total	147	

Table 30: Test Statistics, Tribunal Size and Total Duration

	Total Duration
Kruskal-Wallis H	1.073
df	1
Asymp. Sig.	.300

No statistically significant difference in duration was found between sole arbitrators and three-member panels ($H(1) = 1.073$, $p = .300$). Three-member panels had a marginally higher mean rank (75.76 vs. 66.50), but this difference was not statistically significant.

The null hypothesis is failed to be rejected (accepted). No significant difference was found. The null hypothesis is accepted.

4.3.1.8 Claim Amount and Duration

Table 31 presents the Spearman correlation between claim amount and total duration.

H_0: There is no statistically significant relationship between claim amount and the duration of arbitral proceedings.

Table 31: Correlations, Claim Amount and Total Duration

			Total Duration	Claim Amount
Spearman's rho	Total Duration	Correlation Coefficient	1.000	.070
		Sig. (2-tailed)	.	.402
		N	147	147
	Claim Amount	Correlation Coefficient	.070	1.000
		Sig. (2-tailed)	.402	.
		N	147	151

Note. Spearman's rho. N = 147.

The Spearman correlation between claim amount and total duration was negligible and non-significant (rho = .070, p = .402>.05, N = 147). The magnitude of the amount claimed by the contractor does not predict the length of arbitral proceedings.

The null hypothesis is failed to be rejected (accepted). No significant relationship was found. The null hypothesis is accepted.

Summary of Duration Findings

None of the eight case attributes examined contract amount (Table 20), construction sector (Table 22), Claim-to-Contract Ratio (Table 23), tribunal composition (Table 25), repeat player effect (Table 27), Award-to-Claim Ratio (Table 28), tribunal size (Table 30), or claim amount (Table 31) were statistically significant predictors of arbitration duration. This pattern reveals that the length of proceedings is not determined by the structural or financial characteristics of cases at commencement. Rather, as expert informants consistently emphasized, delays arise from procedural conduct within proceedings: late arbitrator appointments by clients, delayed payment of arbitration fees, difficulties serving notices on government respondents, and tactical scheduling delays.

This finding is confirmed by NEPCA's own annual reviews for FY 2080/81 and 2081/82, which identify late appointments and fee payments as the primary causes of delay.

4.3.2 Relationship of Case Attributes with the Award to Claim Ratio

This subsection examines the degree to which case attributes predict the Award-to-Claim Ratio, the proportion of the total claimed amount that the tribunal ultimately awarded. A higher ratio indicates a more favorable outcome for the claimant.

4.3.2.1 Contract Amount and Award to Claim Ratio

Table 32 presents the Spearman correlation between contract amount and the Award-to-Claim Ratio.

H_0: There is no statistically significant relationship between contract amount and the Award to Claim Ratio.

Table 32: Correlations, Contract Amount and Award to Claim Ratio

			Award to Claim	Contract Amount
Spearman's rho	Award to Claim	Correlation Coefficient	1.000	.173*
		Sig. (2-tailed)	.	.034
		N	151	151
	Contract Amount	Correlation Coefficient	.173*	1.000
		Sig. (2-tailed)	.034	.
		N	150	150

*Note. * Correlation is significant at the 0.05 level (2-tailed). Spearman's rho.*

As presented in Table 32, a statistically significant positive correlation was found between contract amount and the Award to Claim Ratio (rho = .173, p = .034, N = 150). Larger contracts are associated with a slightly higher proportion of the claim being awarded, which may reflect the greater evidentiary resources and documentation available in higher-value disputes, enabling more substantiated claims.

The null hypothesis is rejected. A statistically significant positive relationship (rho = .173, p = .034) was found. The null hypothesis is rejected.

4.3.2.2 Construction Sector and Award to Claim Ratio

Table 33 presents the mean ranks for Award-to-Claim Ratio across construction sectors, and Table 34 reports the Kruskal-Walli's test statistics.

H_0: There is no statistically significant difference in the Award to Claim Ratio across construction sectors.

Table 33: Ranks, Construction Sector and Award to Claim Ratio

	Sectors	N	Mean Rank
Award to Claim	Road	52	77.80
	Bridge	29	82.55
	Building	32	78.30
	Hydropower	13	51.38
	Irrigation	6	99.67
	Power Supply	1	51.00
	Water Supply & Sanitation	7	61.14
	River Works	6	83.67
	Airport	2	13.50
	Others	3	85.67
	Total	151	

Table 34: Test Statistics, Construction Sector and Award to Claim Ratio

	Award to Claim
Kruskal-Wallis H	12.316
df	9
Asymp. Sig.	.196

No statistically significant difference in the Award to Claim Ratio was found across construction sectors (H (9) = 12.316, p = .196). Descriptively, Irrigation cases had the highest mean rank (99.67) and Airport cases the lowest (13.50), but these differences do not reach statistical significance, partly due to small sample sizes in several sectors.

The null hypothesis is failed to be rejected (accepted). No statistically significant difference was found. The null hypothesis is accepted.

4.3.2.3 Claim to Contract Amount Ratio and Award to Claim Ratio

Table 35 presents the Spearman correlation between the Claim-to-Contract Ratio and the Award-to-Claim Ratio.

H_0: There is no statistically significant relationship between the Claim to Contract Amount Ratio and the Award to Claim Ratio.

Table 35: Correlations, Claim to Contract Amount Ratio and Award to Claim Ratio

			Award to Claim	Claim to Contract Amount Ratio
Spearman's rho	Award to Claim	Correlation Coefficient	1.000	-.358**
		Sig. (2-tailed)	.	.000
		N	151	151
	Claim to Contract Amount Ratio	Correlation Coefficient	-.358**	1.000
		Sig. (2-tailed)	.000	.
		N	150	150

*Note. ** Correlation is significant at the 0.01 level (2-tailed). Spearman's rho.*

A statistically significant negative correlation was found between the Claim to Contract Amount Ratio and the Award to Claim Ratio (rho = -.358, $p < .001$, N = 150). This is the strongest significant finding in this section. Cases where the claimed amount represents a larger proportion of the original contract value tend to receive proportionally lower awards, consistent with the notion that tribunals discount claims they perceive as disproportionate or inflated relative to the underlying contract.

The null hypothesis is rejected. A statistically significant negative relationship (rho = -.358, $p < .001$) was found. The null hypothesis is rejected.

4.3.2.4 Tribunal Composition and Award to Claim Ratio

Table 36 presents the mean ranks for Award-to-Claim Ratio across tribunal composition categories, and Table 37 reports the Kruskal-Walli's test statistics.

H_0: There is no statistically significant difference in the Award to Claim Ratio across different tribunal compositions.

Table 36: Ranks, Tribunal Composition and Award to Claim Ratio

	Composition Tribunal	N	Mean Rank
Award to Claim	E	19	69.13
	L	9	54.39
	EEL	51	72.89
	ELL	36	75.56
	EEE	29	92.69
	LLL	7	78.21
	Total	151	

Table 37: Test Statistics, Tribunal Composition and Award to Claim Ratio

	Award to Claim
Kruskal-Wallis H	7.206
df	5
Asymp. Sig.	.206

No statistically significant difference in the Award to Claim Ratio was found across tribunal composition categories ($H(5) = 7.206$, $p = .206$). All-engineer panels (EEE) had the highest mean rank (92.69) and sole-lawyer panels the lowest (54.39), but these differences did not reach statistical significance.

The null hypothesis is failed to be rejected (accepted). No statistically significant difference was found. The null hypothesis is accepted.

4.3.2.5 Repeat Player Effect and Award to Claim Ratio

Table 38 presents the mean ranks for Award-to-Claim Ratio across repeat player categories, and Table 39 reports the Kruskal-Walli's test statistics.

H_0: There is no statistically significant difference in the Award to Claim Ratio based on party repeat player effect.

Table 38: Ranks, Repeat Player Effect and Award to Claim Ratio

	Repeat Player Effect	N	Mean Rank
Award to Claim	One-Shot Both	25	71.30
	Repeat Contractor	39	76.83
	Repeat Client	5	37.80
	Repeat Both	82	79.37
	Total	151	

Table 39: Test Statistics, Repeat Player Effect and Award to Claim Ratio

	Award to Claim
Kruskal-Wallis H	4.627
df	3
Asymp. Sig.	.201

No statistically significant difference in the Award to Claim Ratio was found across Repeat Player Effect categories ($H(3) = 4.627$, $p = .201$). Repeat Client cases had the lowest mean rank (37.80), suggesting potentially lower award ratios when the client party is experienced, though this group was very small ($N = 5$) and the result was non-significant.

The null hypothesis is failed to be rejected (accepted). No statistically significant difference was found. The null hypothesis is accepted.

4.3.2.6 Tribunal Size and Award to Claim Ratio

Table 40 presents the mean ranks for Award-to-Claim Ratio by tribunal size, and Table 41 reports the Kruskal-Walli's test statistics.

H_0: There is no statistically significant difference in the Award to Claim Ratio based on tribunal size.

Table 40: Ranks, Tribunal Size and Award to Claim Ratio

	Tribunal Size	N	Mean Rank
Award to Claim	Sole Arbitrator	29	62.64
	Three-Member Panel	122	79.18
	Total	151	

Table 41: Test Statistics, Tribunal Size and Award to Claim Ratio

	Award to Claim
Kruskal-Wallis H	3.368
df	1
Asymp. Sig.	.066

The Kruskal-Wallis test yielded a near-significant result for tribunal size and the Award to Claim Ratio ($H(1) = 3.368$, $p = .066$). Three-member panels had a noticeably higher mean rank (79.18) compared to sole arbitrators (62.64). While this result falls just above the conventional $\alpha = .05$ threshold, the direction and magnitude of the difference suggest a possible tendency for three-member panels to award proportionally more of what is claimed, which may warrant further investigation with a larger sample.

The null hypothesis is failed to be rejected (accepted). The result approached but did not reach statistical significance ($p = .066$). The null hypothesis is failed to be rejected. However, the borderline result warrants cautious attention.

4.3.2.7 Claim Amount and Award to Claim Ratio

Table 42 presents the Spearman correlation between claim amount and the Award-to-Claim Ratio

H_0: There is no statistically significant relationship between claim amount and the Award to Claim Ratio.

Table 42: Correlations, Claim Amount and Award to Claim Ratio

			Award to Claim	Claim Amount
Spearman's rho	Award to Claim	Correlation Coefficient	1.000	-.150
		Sig. (2-tailed)	.	.067
		N	151	151
	Claim Amount	Correlation Coefficient	-.150	1.000
		Sig. (2-tailed)	.067	.

		N	151	151

Note. Spearman's rho. N = 151.

The correlation between claim amount and Award to Claim Ratio approached but did not reach statistical significance (rho = -.150, p = .067, N = 151). The negative direction suggests a trend toward lower award ratios in higher-claim-amount cases, which is consistent with tribunal caution toward very large claims, but this relationship cannot be confirmed at the $\alpha = .05$ level.

The null hypothesis is failed to be rejected (accepted). No statistically significant relationship was found (p = .067). The null hypothesis is failed to be rejected.

Summary of Award-to-Claim Ratio Findings:

Two case attributes showed statistically significant relationships with the Award-to-Claim Ratio. Contract amount had a modest positive association (rho=0.173, p=0.034) as shown in Table 32, suggesting better claim substantiation in higher-value projects. The Claim-to-Contract Ratio had a strong negative association (rho=-0.358, p<0.001) as shown in Table 35, indicating tribunals discount disproportionate claims. Tribunal size approached significance (p=0.066) as reported in Table 41, with three-member panels showing higher award ratios. No other attributes achieved significance.

4.3.3 Relationship of Case Attributes with the Arbitral Decision

This section examines whether case attributes are associated with the arbitral decision, coded as fully rejected, partially or fully awarded or settled. Chi-square tests of independence and Kruskal-Wallis H tests are used as appropriate. The factors are examined in the standard order.

4.3.3.1 Contract Amount and Decision

Table 43 presents the report of contract amount by decision category, Table 44 presents the mean ranks, and Table 45 reports the Kruskal-Walli's test statistics.

H_0: There is no statistically significant difference in contract amount across arbitral decision categories.

Table 43: Report, Contract Amount by Decision

Contract Amount

Decision	N	Median	Mean
Rejected	27	92,387,675.63	264,236,396.64
Awarded	116	157,401,463.05	473,121,539.91
Settled	4	99,038,548.40	161,036,946.30
Total	147	130,696,755.00	426,262,783.16

Table 44: Ranks, Contract Amount and Decision

	Decision	N	Mean Rank
Contract Amount	Rejected	27	68.33
	Awarded	116	75.63
	Settled	4	65.00
	Total	147	

Table 45: Test Statistics, Contract Amount and Decision

	Contract Amount
Kruskal-Wallis H	.827
df	2
Asymp. Sig.	.661

As reported in Table 45, no statistically significant difference in contract amount across decision categories was found (H (2) =0.827, p=0.661). As shown in Table 43, although awarded cases had a higher median contract amount (NRs. 157.4 million) than rejected (NRs. 92.4 million) or settled cases (NRs. 99.0 million), these differences were not statistically significant.

The null hypothesis is failed to be rejected (accepted). No significant difference was found. The null hypothesis is accepted.

4.3.3.2 Construction Sector and Decision

Table 46 presents the cross-tabulation of construction sector by decision, Table 47 reports the chi-square tests, and Table 48 presents the symmetric measures.

H_0: There is no statistically significant association between construction sector and the arbitral decision.

Table 46: Cross-tabulation, Construction Sector by Decision

	Rejected	Awarded	Settled	Total
Road	12	39	0	51
Bridge	2	26	0	28
Building	4	25	2	31
Hydropower	4	7	2	13
Irrigation	0	6	0	6
Power Supply	0	1	0	1
Water Supply & Sanitation	3	4	0	7
River Works	0	6	0	6
Airport	2	0	0	2
Others	0	3	0	3
Total	27	117	4	148

Table 47: Chi-Square Tests, Construction Sector and Decision

	Value	df	Asymptotic Significance (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)	Point Probability
Pearson Chi-Square	33.672a	18	.014	.b		
Likelihood Ratio	32.456	18	.019	.b		
Fisher's Exact Test	29.952			.015		
Linear-by-Linear Association	.021c	1	.886	.900	.453	.033
N of Valid Cases	148					

Table 48: Symmetric Measures, Construction Sector and Decision

		Value	Approximate Significance	Exact Significance
Nominal by Nominal	Phi	.477	.014	.c
	Cramer's V	.337	.014	.c
N of Valid Cases		148		

As shown in Table 47, a statistically significant association was found between construction sector and arbitral decision ($\chi^2(18)=33.672$, $p=0.014$; Cramer's $V=0.337$, a moderate effect size as reported in Table 48). The null hypothesis is rejected.

As reported in Table 46, road sector cases had the highest volume (N=51) with a rejection rate of 23.5%. Expert informants attributed this to the DoR's relatively mature dispute management infrastructure: dedicated contract management units, institutional memory, standardized contract templates, and established practices for contesting claims at arbitration. As one practitioner noted, "The DoR treats arbitration as a systemic process rather than an isolated event, building institutional knowledge from each case that informs strategy in subsequent disputes."

Hydropower cases (N=13) had four rejections and two settlements, representing a notably lower success rate. Bridge sector cases showed higher award rates than road cases, which experts linked to the more specialized and technically complex nature of bridge construction disputes: claims involving precise engineering calculations are more amenable to quantifiable substantiation.

Building sector cases (N=32), the fastest-growing segment, showed patterns consistent with a more mixed client base (local government bodies, private developers, donor-funded projects). The rise of local and provincial government respondents in building sector cases has introduced institutional inexperience that complicates the evidentiary landscape.

The null hypothesis is rejected. A statistically significant association ($\chi^2(18) = 33.672$, $p = .014$) was found between sector and decision outcome. The null hypothesis is rejected.

4.3.3.3 Claim to Contract Amount Ratio and Decision

Table 49 presents the report of Claim-to-Contract Ratio by decision category, Table 50 presents the mean ranks, and Table 51 reports the Kruskal-Walli's test statistics.

H_0: There is no statistically significant difference in the Claim to Contract Amount Ratio across arbitral decision categories.

Table 49: Report, Claim to Contract Amount Ratio by Decision

Claim to Contract Amount Ratio			
Decision	N	Median	Mean
Rejected	27	.275	.612
Awarded	116	.212	.524
Settled	4	.448	.492
Total	147	.215	.540

Table 50: Ranks, Claim to Contract Amount Ratio and Decision

	Decision	N	Mean Rank
Claim to Contract Amount Ratio	Rejected	27	74.00
	Awarded	116	72.92
	Settled	4	105.25
	Total	147	

Table 51: Test Statistics, Claim to Contract Amount Ratio and Decision

	Claim to Contract Amount Ratio
Kruskal-Wallis H	2.229
df	2
Asymp. Sig.	.328

As reported in Table 51, no statistically significant difference in the Claim-to-Contract Ratio across decision categories was found (H (2) =2.229, p=0.328). As shown in Table 50, settled cases had a notably high mean rank (105.25), suggesting that settled disputes tend to involve relatively larger claims as a proportion of contract value, though the small settled group (N=4) limits interpretation.

The null hypothesis is failed to be rejected (accepted). No significant difference was found. The null hypothesis is accepted.

4.3.3.4 Tribunal Composition and Decision

Table 52 presents the cross-tabulation of tribunal composition by decision, Table 53 reports the chi-square tests, and Table 54 presents the symmetric measures.

H_0: There is no statistically significant association between tribunal composition and the arbitral decision.

Table 52: Cross-tabulation, Tribunal Composition by Decision

	Rejected	Awarded	Settled	Total
E	4	14	0	18
L	4	5	0	9
EEL	14	35	1	50
ELL	3	29	3	35
EEE	1	28	0	29
LLL	1	6	0	7
Total	27	117	4	148

Table 53: Chi-Square Tests, Tribunal Composition and Decision

	Value	df	Asymptotic Significance (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)	Point Probability
Pearson Chi-Square	20.118a	10	.028	.039		
Likelihood Ratio	21.062	10	.021	.017		
Fisher's Exact Test	17.962			.017		
Linear-by-Linear Association	6.406b	1	.011	.012	.007	.002
N of Valid Cases	148					

a. 9 cells (50.0%) have expected count less than 5. The minimum expected count is .19.

b. The standardized statistic is 2.531.

Table 54: Symmetric Measures, Tribunal Composition and Decision

		Value	Approximate Significance	Exact Significance
Nominal by Nominal	Phi	.369	.028	.039
	Cramer's V	.261	.028	.039
N of Valid Cases		148		

As shown in Table 53, a statistically significant association was found between tribunal composition and arbitral decision (χ^2 (10) =20.118, p=0.028; Cramer's V=0.261, a moderate effect as reported in Table 54). The null hypothesis is rejected.

As reported in Table 52, all-engineer tribunals (EEE) had the highest award rate (28 of 29 cases, 96.6%), while sole-lawyer panels (L) had the lowest (5 of 9, 55.6%). The significant linear-by-linear association (p=0.011) as shown in Table 53 indicates a directional trend whereby tribunals with a greater proportion of engineers produce more award-favorable outcomes.

This finding requires careful interpretation. All-engineer panels possess direct technical expertise in quantum assessments, defect causation, delay attribution, and measurement disputes disciplines in which engineering-trained arbitrators hold professional competence. This technical fluency allows EEE panels to adjudicate claims with greater confidence and precision. Conversely, legally trained arbitrators without technical backgrounds must rely heavily on expert witness testimony when evaluating engineering evidence, introducing greater uncertainty into quantification. As one expert informant observed: "A lawyer-arbitrator without engineering exposure will struggle to distinguish between a well-substantiated delay claim grounded in project records and a speculative one dressed in legal language a distinction an engineer-arbitrator can make from first principles."

The growing share of ELL panels from 2079 onward signals a shift toward greater legal weighting, which expert informants attributed to increased awareness of appeal risks and the desire for decisions that are procedurally unassailable.

The null hypothesis is rejected. A statistically significant association ($\chi^2(10) = 20.118$, $p = .028 < .05$) between tribunal composition and decision was found. The null hypothesis is rejected.

4.3.3.5 Repeat Player Effect and Decision

Table 55 presents the cross-tabulation of repeat player effect by decision, Table 56 reports the chi-square tests, and Table 57 presents the symmetric measures.

H_0: There is no statistically significant association between party repeat player effect and the arbitral decision.

Table 55: Cross-tabulation, Repeat Player Effect by Decision

	Rejected	Awarded	Settled	Total
One-Shot Both	2	20	3	25
Repeat Contractor	8	31	0	39
Repeat Client	1	3	1	5
Repeat Both	16	63	0	79
Total	27	117	4	148

Table 56: Chi-Square Tests, Repeat Player Effect and Decision

	Value	df	Asymptotic Significance (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)	Point Probability
Pearson Chi-Square	18.690a	6	.005	.010		
Likelihood Ratio	15.313	6	.018	.015		
Fisher's Exact Test	14.029			.014		
Linear-by-Linear Association	3.292b	1	.070	.071	.040	.012
N of Valid Cases	148					

a. 7 cells (58.3%) have expected count less than 5. The minimum expected count is .14.

b. The standardized statistic is -1.815.

Table 57: Symmetric Measures, Repeat Player Effect and Decision

		Value	Approximate Significance	Exact Significance
Nominal by Nominal	Phi	.355	.005	.010
	Cramer's V	.251	.005	.010
N of Valid Cases		148		

As shown in Table 56, a statistically significant association was found between party repeat player effect and arbitral decision (χ^2 (6) =18.690, p=0.005; Cramer's V=0.251 as reported in Table 57). The null hypothesis is rejected.

As reported in Table 55, One-Shot Both cases (where neither party is a repeat player) had the highest settlement rate (3 of 25, 12%), while Repeat Both cases (N=79) had zero settlements, suggesting that experienced parties on both sides are disinclined to settle.

Repeat Contractor cases had a moderate rejection rate (8 of 39, 20.5%). The Repeat Client group (N=5) was too small for robust conclusions.

The null hypothesis is rejected. A statistically significant association ($\chi^2(6) = 18.690$, $p = .005$) between repeat player effect and decision was found. The null hypothesis is rejected.

4.3.3.6 Tribunal Size and Decision

Table 58 presents the cross-tabulation of tribunal size by decision, Table 59 reports the chi-square tests, and Table 60 presents the symmetric measures.

H_0: There is no statistically significant association between tribunal size and the arbitral decision.

Table 58: Cross-tabulation, Tribunal Size to Decision

	Rejected	Awarded	Settled	Total
Sole Arbitrator	9	19	0	28
Three-Member Panel	18	98	4	120
Total	27	117	4	148

Table 59: Chi-Square Tests, Tribunal Size and Decision

	Value	df	Asymptotic Significance (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)	Point Probability
Pearson Chi-Square	5.138a	2	.077	.065		
Likelihood Ratio	5.395	2	.067	.065		
Fisher's Exact Test	4.321			.091		
Linear-by-Linear Association	5.102b	1	.024	.030	.024	.016
N of Valid Cases	148					

a. 2 cells (33.3%) have expected count less than 5. The minimum expected count is .76.

b. The standardized statistic is 2.259.

Table 60: Symmetric Measures, Tribunal Size and Decision

		Value	Approximate Significance	Exact Significance
Nominal by Nominal	Phi	.186	.077	.065
	Cramer's V	.186	.077	.065
N of Valid Cases		148		

The overall chi-square test for tribunal size and decision did not reach the conventional significance threshold (χ^2 (2) = 5.138, p = .077). However, the linear-by-linear association was statistically significant (p = .024), indicating a directional relationship: three-member panels were associated with higher award rates (81.7%) compared to sole arbitrators (67.9%) and all four settled cases were decided by three-member panels. The overall non-significance is likely attributable to the ordinal collapse across three outcome categories.

The null hypothesis is failed to be rejected (accepted). The overall Pearson chi-square test was non-significant (p = .077). However, the significant linear-by-linear association (p = .024) indicates a directional trend. The null hypothesis is failed to be rejected at the overall level, though the directional pattern warrants consideration.

4.3.3.7 Claim Amount and Decision

Table 61 presents the report of claim amount by decision category, Table 62 presents the mean ranks, and Table 63 reports the Kruskal-Walli's test statistics.

H_0: There is no statistically significant difference in claim amount across arbitral decision categories.

Table 61: Report, Claim Amount by Decision

Claim Amount			
Decision	N	Median	Mean
Rejected	27	33,960,003.88	43,143,332.89
Awarded	117	30,954,098.45	76,117,139.25
Settled	4	62,919,124.64	57,045,891.92
Total	148	33,045,961.01	69,586,208.44

Table 62: Ranks, Claim Amount and Decision

	Decision	N	Mean Rank
Claim Amount	Rejected	27	68.81

	Awarded	117	75.13
	Settled	4	94.50
	Total	148	

Table 63: Test Statistics, Claim Amount and Decision

	Claim Amount
Kruskal-Wallis H	1.371
df	2
Asymp. Sig.	.504

a. Kruskal Wallis Test

b. Grouping Variable: Decision

As reported in Table 63, no statistically significant difference in claim amount across decision categories was found (H (2) =1.371, p=0.504). As shown in Table 62, settled cases had the highest mean rank (94.50) and rejected cases the lowest (68.81), but these differences were not statistically significant.

The null hypothesis is failed to be rejected (accepted). No significant difference was found. The null hypothesis is accepted.

Summary of Decision Findings: Three case attributes were significantly associated with arbitral decision outcomes: construction sector (p=0.014 as shown in Table 47), tribunal composition (p=0.028 as shown in Table 53), and repeat player effect (p=0.005 as shown in Table 56). Financial variables (contract amount, Claim-to-Contract Ratio, claim amount) were not significant predictors.

4.3.4 Relationship of Case Attributes with Appeal/Filing to the High Court

This section examines the factors associated with a party's decision to appeal an arbitral award to the High Court (Appealed Rate: 0.00 = not appealed, 1.00 = appealed). Of the 150 cases analyzed, 57 (38%) were appealed. Chi-square tests are used for categorical predictors and Kruskal-Wallis H tests for continuous predictors.

4.3.4.1 Contract Amount and Appeal Rate

Table 64 presents the report of contract amount by appeal status, Table 65 presents the mean ranks, and Table 66 reports the Kruskal-Walli's test statistics.

H_0: There is no statistically significant difference in contract amount between appealed and non-appealed cases.

Table 64: Report, Contract Amount by Appeal Status

Contract Amount			
Appealed Rate	N	Median	Mean
Not Appealed	92	90,388,366.35	325,110,919.14
Appealed	57	229,973,312.10	675,486,380.24
Total	149	130,696,755.00	459,147,169.36

Table 65: Ranks, Contract Amount and Appeal Rate

	Appealed Rate	N	Mean Rank
Contract Amount	Not Appealed	92	64.91
	Appealed	57	91.28
	Total	149	

Table 66: Test Statistics, Contract Amount and Appeal Rate

	Contract Amount
Kruskal-Wallis H	13.138
df	1
Asymp. Sig.	.000

As shown in Table 66, a highly statistically significant difference in contract amount was found between appealed and non-appealed cases (H (1) =13.138, p<0.001). The null hypothesis is rejected. As reported in Table 64, the median contract amount for appealed cases (NRs. 229.97 million) was more than double that of non-appealed cases (NRs. 90.39 million). This finding strongly supports the interpretation that the decision to appeal is financially rational, driven by the magnitude of the underlying contract.

The null hypothesis is rejected. A highly statistically significant difference (H(1) = 13.138, p < .001) was found. The null hypothesis is rejected.

4.3.4.2 Construction Sector and Appeal Rate

Table 67 presents the cross-tabulation of construction sector by appeal rate, Table 68 reports the chi-square tests, and Table 69 presents the symmetric measures.

H_0: There is no statistically significant association between construction sector and the rate of appeal to the High Court.

Table 67: Cross-tabulation, Construction Sector to Appeal Rate

	Not Appealed	Appealed	Total
Road	28	24	52
Bridge	19	10	29
Building	21	10	31
Hydropower	12	1	13
Irrigation	4	2	6
Power Supply	0	1	1
Water Supply & Sanitation	3	4	7
River Works	4	2	6
Airport	0	2	2
Others	2	1	3
Total	93	57	150

Table 68: Chi-Square Tests, Construction Sector and Appeal Rate

	Value	df	Asymptotic Significance (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)	Point Probability
Pearson Chi-Square	13.244a	9	.152	.131		
Likelihood Ratio	15.385	9	.081	.130		
Fisher's Exact Test	13.171			.110		
Linear-by-Linear Association	.001b	1	.981	1.000	.501	.029
N of Valid Cases	150					

a. 13 cells (65.0%) have expected count less than 5. The minimum expected count is .38.

b. The standardized statistic is .024.

Table 69: Symmetric Measures, Construction Sector and Appeal Rate

		Value	Approximate Significance	Exact Significance
Nominal by Nominal	Phi	.297	.152	.131
	Cramer's V	.297	.152	.131
N of Valid Cases		150		

No statistically significant association was found between construction sector and appeal rate ($\chi^2(9) = 13.244$, $p = .152$; Cramer's V = .297). Road sector cases had the highest number of appeals (24 of 52), but this reflects the sector's numerical dominance in the dataset. Hydropower cases had a notably low appeal rate (1 of 13), while Airport cases (both rejected) were both appealed. Despite these descriptive differences, no sector showed a statistically disproportionate appeal propensity.

The null hypothesis is failed to be rejected (accepted). No statistically significant association was found. The null hypothesis is accepted.

4.3.4.3 Claim to Contract Amount Ratio and Appeal Rate

Table 70 presents the report of Claim-to-Contract Ratio by appeal status, Table 71 presents the mean ranks, and Table 72 reports the Kruskal-Walli's test statistics.

H_0: There is no statistically significant difference in the Claim to Contract Amount Ratio between appealed and non-appealed cases.

Table 70: Report, Claim to Contract Amount Ratio by Appeal Status

Claim to Contract Amount Ratio			
Appealed Rate	N	Median	Mean
Not Appealed	92	.222	.638
Appealed	57	.213	.371
Total	149	.215	.536

Table 71: Ranks, Claim to Contract Amount Ratio and Appeal Rate

	Appealed Rate	N	Mean Rank
Claim to Contract Amount Ratio	Not Appealed	92	76.27

	Appealed	57	72.95
	Total	149	

Table 72: Test Statistics, Claim to Contract Amount Ratio and Appeal Rate

	Claim to Contract Amount Ratio
Kruskal-Wallis H	.209
df	1
Asymp. Sig.	.648

No statistically significant difference in the Claim to Contract Amount Ratio between appealed and non-appealed cases was found ($H(1) = .209$, $p = .648$). The median values were nearly identical across both groups (.222 vs. .213), confirming that the relative size of claims as a proportion of contract value has no bearing on the decision to appeal.

The null hypothesis is failed to be rejected (accepted). No significant difference was found. The null hypothesis is accepted.

4.3.4.4 Tribunal Composition and Appeal Rate

Table 73 presents the cross-tabulation of tribunal composition by appeal rate, Table 74 reports the chi-square tests, and Table 75 presents the symmetric measures.

H_0: There is no statistically significant association between tribunal composition and the rate of appeal to the High Court.

Table 73: Cross-tabulation, Tribunal Composition to Appeal Rate

	Not Appealed	Appealed	Total
E	18	1	19
L	9	0	9
EEL	24	26	50
ELL	19	17	36
EEE	17	12	29
LLL	6	1	7
Total	93	57	150

Table 74: Chi-Square Tests, Tribunal Composition and Appeal Rate

	Value	df	Asymptotic Significance (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)	Point Probability
Pearson Chi-Square	21.429a	5	.001	.000		
Likelihood Ratio	27.276	5	.000	.000		
Fisher's Exact Test	22.989			.000		
Linear-by-Linear Association	4.090b	1	.043	.045	.025	.006
N of Valid Cases	150					

a. 3 cells (25.0%) have expected count less than 5. The minimum expected count is 2.66.

b. The standardized statistic is 2.022.

Table 75: Symmetric Measures, Tribunal Composition and Appeal Rate

		Value	Approximate Significance	Exact Significance
Nominal by Nominal	Phi	.378	.001	.000
	Cramer's V	.378	.001	.000
N of Valid Cases		150		

A highly statistically significant association was found between tribunal composition and appeal rate ($\chi^2(5) = 21.429$, $p = .001$; Cramer's V = .378, a moderate-to-large effect). Sole-engineer (E) and sole-lawyer (L) tribunals had extremely low appeal rates (1 of 19 and 0 of 9 respectively), while mixed-composition panels experienced substantially higher appeal rates: EEL panels had 52% appealed (26 of 50) and ELL panels 47.2% (17 of 36). This pattern closely mirrors the tribunal size finding, as mixed-composition panels predominantly correspond to three-member configurations.

The null hypothesis is rejected. A highly statistically significant association ($\chi^2(5) = 21.429$, $p = .001$) between tribunal composition and appeal rate was found. The null hypothesis is rejected.

4.3.4.5 Repeat Player Effect and Appeal Rate

Table 76 presents the cross-tabulation of repeat player effect by appeal rate, Table 77 reports the chi-square tests, and Table 78 presents the symmetric measures.

H_0: There is no statistically significant association between repeat player effect and the rate of appeal to the High Court.

Table 76: Cross-tabulation, Repeat Player Effect to Appeal Rate

	Not Appealed	Appealed	Total
One-Shot Both	17	8	25
Repeat Contractor	27	12	39
Repeat Client	1	4	5
Repeat Both	48	33	81
Total	93	57	150

Table 77: Chi-Square Tests, Repeat Player Effect and Appeal Rate

	Value	df	Asymptotic Significance (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)	Point Probability
Pearson Chi-Square	5.249a	3	.154	.153		
Likelihood Ratio	5.231	3	.156	.201		
Fisher's Exact Test	4.901			.166		
Linear-by-Linear Association	1.241b	1	.265	.269	.148	.030
N of Valid Cases	150					

a. 2 cells (25.0%) have expected count less than 5. The minimum expected count is 1.90.

b. The standardized statistic is 1.114.

Table 78: Symmetric Measures, Repeat Player Effect and Appeal Rate

		Value	Approximate Significance	Exact Significance
Nominal by Nominal	Phi	.187	.154	.153
	Cramer's V	.187	.154	.153
N of Valid Cases		150		

No statistically significant association was found between repeat player effect and appeal rate ($\chi^2(3) = 5.249$, $p = .154$). The Repeat Client category had the highest proportional appeal rate (4 of 5, 80%), though the group is too small (N = 5) for reliable inference. Repeat Both cases had an appeal rate of 40.7%, comparable to the overall dataset average. The repeat-player status of parties does not determine propensity to appeal.

The null hypothesis is failed to be rejected (accepted). No statistically significant association was found. The null hypothesis is accepted.

4.3.4.6 Award to Claim Ratio and Appeal Rate

Table 79 presents the report of Award-to-Claim Ratio by appeal status, Table 80 presents the mean ranks, and Table 81 reports the Kruskal-Walli's test statistics.

H_0: There is no statistically significant difference in the Award to Claim Ratio between appealed and non-appealed cases.

Table 79: Report, Award to Claim Ratio by Appeal Status

Award to Claim			
Appealed Rate	N	Median	Mean
Not Appealed	93	.387	.409
Appealed	57	.446	.545
Total	150	.438	.461

Table 80: Ranks, Award to Claim Ratio and Appeal Rate

	Appealed Rate	N	Mean Rank
Award to Claim	Not Appealed	93	71.48
	Appealed	57	82.05
	Total	150	

Table 81: Test Statistics, Award to Claim Ratio and Appeal Rate

	Award to Claim
Kruskal-Wallis H	2.102
df	1
Asymp. Sig.	.147

No statistically significant difference in the Award to Claim Ratio was found between appealed and non-appealed cases (H (1) = 2.102, p = .147). Appealed cases had a slightly higher mean rank (82.05 vs. 71.48) and a higher median award ratio (.446 vs. .387), suggesting a descriptive tendency for parties to appeal even when they received a

relatively higher proportion of their claim, possibly because the absolute amount at stake justifies appellate costs.

The null hypothesis is failed to be rejected (accepted). No statistically significant difference was found. The null hypothesis is accepted.

4.3.4.7 Tribunal Size and Appeal Rate

Table 82 presents the cross-tabulation of tribunal size by appeal rate, and Table 83 reports the chi-square tests.

H_0: There is no statistically significant association between tribunal size and the rate of appeal to the High Court.

Table 82: Cross-tabulation, Tribunal Size to Appeal Rate

	Not Appealed	Appealed	Total
Sole Arbitrator	28	1	29
Three-Member Panel	65	56	121
Total	93	57	150

Table 83: Chi-Square Tests, Tribunal Size and Appeal Rate

	Value	df	Asymptotic Significance (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)
Pearson Chi-Square	18.217a	1	.000		
Continuity Correctionb	16.444	1	.000		
Likelihood Ratio	23.448	1	.000		
Fisher's Exact Test				.000	.000
Linear-by-Linear Association	18.095	1	.000		
N of Valid Cases	150				

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 11.02.

b. Computed only for a 2×2 table.

A highly statistically significant association was found between tribunal size and appeal rate ($\chi^2(1) = 18.217$, $p < .001$). Sole arbitrators had a striking appeal rate of only 3.4% (1 of 29 cases), compared to 46.3% (56 of 121) for three-member panels. This finding is one of the most pronounced in the entire analysis. It may reflect differential case characteristics, smaller, lower-value disputes may be more frequently referred to sole

arbitrators, making appellate recourse economically unviable, or it may indicate that parties perceive sole arbitrator decisions as more definitive or authoritative.

The null hypothesis is rejected. A highly statistically significant association ($\chi^2(1) = 18.217$, $p < .001$) between tribunal size and appeal rate was found. The null hypothesis is rejected.

4.3.4.8 Claim Amount and Appeal Rate

Table 84 presents the report of claim amount by appeal status, Table 85 presents the mean ranks, and Table 86 reports the Kruskal-Walli's test statistics.

H_0: There is no statistically significant difference in claim amount between appealed and non-appealed cases.

Table 84: Report, Claim Amount by Appeal Status

Claim Amount			
Appealed Rate	N	Median	Mean
Not Appealed	93	25,796,825.63	53,689,882.65
Appealed	57	42,785,310.00	102,957,134.79
Total	150	33,960,003.94	72,411,438.46

Table 85: Ranks, Claim Amount and Appeal Rate

	Appealed Rate	N	Mean Rank
Claim Amount	Not Appealed	93	66.30
	Appealed	57	90.51
	Total	150	

Table 86: Test Statistics, Claim Amount and Appeal Rate

	Claim Amount
Kruskal-Wallis H	10.972
df	1
Asymp. Sig.	.001

A highly statistically significant difference in claim amount was found between appealed and non-appealed cases ($H(1) = 10.972$, $p = .001$). The median claim amount for appealed cases (NPR 42.79 million) was nearly double that of non-appealed cases (NPR 25.80

million) and the mean rank was substantially higher for appealed cases (90.51 vs. 66.30). Together with the contract amount finding, this confirms that financial magnitude, both of the contract and of the claim, is a primary driver of appellate behavior.

The null hypothesis is rejected. A highly statistically significant difference (H (1) = 10.972, p = .001) was found. The null hypothesis is rejected.

Summary of Appeal Findings:

Four case attributes were significantly associated with appeal rates: contract amount ($p<0.001$ as shown in Table 66), tribunal composition ($p=0.001$ as shown in Table 74), tribunal size ($p<0.001$ as shown in Table 83), and claim amount ($p=0.001$ as shown in Table 86). Construction sector, Claim-to-Contract Ratio, repeat player effect, and Award-to-Claim Ratio were not significant. The findings strongly support an economic rationality model of appellate behavior.

4.4 Synthesis of Practitioner Insights and Probable Recommendations

The preceding sections have presented quantitative findings on trends (Section 4.1), the effect of adjudication dissolution (Section 4.2), and the influence of case attributes on outcomes (Section 4.3). This section synthesizes cross-cutting themes from the four key informant interviews to explain causal mechanisms behind these statistical patterns and to articulate evidence-based recommendations for reform.

4.4.1 Cross-Cutting Thematic Synthesis

Theme 1: Procedural conduct, not case complexity, drives duration. Across all four interviews, practitioners unanimously agreed that the absence of statistically significant relationships between case attributes and duration (documented in Section 4.3.1) reflects a reality where delays stem from procedural behavior rather than inherent case difficulty. Late arbitrator appointments by government clients, delayed payment of arbitration fees, and difficulties serving notices on respondents were identified as the primary bottlenecks. As one informant stated: "Two identical cases can take 300 days or 600 days depending entirely on how quickly the client pays the fee and appoints their arbitrator."

Theme 2: Adjudication removal degraded evidentiary quality. All informants characterized the 2016 amendment as a policy error. The loss of mandatory adjudication removed institutional pressure for contemporaneous documentation, forcing tribunals to reconstruct factual records during arbitration. This directly explains the duration surge documented in Section 4.2. One expert observed: "By the time a dispute reaches NEPCA, critical site records are often lost, witnesses have moved on, and the tribunal must start from scratch."

Theme 3: Tribunal composition shapes outcomes through technical fluency. The strong association between engineer-heavy panels and higher award rates (Section 4.3.3.4) was attributed to technical competence. Practitioners explained that engineer-arbitrators assess quantum and causation from first principles, while lawyer-arbitrators depend on expert testimony, introducing uncertainty. The trend toward ELL panels was interpreted as parties seeking procedural rigor for appeal protection, not necessarily better substantive outcomes.

Theme 4: Financial magnitude drives appellate behavior rationally. The finding that contract and claim amounts are significantly higher in appealed cases (Sections 4.3.4.1 and 4.3.4.8) was seen as economically rational. Parties appeal when stakes justify the cost. The strikingly low appeal rate for sole arbitrators (3.4% vs. 46.3% for three-member panels, as shown in Table 82) was explained by selection effects: smaller-value cases go to sole arbitrators, making appeals financially irrational.

Theme 5: Federalization is reshaping the dispute landscape. The rise of local and provincial government respondents (Section 4.1.3) and the growth of building sector disputes (Section 4.1.5) were attributed to federalization. Practitioners expressed concern that subnational clients lack the institutional memory, contract management units, and dispute resolution experience of federal agencies, producing a new wave of avoidable disputes.

CHAPTER FIVE: CONCLUSIONS AND RECOMMENDATIONS

This study set out to examine what actually happens in Nepal's construction arbitration system by combining a census analysis of 151 NEPCA cases with in-depth interviews with experienced practitioners. The findings that emerge from this combined approach paint a picture of a system under considerable pressure: growing in caseload, increasingly reliant on three-member panels, consistently late by statutory standards and facing structural incentives that work against the finality it is supposed to provide.

5.1 Conclusions

Objective 1: Trends and Institutional Dynamics of Construction Arbitration in Nepal

The analysis of 151 completed NEPCA cases across fiscal years 2075 to 2080 BS reveals a construction arbitration system in transition. Case filings have grown steadily over the study period, with a 35% increase from 2075 to 2080, interrupted only by the COVID-19 pandemic dip in 2078. Road, building, and bridge projects together account for 74.8% of all cases, with road sector disputes remaining the most frequent at 34.4%. However, building sector cases have overtaken road sector in frequency by 2080 BS, and river works and water supply disputes are on clear upward trajectories, signaling a diversification of NEPCA's caseload driven by federalization and post-earthquake reconstruction.

The shift away from sole arbitrators toward three-member panels is the most pronounced institutional trend observed. Sole arbitrator appointments fell from 35% of cases in 2075 to just 3% by 2080, while three-member panels now handle 97% of the caseload. This shift reflects both the increasing financial complexity of disputes and the practical difficulty of securing mutual party agreement for sole appointments. Tribunal composition has also evolved, with EEL (two engineers, one lawyer) remaining the dominant configuration, while ELL panels (one engineer, two lawyers) have grown significantly since 2079, indicating a gradual shift toward greater legal weighting on panels.

The median duration of 368 days and mean of 417 days represent a persistent and systematic overshoot of the statutory ceiling of 321 days. The median Award-to-Claim Ratio of 0.44 suggests that claimants receive less than half of what they claim on average, reflecting either systematic over-claiming, inadequate substantiation, or both. Strong positive correlations exist between contract amount and claim amount (r_s=0.598) and between claim amount and award amount (r_s=0.711), indicating that financial outcomes are systematically related to project scale but are mediated by claim substantiation quality.

Objective 2: Effect of Dissolution of Adjudication on Time Performance

The dissolution of mandatory adjudication under the 2016 PPA amendment has had a measurable and statistically significant negative impact on the time performance of construction arbitration in Nepal. The Kruskal-Wallis H test across registration years ($H(8)=20.093$, $p=0.010$) confirmed that arbitration duration varied significantly across the study period rather than remaining uniform. Cases registered in 2076 BS exhibited the highest median duration of 542.50 days, followed by 2077 BS at 398.50 days, coinciding directly with the post-amendment transitional period when disputes from pre-amendment contracts flowed through the system alongside a new wave of unfiltered arbitration claims.

When adjudication served as a mandatory intermediate tier, it produced structured evidentiary records, narrowed contested issues, and filtered out weaker claims before they consumed tribunal time. Its removal transferred this filtering burden directly onto arbitral tribunals, which were not resourced to absorb it. The caseload spike in 2075-2077 BS and the corresponding elevation in duration are consistent with this mechanism. Expert practitioners unanimously characterized the removal of adjudication as a policy error whose effects continue to be felt in current proceedings, noting that tribunals must now spend months reconstructing factual records that adjudication would have produced as a matter of course.

The COVID-19 pandemic introduced a confounding effect, with 2079 BS recording the lowest median duration (312.50 days) due to reduced case intake and deferred claims, rather than improved institutional efficiency. Once pandemic restrictions lifted, durations rebounded in 2080 BS (median 358.00 days), suggesting the structural pressures introduced by adjudication removal continued to manifest. This finding provides the first statistically grounded evidence in the Nepal context that the dissolution of adjudication

has had a lasting adverse effect on arbitration time performance and directly supports the recommendation to reinstate structured pre-arbitration filtering mechanisms.

Objective 3: Influence of Project and Procedural Factors on Arbitration Outcomes

The inferential analysis revealed that none of the eight case attributes examined—contract amount, construction sector, Claim-to-Contract Ratio, tribunal composition, repeat player effect, Award-to-Claim Ratio, tribunal size, or claim amount—were statistically significant predictors of arbitration duration. This finding is substantively important: the length of proceedings is not determined by the structural or financial characteristics of cases at commencement. Rather, as expert informants consistently emphasized, delays arise from procedural conduct within proceedings: late arbitrator appointments by government clients, delayed payment of arbitration fees, difficulties serving notices on respondents, and tactical scheduling delays.

Regarding the Award-to-Claim Ratio, two significant predictors emerged. Contract amount had a modest positive association ($rho=0.173$, $p=0.034$), suggesting that larger contracts, which typically involve better documentation and more professional contract management, yield better-substantiated claims. The Claim-to-Contract Ratio had a strong negative association ($rho=-0.358$, $p<0.001$), indicating that tribunals systematically discount claims they perceive as disproportionate or inflated relative to the underlying contract.

Three case attributes were significantly associated with arbitral decision outcomes. Construction sector ($p=0.014$) showed that road sector cases had higher rejection rates due to the DoR's mature dispute management infrastructure, while hydropower cases showed notably lower success rates. Tribunal composition ($p=0.028$) revealed that all-engineer panels (EEE) had the highest award rate at 96.6%, while sole-lawyer panels had the lowest at 55.6%, reflecting the technical fluency advantage of engineer-arbitrators in construction disputes. Repeat player effect ($p=0.005$) showed that One-Shot Both cases had the highest settlement rate, while Repeat Both cases had zero settlements, indicating that experienced parties are disinclined to settle.

Four case attributes were significantly associated with appeal rates. Contract amount ($p<0.001$) and claim amount ($p=0.001$) were both substantially higher in appealed cases, confirming that financial magnitude drives appellate behavior economically rationally.

Tribunal composition ($p=0.001$) and tribunal size ($p<0.001$) were also significant, with sole arbitrators showing a striking appeal rate of only 3.4% compared to 46.3% for three-member panels, reflecting selection effects where smaller-value cases go to sole arbitrators, making appeals financially irrational regardless of award correctness.

Objective 4: Contextualization of Findings and Recommendations

The synthesis of practitioner insights through key informant interviews revealed five cross-cutting themes that explain the causal mechanisms behind the statistical patterns. First, procedural conduct, not case complexity, drives duration, with late arbitrator appointments and delayed fee payments identified as the primary bottlenecks. Second, adjudication removal degraded evidentiary quality, forcing tribunals to reconstruct factual records during arbitration. Third, tribunal composition shapes outcomes through technical fluency, with engineer-arbitrators assessing quantum and causation from first principles while lawyer-arbitrators depend on expert testimony. Fourth, financial magnitude drives appellate behavior rationally, with parties appealing only when stakes justify the cost. Fifth, federalization is reshaping the dispute landscape, bringing institutionally inexperienced local and provincial clients into the arbitration system.

These findings collectively demonstrate that measurable outcomes—caseload composition, tribunal composition, award shares, and duration—are tightly linked to institutional design and procedural practice rather than to the inherent complexity of disputes. The removal of adjudication, uneven party capacity, procedural stoppages, and strategic behavior are the mechanisms that produce the observed patterns. This understanding points to reform levers that target process (timely appointments and fee schedules), capacity (training for one-shot parties, especially subnational governments), and evidentiary quality (reinstating adjudication or encouraging contemporaneous recordkeeping).

5.2 Recommendations from Study

Based on the integrated quantitative and qualitative evidence presented in this chapter, the following reforms are recommended:

Recommendation 1: Reinstate mandatory adjudication for NCB contracts. The Kruskal-Walli's result provides statistically grounded evidence that adjudication removal

has had a lasting negative impact on time performance. Practitioners unanimously supported reinstatement as the single most effective reform.

Recommendation 2: Enforce strict timelines for arbitrator appointments and fee payments. Since no case-level attribute predicts duration, interventions must target procedural conduct. Automatic default appointments after specified periods and interest penalties for late fee payments would address the primary bottlenecks identified by practitioners.

Recommendation 3: Establish capacity-building programs for local and provincial government clients. The rising caseload from subnational governments requires proactive intervention. Training programs, model contract templates, and dedicated contract management units at provincial level would reduce avoidable disputes.

Recommendation 4: Maintain but monitor the shift toward mixed-composition panels. While ELL panels may produce procedurally stronger awards, the higher award rates of EEE panels (96.6%) suggest technical competence remains critical. NEPCA should maintain an expert roster with balanced engineer-lawyer representation and track outcome differences by composition.

Recommendation 5: Develop expedited procedures for sole arbitrator cases below a financial threshold. The distinct appeal profile of sole arbitrator cases (3.4% appealed) and their lower claim quantum suggest that a streamlined, expedited arbitration track with shortened timelines and simplified procedures would be appropriate for disputes below a defined threshold (e.g., NRs. 10 million claim amount).

5.3 Recommendations for Further Study

The following areas are identified as priorities for future empirical research, arising directly from the limitations of the present study and the gaps it has exposed in the broader literature on construction dispute resolution in Nepal.

1. Longitudinal study beyond 2080 BS

A five-to-ten-year follow-up study using the same census-based methodology to determine whether arbitration duration trends are stabilizing, deteriorating, or improving, and whether the post-adjudication-removal caseload surge has plateaued.

2. Comparative study between NEPCA-administered and ad hoc arbitration

A matched-sample comparison to establish whether institutional arbitration offers measurable advantages in duration, cost, or award quality over ad hoc proceedings, or whether ad hoc arbitration produces comparable outcomes with lower administrative overhead.

3. Study examining quality and enforceability of arbitral awards

Analysis of award texts, grounds of court challenges, and enforcement outcomes to assess whether the shift toward ELL panels produces awards that are less frequently set aside, and whether award quality varies systematically by tribunal composition.

4. Sector-specific deep-dive study on building sector disputes

A dedicated mixed-methods study of building sector arbitration, the fastest-growing segment of NEPCA's caseload, examining claim types, client categories (local government, provincial government, private developers), and evidentiary quality patterns.

5. Study examining arbitrator characteristics on decision patterns

Analysis of arbitrator gender, age, years of experience, prior arbitration history, and engineering discipline to determine whether these characteristics systematically influence decision outcomes, duration, or appeal rates.

6. Cost-benefit analysis of arbitration versus alternative dispute resolution mechanisms

Collection of party-level cost data (legal fees, arbitrator fees, expert witness fees) compared to amounts awarded to determine whether arbitration delivers net positive value to claimants, and to compare cost-effectiveness against negotiation, mediation, and adjudication.

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APPENDICES

APPENDIX A: ANNUAL INDICATIVE STATUS OF ARBITRATION PUBLISHED BY NEPCA

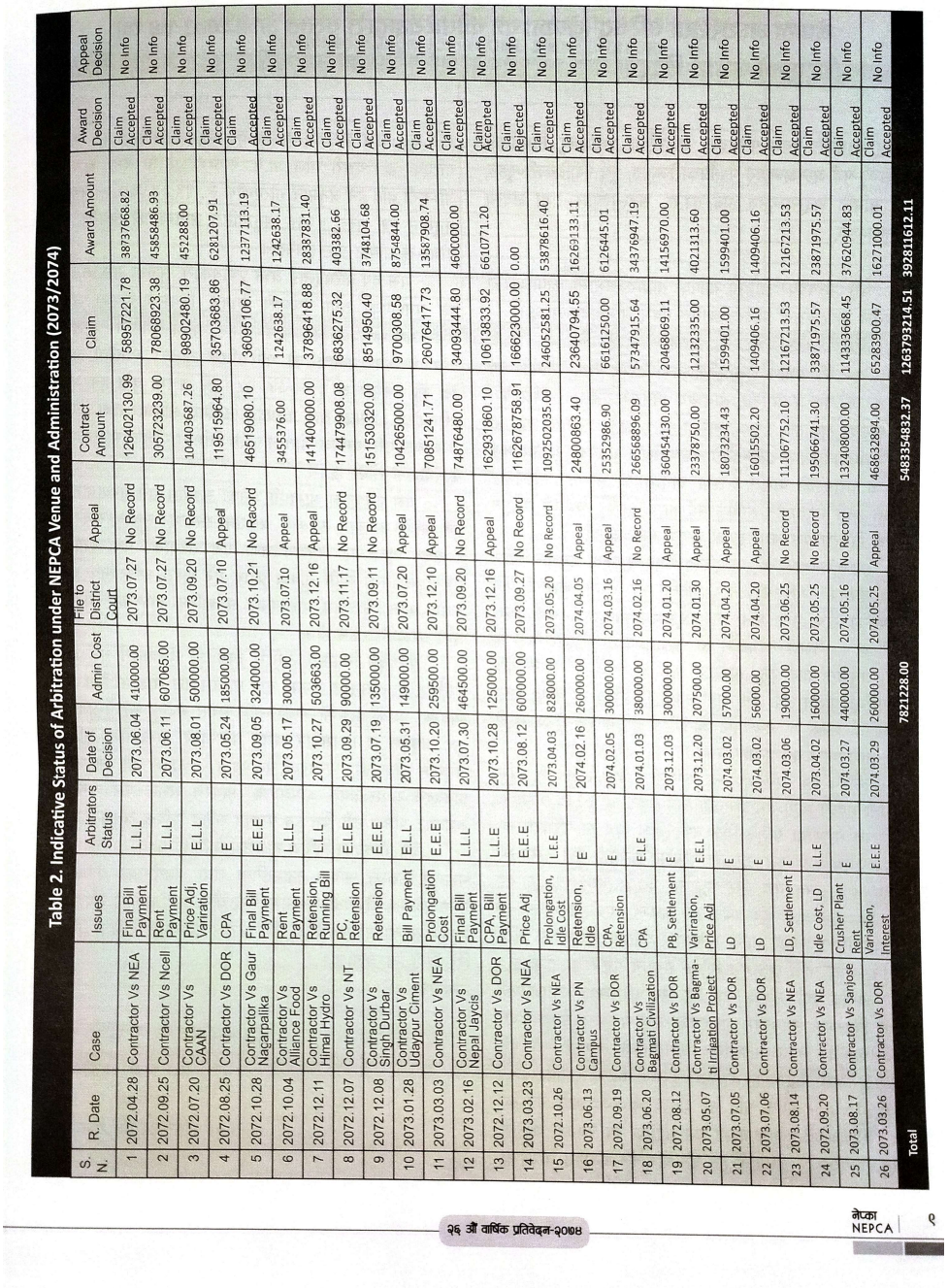

Table 2. Indicative Status of Arbitration under NEPCA Venue and Administration (2073/2074)

S. N.	R. Date	Case	Issues	Arbitrators Status	Date of Decision	Admin Cost	File to District Court	Appeal	Contract Amount	Claim	Award Amount	Award Decision	Appeal Decision
1	2072.04.28	Contractor Vs NEA	Final Bill Payment	L.L.L	2073.06.04	410000.00	2073.07.27	No Record	1264021 30.99	58957221.78	38737668.82	Claim Accepted	No Info
2	2072.09.25	Contractor Vs Ncell	Rent Payment	L.L.L	2073.06.11	607065.00	2073.07.27	No Record	305723239.00	78068923.38	45858486.93	Claim Accepted	No Info
3	2072.07.20	Contractor Vs CAAN	Price Adj, Variration	E.L.L	2073.08.01	500000.00	2073.09.20	No Record	104403687.26	98902480.19	452288.00	Claim Accepted	No Info
4	2072.08.25	Contractor Vs DOR	CPA	E	2073.05.24	185000.00	2073.07.10	Appeal	119515964.80	35703683.86	6281207.91	Claim Accepted	No Info
5	2072.10.28	Contractor Vs Gaur Nagarpalika	Final Bill Payment	E.E.E	2073.09.05	324000.00	2073.10.21	No Racord	46519080.10	36095106.77	12377113.19	Claim Accepted	No Info
6	2072.10.04	Contractor Vs Alliance Food	Rent Payment	L.L.L	2073.05.17	30000.00	2073.07.10	Appeal	3455376.00	1242638.17	1242638.17	Claim Accepted	No Info
7	2072.12.11	Contractor Vs Himal Hydro	Retension, Running Bill	L.L.L	2073.10.27	503663.00	2073.12.16	Appeal	141400000.00	37896418.88	28387831.40	Claim Accepted	No Info
8	2072.12.07	Contractor Vs NT	PC, Retension	E.L.E	2073.09.29	90000.00	2073.11.17	No Record	174479908.08	6836275.32	403382.66	Claim Accepted	No Info
9	2072.12.08	Contractor Vs Singh Durbar	Retension	E.E.E	2073.07.19	135000.00	2073.09.11	No Record	151530320.00	85149950.40	3748104.68	Claim Accepted	No Info
10	2073.01.28	Contractor Vs Udaypur Ciment	Bill Payment	E.L.L	2073.05.31	149000.00	2073.07.20	Appeal	104265000.00	9700308.58	875:844.00	Claim Accepted	No Info
11	2073.03.03	Contractor Vs NEA	Prolongation Cost	E.E.E	2073.10.20	259500.00	2073.12.10	Appeal	70851241.71	26076417.73	13567908.74	Claim Accepted	No Info
12	2073.02.16	Contractor Vs Nepal Jaycis	Final Bill Payment	L.L.L	2073.07.30	464500.00	2073.09.20	No Record	74876480.00	34093444.80	460C000.00	Claim Accepted	No Info
13	2072.12.12	Conractor Vs DOR	CPA, Bill Payment	L.L.E	2073.10.28	125000.00	2073.12.16	Appeal	162931860.10	10613833.92	6610771.20	Claim Accepted	No Info
14	2073.03.23	Conractor Vs NEA	Price Adj	E.E.E	2073.08.12	600000.00	2073.09.27	No Record	1162678758.91	166623000.00	0.00	Claim Rejected	No Info
15	2072.10.26	Contractor Vs NEA	Prolongation, Idle Cost,	L.E.E	2073.04.03	828000.00	2073.05.20	No Record	1092502035.00	246052581.25	53878616.40	Claim Accepted	No Info
16	2073.06.13	Contractor Vs PN Campus	Retension, Idle	E	2074.02.16	260000.00	2074.04.05	Appeal	24800863.40	23640794.55	16269133.11	Claim Accepted	No Info
17	2072.09.19	Contractor Vs DOR	CPA, Retension	E	2074.02.05	300000.00	2074.03.16	Appeal	25352986.90	66161250.00	6126445.01	Claim Accepted	No Info
18	2073.06.20	Contractor Vs Bagmati civilization	CPA	E.L.E	2074.01.03	380000.00	2074.02.16	No Record	266568896.09	57347915.64	34376947.19	Claim Accepted	No Info
19	2072.08.12	Contractor Vs DOR	PB, Settlement	E	2073.12.03	300000.00	2074.01.20	Appeal	3604541 30.00	20468069.11	14156970.00	Claim Accepted	No Info
20	2073.05.07	Contractor Vs Bagma-ti Irrigation Project	Variration, Price Adj	E.E.L	2073.12.20	207500.00	2074.01.30	Appeal	23378750.00	12132335.00	4021313.60	Claim Accepted	No Info
21	2073.07.05	Contractor Vs DOR	LD	E	2074.03.02	57000.00	2074.04.20	Appeal	18073234.43	1599401.00	1599401.00	Claim Accepted	No Info
22	2073.07.06	Contractor Vs DOR	LD	E	2074.03.02	56000.00	2074.04.20	Appeal	16015502.20	1409406.16	1409406.16	Claim Accepted	No Info
23	2073.08.14	Contractor Vs NEA	LD, Settlement	E	2074.03.06	190000.00	2073.06.25	No Record	111067752.10	12167213.53	12167213.53	Claim Accepted	No Info
24	2072.09.20	Contractor Vs NEA	Idle Cost, LD	L.L.E	2073.04.02	160000.00	2073.05.25	No Record	195066741.30	33871975.57	23871975.57	Claim Accepted	No Info
25	2073.08.17	Contractor Vs Sanjose	Crusher Plant Rent	E	2074.03.27	440000.00	2074.05.16	No Record	132408000.00	11433366 8.45	37620944.83	Claim Accepted	No Info
26	2073.03.26	Contractor Vs DOR	Variation, Interest	E.E.E	2074.03.29	260000.00	2074.05.25	Appeal	468632894.00	65283900.47	16271000.01	Claim Accepted	No Info
Total						7821228.00			54833548 32.37	1263793214.51	392811612.11		

Table 2. Indicative Status of Arbitration under NEPCA Venue and Administration (2074/2075)

S. N.	R. Date	Case	Issues	Arbitrators Status	Date of Decision	Admin Cost	File to District Court	Appeal	Contract Amount	Claim	Award Amount	Award Decision	Appeal Decision
1	2072.04.28	Contractor Vs. Civil Aviation Authority	Payment of interest, Prolongation of cost, CPA	ELE	2074.06.04	185000.00	2075.07.13	No Record	20,689,441.35	13,172,612.45	310,526.46	Claim Accepted	No Info
2	2074.08.01	Contractor vs Pemod Ricard USA, LLC, Austin Nicholas & CO., Incorporated/Pemod Ricard India Pvt. Ltd	Invalid Termination	LLL	2075.03.21	450000.00	2075.05.07	No Record	TMA (Technical & Marketing Assistance Agreement)	Principle Claim	Principle (I) Claim (TMA) dismissed	Claim Rejected	No Info
3	2074.07.16	Contractor vs Department of Water supply and Sewalage	Idle and Overhead Cost, PB	E	2075.03.17	165000.00	2075.04.28	No Record	15,459,915.00	2,931,417.00	102,439.61	Claim Accepted	No Info
4	2074.02.02	Contractor vs Mid-Western Irrigation Dev. Division No. 4, Department of Irrigation	LD, Performance Security, PC	EEE	2075.03.05	231000.00	2075.05.10	No Record	24,543,118.66	21,578,206.02	-	Claim Rejected	No Info
5	2074.11.22	Contractor vs Lamahi Town Development Committee, Dang	CPI, Price IPC, Adjustment	E	2075.02.31	226002.50	2075.05.12	No Record	65,791,346.94	18,420,152.27	15,734,008.60	Claim Accepted	No Info
6	2073.08.15	Contractor vs Mechinagar Municipality, Jhapa	PC, LD, Interest Idle Resource	E	2075.02.25	350,000.00	2075.07.15	No Record	111,652,582.64	84,187,944.20	9,740,553.43	Claim Accepted	No Info
7	2073.12.20	Contractor vs NEA	Price Adjustment	LEL	2075.02.04	278,105.00	2075.05.07	No Record	352,430,515.44	176,215,257.72	176,215,257.72	Claim Accepted	No Info
8	2073.04.10	Contractor vs DDC, Kathmandu	Price Adjustment, Vaxation	LEL	2075.02.15	148,300.00	2075.04.28	No Record	25,780,111.30	6,242,340.03	2,982,929.23	Claim Accepted	No Info
9	2073.08.15	Contractor vs Road Improvement Project, DOR.	LD, DC, Interest, Bill payment Overhead idle Resource	EEE	2075.02.14	153,800.00	2075.07.15	No Record	229,123,347.20	39,890,890.38	1,263,991.00	Claim Accepted	No Info
10	2074.04.10	Contractor vs DOR	Interest PC, PA	ELE	2075.01.23	765,300.00	2075.03.03	No Record	458,791,923.97	130,246,312.46	92,169,608.20	Claim Accepted	No Info
11	2073.08.16	Contractor vs CTEVT	Bill Payment	L	2075.01.21	40,000.00	2075.03.22	No Record	1,477,970.43	1,189,476.43	-	Claim Rejected	No Info
12	2074.03.06	Contractor vs Department of Urban Development and Building Construtiion, Division Office, Bhaktapur.	CPA, Interest	LEL	2075.01.07	221,400.00	2075.04.28	No Record	23,918,722.56	16,928,655.82	7,028,769.22	Claim Accepted	No Info
13	2073.06.17	Contractor vs NEA	Overhear, DC, LD	ELE	2074.12.05	683,409.00	2075.02.09	No Record	763,877,319.30	30,226,121.20	27,061,697.30	Claim Accepted	No Info
14	2073.6.13	Contractor vs DOR	PC, PA, LD	EEE	2074.11.15	526,000.00	2075.01.16	No Record	517,198,235.50	72,315,623.30	16,863,704.39	Claim Accepted	No Info
15	2073.12.19	Contracor vs CAAN	CPA, Cost Compensation.	LEL	2074.09.19	375,590.00	2075.01.04	No Record	236,718,479.30	70,612,335.92	47,636,505.50	Claim Accepted	No Info
16	2074.04.12	Contracor vs NEA	Compensation, Price Adjustment	EEE	2074.08.14	554,594.00	2075.10.10	No Record	1,091,502,035.00	68,964,225.60	26,214,332.20	Claim Accepted	No Info
17	2073.07.23	Contractor vs Eastern Regional Road Directorate, DOR	Idle Cost, Interest	ELE	2074.08.28	1,008,134.00	2074.10.18	No Record	92,693,333.57	29,633,333.57	8,115,333.43	Claim Accepted	No Info
18	2073.04.20	Contractor vs DOR	Interest Bonus	E	2074.04.03	90,000.00	2074.05.30	No Record	32,396,081.97	2,763,755.60	2,763,755.60	Claim Accepted	No Info
19	2073.12.18	Contractor vs NEA	Cost of delay	EEE	2074.06.23	260,000.00	2075.10.11	No Record	1,091,502,035.00	371,550,237.57	117,400,600.00	Claim Accepted	No Info
20	2073.12.22	Contractor vs Office of DDC, Nawalparasi	Interest, PA, Retension	EEE	2074.05.15	356,000.00	2074.08.08	No Record	31,101,288.34	30,203,511.23	9,449,622.14	Claim Accepted	No Info
21	2073.07.23	Contractor vs Vehicle Testing Centre	Final Bill payment, variation overhead	ELE	2074.06.26	202,977.00	2074.08.08	No Record	16,975,000.00	6,694,270.78	6,297,427.31	Claim Accepted	No Info
22	2073.05.12	Contractor vs DOR	PA, EC Interest	ELE	2074.07.30	600,000.00	2075.03.07	No Record	622,632,225.60	82,626,166.10	26,276,205.30	Claim Accepted	No Info
23	2074.03.21	Contractor vs DOR	Bill Payment, DC, Interest, LD, Idle cost	ELE	2074.12.27	218,817.00	2075.02.09	No Record	97,372,257.00	16,907,770.40	7,620,153.20	Claim Accepted	No Info
Total						**8,087,638.50**			**5,924,887,286.07**	**1,293,500,616.05**	**601,247,419.54**		

Table 2. Indicative Status of Arbitration Cases in the Year 2075/76 in NEPCA

S.N	R. Date	Case Name	Issues	Arbitrators Status	Date of Decision	Administration Cost	File to District Court	Appeal	Contract Amount	Claim	Award Amount	Award Decision	Appeal Decision	Rules Followed
1	23/07/2073	Suspension Bridge Division, Lalitpur Vs. A.M.P. Construction Company	Establishment of Suspension Bridge	EEE	11/04/2075	185,000	15/07/2075	No Record	16,899,000	9,755,438	560,588	Claim Accepted	No info	AAct
2	19/09/2073	Nepal Electricity Authority VS. Welcome Energy Development	Power Purchase Agreement	ELE	01/06/2075	248,000	17/08/2075	No Record	Unknown(Buying and Selling of Electricity)	18,514,000	11,108,400	Claim Accepted	No info	AAct
3	24/01/2074	Air Kasthmandap Pvt ltd Foregin Investor Vs Air Kasthmandap Pvt ltd Local Investor	Share Purchase Agreement	LLL	29/11/2075	324,885	09/03/2076	No Record	260,000,000	180,197,010	40,293,300	Claim Accepted	No info	AAct
4	25/07/2074	Janamukhi/Yongsherpa/Golden Good Sherpa JV VS. Nepal Electricity Authority, Ratnapark	प्रसारण तथा वितरण निर्माण कार्य	LLL	06/10/2075	340,000	06/01/2076	No Record	41,600,000	24,776,883	12,613,789	Claim Accepted	No info	AAct
5	30/07/2074	Hospitek Enterprises Vs. Ministry of Health, Teku	The Supply and Delivery of Essential Drugs and Medical Consummables	LLL	07/05/2075	115,000	13/07/2075	No Record	58,590,000	3,835,512	3,089,003	Claim Accepted	No info	AAct
6	09/10/2074	Swachchhanda-Kasthamandap-Dhanthan-Pradeep-Rabin JV VS. DOR, Division Road Office, Surkhet	Construction of Steel Truss Bridge (Without Superstructure) with well foundation over Bheri River Chainage at 45000 at Chhinchu-Jajarkot Road	E	22/11/2075	615,000	12/01/2075	No Record	30,519,560	27,444,007	7,601,318	Claim Accepted	No info	NEPCA Rules
7	29/11/2074	Nepal Red Cross Society VS. Lama Construction Company	NRCS/WORKS/NCB/01-2017/18	EEL	11/04/2075	200,000	21-9-2076	No Record	192,454,756	12,454,756	12,454,757	Claim Accepted	No info	AAct
8	09/01/2075	Dupcheshwor Mahadev Hydro Company Vs. Nepal Electricity Authority	विधुत खरिद बिक्रि सम्झौता	ELL	09/11/2075	200,000	21-9-2076	No Record	unknown	635,805,741	0	Claim Rejected	No info	AAct
9	30/01/2075	Madav Khamti Nirman Sewa Vs National Reconstruction Authority NRA Center level Project Implementation Unit ,Esucation	ESRP/MOE/CLPIU/073/074-Nuwakot-03	EEE	14/06/2075	480,000	17/08/2075	No Record	214,365,627	58,797,051	18,947,501	Claim Accepted	No info	NEPCA Rules
10	01/02/2075	Madhya Bhotekoshi (R) Vs. Gauri Parvati	Construction of Camp Facilities in cluding Access Roads to Camp Sites	EEL	02/07/2076	315,840	24/05/2076	No Record	72,637,848	33,960,004	0	Claim Rejected	No info	NEPCA Rules
11	14/02/2075	Ramechhap Sherpa Construcgion VS. Ankhu Khola Jalbidhut Company	Ankhu Khola Jalbidhut Project	ELL	13/06/2076	580,000	19/11/2075	No Record	440,508,575	192,800,000	133,789,751	Claim Accepted	No info	NEPCA Rules
12	18/02/2075	Chakreshwori Nirma Sewa P. Ltd. Vs. Singh Durbar Secretariat Reconstruction Committee (SSRC)	construction of building of national identity mgmt centre at Singhdurbar	ELE	09/11/2075	220,000	21/9/2076	No Record	82,940,810	15,000,000		Claim Accepted	No info	AAct
13	06/03/2075	Puspalal mid hill High Way Project Eastern Sector, VS Himdung and Thokar company p.L, Kankai -Thapa-Jeevan Jv	Termination of contract and claim for bank charges	E	15/05/2075	320,000	other packages of cases are in pending	No Record	9,390,743	7,533,433	0	Claim Rejected	No info	AAct / NEPCA
14	29/03/2075	Department of Road (R) Vs. CTCE - Kalika Raman JV(C)	Construction of Strengthening of Belwahari -Chourihawa Road	ELE	08/03/2076	288,379	12/05/2076	No Record	263,439,151	27,094,754	3,136,856	Claim Accepted	No info	AAct
15	16/04/2075	Surya Construction Firm Vs DOR	Naubise Mugling Road	ELE	09/09/2075	302,000	19/11/2075	No Record	unknown(सडक दस्तुर)	35,604,342	30,717,708	Claim Accepted	No info	AAct
16	18/08/2075	Sapana K.S.- Nandagada Vs. DOR	Construction of Bridge along Connecting Dhangadhi 6 and 7, Kailali	E	15/08/2076	77,500	21/9/2076	No Record	31,432,855	2,262,339	2,205,452	Claim Accepted	No info	AAct / NEPCA
17	05/09/2075	DOR Vs AMR India Limited - Con-tech- Pvt JV	Improvement of road to six lane standards	LEL	09/04/2019	286,000	04/09/2019	No Record	677,145,784	34,087,328	0	Claim Rejected	No info	AAct
18	18/09/2075	Parbati Traders Vs. Nepal Police Office	Upgrading of Tulsipur Salyan Road	LLL	05/06/2075	85,000	17/08/2075	No Record	18,360,000	7,160,400	913,500	Claim Accepted	No info	AAct
19	27/08/2075	Kalika Rasuwa JV VS. Babai Irrigation Project	Construction/Remodelling of Western Main Canal System	EEE	11/03/2076	429,000	09/03/2076	No Record	660,607,427	62,058,302	50,679,825	Claim Accepted	No info	NEPCA Rules
20	16/10/2074	Janaswastha Sarokar Trust Vs. Deerwalk Serivices Pvt. Ltd.	Master Services Agreement	LLL	25/05/2075	185,000	16/08/2075	No Record	Unknown	9,885,171	Ambicably setteled		No info	AAct
						5,796,604			3,070,892,136	1,399,026,472	328,111,746			
										45.56%	23.45%			

Table 2. Indicative Status of Arbitration Cases in the Year 2076/77 in NEPCA

S.N	R. Date	Case Name	Issues	Arbitrators Status	Date of Decision	Administrion Cost	File to District Court	Appeal	Contract Amount	Claim	Award Amount	Award Decision	Appeal Decision	Rules Followed
1	14/03/2075	ANK Bajra Guru Vs. Department of Water-Mahakali River Training	Construction of RCC Retaining Wall with Counterfort and Service Road along the left bank of Mahakali River in H/Q of Darchula District	EEE	12/11/2076	179541	21/06/2077	No Record	158517770.2	9,600,000	41,77,801.60	Claim Accepted	No info	NEPCA
2	05/09/2073	M/S Lumbini Builders Vs. Department of Roads	Construction of Pre-Stressed Concrete Bridge Over Bagmati River	ELE	02/11/2076	480000	19/08/2077	No Record	317619003.4	100000000.00	24281953.7	Claim Accepted	No info	AACT
3	17/08/2075	Sunaula Khinti Dhurba & Tara J/V Vs DOR	construction of road works (ghurmi chatara koshi corridor)	E	16/09/2076	97500	18/04/2077	No Record	7302002.92	3326253.01	993498.28	Claim Accepted	No info	NEPCA
4	02/10/2076	Kankai- Thapa- Jeevan JV	Construction of Road Works(Ghurmi Chatara Koshi Corridor)	E	29/05/2076	135000	27/10/2076	No Record	8310392.37	935762.23		Claim Rejected	No info	NEPCA
5	18/04/2075	Adventure Engineering Vs. Division Road Office	Construction of Motarable Steel Truss Bridge Over Marsyangdi River at Damauli, Purkot, VDC, Tanahun	EEE	08/12/2076	185000	27/10/2076	No Record	94688358.93	10000000.00	9139554.62	Claim Accepted	No info	AACT
6	13/01/2076	Mr. Sh. Hamed Ali Jabor M. Al-Thani Vs. Blue Airways		LLL	06/06/2076	165000	10/08/2076	No Record	Unknown	7965000	7965000	Claim Accepted	No info	AACT
7	18/06/2076	DOR Vs. Woodhill Lama JV	NIRTTP-DOR, W-ICB-2 Improvement of Narayanghat Mugling Road	ELE	23/05/2076	280000	09/08/2076	No Record	97,66,81,244.84	25000000	29782498	Claim Rejected, Contractor is benefitted	No info	NEPCA
8		Kalika Rasuwa JV VS. Babai Irrigation Project	BIP-ICB/P1/070/071 Construction/Remodelling of Western Main Canal System	EEE	11/03/2076		09/03/2076	No Record	660607426.9	620583302.28	50679825.06	Claim Accepted	No info	NEPCA/AAct
9	13/01/2076	DOR Vs. Titagarh Wagons Ltd	RSDP-AF-DOR-G-ICB-13 - Supply of Modular Steel Bridges under Road Sector Development Project	LEE	05/10/2076	480000	11/06/2077	No Record	2,09,46,645.06	100000000	82,496,634.00	Claim Accepted	No info*	NEPCA/AAct
10	16/04/2076	Kankai- Thapa- Jeevan JV Vs. DOR	KCHP/GC/11/068/069 Construction of Road Works(Ghurmi Chatara Koshi Corridor)		31/05/2076	135000	27/10/2076	No Record	8310392.37	5000000		Claim Rejected	No info	NEPCA/AAct
11	15/09/2075	DOR Vs AMR-Con-tech-Pvt JV	TRIP/PB/3373124/072/073-06 Improvement of road to six lane standards	ELL	09/04/2076	288739	23/09/2076	No Record	599244056.9	34087328		Claim Rejected	No info	AACT
12	01/02/2075	Madhya Bhotekoshi (R) Vs. Gauri Parvati	MBJCL/MBKHEP-069/70-CF-01 Construction of Camp Facilities in cluding Access Roads to Camp Sites	EEL	02/07/2076	275000	24/05/2076	No Record	72637848.45	33960003.88		Claim Rejected	No info	NEPCA/AAct

13	29/03/2075	Department of Road (R) Vs. CTCE - Kalika Raman JV(C)	STEP/ICB/BC-02:Construction of Strengthening of Belwahari - Chouriahawa Road	EEL	23/06/2076	39997	12/05/2076	No Record	40000000	27094754.44	3136855.54	Claim Accepted	No info	NEPCA/AAct
14	14/08/2074	Hari Hari Rapti Nirmal Vs. NEA	SHPRED/RE/SM/SS-063/064	LLL	21/09/2076	3700000	11/06/2077	No Record	33169642.9	10000000		Claim Rejected	No info	NEPCA/AAct
15	14/08/2074	Hari Hari Rapti Kunsaling JV Vs. NEA	SHPRED/RE/GH/SS-063/064	LLL	21/09/2076	3700000	11/06/2077	No Record	14299734.28	10000000		Claim Rejected	No info	NEPCA/AAct
16	21/11/2075	ATLAS - SATYASWOR - KABINDRA JV And TU Registar	Dispute of Construction of Administrative cum Class room building for faculty of Mgmt. SOMTU - Kritipur	EEL	14/07/2076	1700000	24/09/2076	No Record	54217615.8	9276141.82	5073033.09	Claim Accepted	No info	NEPCA/AAct
17	21/03/2075	Department of Health Service Vs. Munna & Acharya	GoN 04/068-69 Construction of Laboratory Building at Teku, Kathmandu	EEE	01/06/2076	3000000	05/11/2076	No Record	62916518.68	30000000	29749638	Claim Accepted	No info	NEPCA/AAct
18	30/07/2074	Rabina Construction Vs Medical College	GMC-KW/NCB-2/Admin building	ELL	20/08/2076	3166670	29/10/2076	No Record	132585590.5	17766469.13	1500000	Claim Accepted	No info	NEPCA/AAct
19	24/09/2074	Simple Media Network Vs. Kamakhya Digital Cable Network	Exclusive distrubution Ship, Master Distribution Ship	LLL	10/06/2076	6800000	06/08/2076	No Record	Unknown	400297975.2	53000000	Claim Accepted	No info	NEPCA/AAct
20	01/10/2073	Nagarjuna Construction Vs DOR	KVRIP/4-01/069/70 Improvement of Mailighar Bhadrakali Road Sector	EEE	26/07/2076	2600000	19/10/2076	No Record	5,13,59,644.18	20000000	5037948.12	Claim Accepted	No info	NEPCA/AAct
21	08/03/2075	Sharma ANK Mahadev Khimli (C) Vs. Karmachari Sanchayakosh (R)	2066/67/01 Construction of Commercial Complex at Lagankhel, Lalitpur, Contract Identification number: 2066/67/01	ELL	08/07/2076	2700000	09/09/2076	No Record	31,48,486.25	32131918.13	19261256.35	Claim Accepted	No info	NEPCA/AAct
22	16/11/2076	YP Constructions Vs. Nepal Hydro Electric	NHE/CHAPALI CIVIL WORKS/2071/072-1 Civil and Architectural Works at Chapali Substation	EEE	15/05/2076	5405000	24/07/2076	No Record	Unknown	37972375	32740200	Claim Accepted	No info	NEPCA/AAct
23	29/11/2074	Lama Construction Vs. Red Cross	NRCS/WORKS/NCB/01-2017/18	ELE		2000500							No info	NEPCA/AAct
24	29/06/2076	M/S Koshi - Neupane/Sarb Uddhar JV Vs. Changunarayan Municipality	RRRSDP/BKT/RR/NCB/01/07 475 - Gosapul - Bidol Phat - Sudal - Kalamasi Nagarkot Road	ELL	03/07/2077	3647340	20/06/2077	No Record	46183500	34926148.00	6296009.42	Claim Accepted	No info	NEPCA/AAct
						6,582,731			2,310,609,855	1,021,398,431	361,133,904			
										44.20%	35.36%			
		*note: 110 is taken as base exchange rate for dollar for the award which has been awarded on dollar currency												

Table 2. Indicative Status of Arbitration Cases in the Year 2077/78 in NEPCA

S.N	R. Date	Case Name	Issues	Arbitrators Status	Date of Decision	Administrtion Cost	File to District Court	Appeal	Contract Amount	Claim	Award Amount	Award Decision	Appeal Decision	Rules Followed
1	24/04/2075	DOR Vs Lohani & Brothers-Lohani & Sons Joint Venture	Construction of Bridge at Panŕa River, Chipleti Bridge	E	26/06/2077	141000.00	19/08/2077	No Record	37778658.13	2061205.06	2061205.06	Claim Accepted	No info	NEPCA
2	25/08/2075	Diwa-Jagrit JV Vs. DOR	KHCP/GC/19/068/069; Construction of Road Works (Ghurmi Chatara Koshi Corridor)	E	06/01/2077	308063.00	08/12/2077	No Record	8214111.30	75562661.70	0.00	Claim Rejected	No info	NEPCA
3	25/08/2075	Himdung & Thokar Construction Pvt. Ltd Vs. DOR	KHCP/GC/12/068/069; Construction of Road Works (Ghurmi Chatara Koshi Corridor)	E	06/01/2077	294120.00	08/12/2077	No Record	8523678.80	77467556.08	0.00	Claim Rejected	No info	NEPCA
4	12/05/2076	Bharatpur Hospital Vs. Prera Nirman Sewa - 2077/78 Awarded	015/068/069 - Construction of 1st and 2nd Floor of A - Block, Bharatpur Hospital	ELE	27/04/2077	317901.00	15/08/2077	No Record	176550544.00	28743798.42	11095405.39	Claim Accepted	No info	NEPCA
5	20/04/2076	Himal Hydro Vs. Mountain Hydro	पर्सनी हिमा खोला जलविद्युत परियोजना निर्माण कार्य सम्बन्धी	ELE	08/04/2077	1099916.82	10/02/2077	No Record	1572176925.25	1239833632.00	90578944.81	Claim Accepted	No info	NEPCA
6	22/04/2076	Lama Danfe Golden Good Vs DOR	33731241TRIP/JJ/071/72-01 Improvement of Road to Six Lane Standards	E	12/11/2077	380000.00	02/07/2078	No Record	4484430761.44	24244684.81	17840614.30	Claim Accepted	No info	NEPCA
7	22/04/2076	Lama- Danfe-Dukuchu Vs. DOR	33731241TRIP/JJ/071/72 - 02 Improvement of Roads to six Lane standards of Jatahi - Janakpur Section	E	12/11/2077	380000.00	02/07/2078	No Record	4960524652.29	20478263.71	15969007.11	Claim Accepted	No info	NEPCA
8	05/08/2076	Sapana K.S. Nandagada Vs. DOR	DROMNR/33715741/071/72-079 Construction of Bridge along Connecting Dhangadhi 6 and 7, Kailali	LLE	17/09/2077	183500.02	14/11/2077	No Record	314328547.73	5000000.00	2803355.81	Claim Accepted	No info	NEPCA
9	20/03/2076	GM Construction Pvt. Ltd Vs District Administrative Office	Construction Of Building	EEL	28/08/2077	2.60,000	11/07/2077	No Record					No info	
10	15/07/2076	Kalika-Tamang-Pacific JV Vs. DOR	ACQMP/TRIP/BB-01/070/71	LLE	14/11/2077	400000.00	01/10/2078	No Record	456401486.10	110725300.00	67130923.60	Claim Accepted	No info	NEPCA
11	28/09/2076	Ashish Nirman Sewa Vs DOR, Surkhet	DROSKT/33175741069-70/160 : Construction of Steel Truss Bridge Ovr Bheriniadi Baintal, Chisapani in Jajarkot district	LLL	17/03/2078	243750.00	05/11/2077	No Record	78906575.50	17700000.00	8428020.00	Claim Accepted	No info	NEPCA
12	09/11/2076	KFA-CMC-SMART JV VS. Home Ministry	Consultant Service for Conducting Psychosocial Service	LLL	30/12/2078	245000.00	03/04/2078	No Record	59824347.00	15357167.42	2126942.71	Claim Accepted	No info	AAct
13	09/05/2076	Sita Information Networking VS. TIACAO	Design, Installation, Commissioning and Operation of Common Use Terminal Equipment System at TIA	LLL	09/03/2077	590000.00	11/07/2077	No Record	Unknown	220000000.00	0.00	Claim Rejected	No info	UNCITRA
14	12/02/2076	NRNA Vs. DE-Fort Designer	Dispute relating to Planning, Architectural and Engineering Redesign and Construction Management for LAPRAK Model Settlement Development Project (LMSDP)	LLL	26/12/2077	120000.00	28/02/2078	No Record	8834912.00	4250000.00	3952910.42	Claim Accepted	No info	NEPCA
15	03/07/2077	Bhairab Construction Vs DOR, Harkakathuwa Bridge -002	HRP/33722441071-72/BC-002 "Construction of RCC Bridge for Harkakathawa River, Nava Road Madhuwani Road, Sarlahi"	EEL	26/03/2078	169250.00	06/01/2078	No Record	10356974.00	5500000.00	3840000.00	Claim Accepted	No info	NEPCA
16	03/07/2077	Bhairab Construction Vs DOR, Harkakathuwa Bridge -005	HRP/33722441071-72/BC-005 "Construction of RCC Bridge for Harkakathawa River, Nava Road Madhuwani Road, Sarlahi"	EEL	26/03/2078	169250.00	06/01/2078	No Record	10377469.00	7625881.80	5214840.83	Claim Accepted	No info	NEPCA
17	19/03/2076	Kankai/Gorkha/Appropriate JV Vs DOR, Western Regional, Gorkha - C1(Re)	11 CRP/33732041073-74/MYC1 (Re); Construction of Motorable RCC Bridge Across Ajuwa Khola Benighat Arughat Larkebhanjyang Road	L	10/04/2077	198873.00	12/06/2077	No Record	45148420.07	2072681.65	0.00	Claim rejected	No info	NEPCA

18	19/03/2077	Kankai/Gorkha/Appropriate JV Vs DOR, Western Regional, Gorkha - C4	12 CRP/3373204/073-74/MYC4; Road Upgradation Works Along Phimmtaar Jaubaani Bhachhek Road (CH 0+000 onwards)	L	11/04/2077	198873.00	12/06/2077	No Record	1146444522.72	10643827.07	0.00	Claim rejected	No info	AAct
19	19/03/2078	Kankai/Gorkha/Appropriate JV Vs DOR, Western Regional, Gorkha - C2 Re	11 CRP/3373204/073-74/MYC2 (Re); Road Up gradation works along 11 kilo Chhepetaar Bhaluswaara Barpak Road (CH 17+000~22+200)	L	12/04/2077	198873.00	12/06/2077	No Record	13487685.83	9074700.12	0.00	Claim rejected	No info	AAct
20	28/03/2077	Nepal Adarsha -Tamang JV Vs. DOR	EEAP/NCB/DG-03; Earthquake Emergency Assistance Project	ELL	13/03/2078	338982.00	25/05/2078	No Record	275245262.14	39745412.00	5066296.73	Claim Accepted	No info	NEPCA
21*	13/07/2077	TCIL- Santoshi JV (R) Vs. DOR ©	RIP/EXIM/TS-04	EEE	08/05/2077	180000.00	14/07/2077	No Record	Unknown	80000000.00	23213535.40	Claim Accepted	No info	Both*
22*	06/09/2077	Simple Media Network Vs. Kamakhya Digital Cable Network	Exclusive distrubution Ship, Master Distribution Ship	LLL	12/02/2077	340000.00	02/07/2078	No Record	Unknown	400297975.20	53000000.00	Claim Accepted	No info	Both*
23*	11/11/2076	Madav Khamti Nirman Sewa Vs National Reconstruction Authority NRA Center level Project Implementation Unit Esucation	ESRP/MOE/CLPIU/073/074-Nuwakot-03	EEE	04/07/2077	240000.00	06/09/2077	No Record	214365626.50	58797051.22	18947501.02	Claim Accepted	No info	NEPCA
24*	07/05/2076	Rishi Tundi Jv Vs Department of Roads	Variation, Interest	E.E.E	27/4/2077	80000.00	23/06/2077	No Record	468632894.00	65283900.47	16271000.01	Claim Accepted	No info	AAct
25*	08/12/2077	Mahadev Khimti Nirman Sewa Vs Department of Trasportation Management	Mechanical Works of Vehicle Fitness Test Center (VFTC)	ELE	16/10/2077	74000.00	20/12/2077	No Record	16925000.00	6696270.78	397640.31	Claim Accepted	No info	AAct
						6891351.84			**8709697173.80**	**2527161969.51**	**347938143.51**			
										29.02%	**13.77%**			

* Indicate Re-Award after receiving file from court

Table 2. Indicative Status of Arbitration Cases in the Year 2078/79 in NEPCA

S.N	R. Date	Case Name	Issues	Arbitrators Status	Date of Decision	Administrion Cost	File to District Court	Appeal	Contract Amount	Claim	Award Amount	Award Decision	Appeal Decision	Rules Followed
1	26/07/2017	Tundi Construction Vs Constructora Sanjose S.A.	construction of Airside Infrastructure and Landslide Terminal Improvement at TIA and Rara Airports	L,E,E	2078/4/3	835000.00	2078/5/27	No Record	1621345470.65	400000000.00	145500000.00	Claim Accepted	No info	NEPCA
2	2076/2/24	Batliboi Environmental Engineering Vs. Hetauda Cement Udhyog	design, supply, delivery, civil construction, erection, installation and commissioning of reverse air bag house	L	2079/3/16	149885.00	2079/5/9	No Record	75950000.00	79021468.80	48392558.00	Claim Accepted	No info	NEPCA
3	2073/4/28	Lumbini Jay DC JV Vs. Department of Food, Technology and Quality Control	1-062/63 Construction of SPS Codex and Lab Building	L,E,L	2079/3/14	185000.00	2079/5/9	Appealed	81295406.10	18546437.00	2099856.46	Claim Accepted	No info	NEPCA
4	2076/4/24	Ashish -Apex-Rautaha JV Vs DoR	MHHP/3371384/070-71/031 Construction of Ghurmi - Chatara Koshi Corridor Project	L,E,L	2078/6/12	316390.00	2078/8/6	Appealed	300567996.35	35000000.00	34688905.20	Claim Accepted	No info	NEPCA
5	2076/6/7	DOR Vs. Sharma Danfe Kacharam	AH/MT/1-03/068/69 Improvement of Maitighar - Tinkune Section	L,E,L	2078/6/12	334800.00	2078/8/6	Appealed	806391047.00	58515618.00	26072785.85	Claim Accepted	No info	NEPCA
6	2077/6/23	Rajendra Dev Singh L.B JV Vs. FPIU	DUDBC/Rolpa/Works/NCB/01-073/74	E	2078/7/23	166498.00	2078/9/18	No Record	69960322.91	15366448.02	8404844.77	Claim Accepted	No info	
7	2076/10/6	Ashish Apex Roshan JV VS. DOR	TRIP/337312/RBID/2071/72/01 Upgrading and construction of Rani Biratnagar Itahari Dharan Road To Six Lane	E,E,L	2078/4/8	235206.00	2078/5/27	Appealed	599551983.32	17146151.61	16694157.07	Claim Accepted	No info	NEPCA
8	2077/11/23	Mainachuli BKOI JV Vs. DOR	DRODG/3371574/125-070/71 Steel Truss Bridge Construction Over Mega	E,E,L	2079/3/3	380000.00	2079/5/9	Appealed	79088668.22	45443125.00	34849786.00	Claim Accepted	No info	NEPCA
9	2077/07/16	Elite Shankarmali JV Vs. IDO, Beni, Myagdi	DDC/DDC/W/07/071/72/NCB Construction of Kaligandaki River Bridge, Eklebhatti Kagbeni, Mustang	E	2078/10/28	524688.00	2078/12/13	No Record	117567687.13	101253784.00	1868485.00	Claim Rejected	No info	AAct
10	2077/6/11	Prera Ashish JV Vs. B.P Koirala Memorial Cancer Hospital	Construction of 200 bedded Inpatient Building INCLUDING RT, Bunker Contract Package II	E,E,L	2078/6/8	422005.00	2078/8/6	No Record	727342712.32	71566525.31	33458180.74	Claim Accepted	No info	UNCITRAL
11	2077/3/26	Woodhill Lama JV Vs. DOR	NIRTTP-DOR-W-ICB-2 Contractor's Claim Referral No. 2, 3 and 4.	E,E,E	2078/4/10	460000.00	2078/5/27	Appealed	1111525794.17	127703408.89	51839967.65	Claim Accepted	No info	NEPCA
12	2077/8/10	Kunsaling Construction Pvt. Ltd. Vs. Itahari Sub-Metropolitian	Construction of Tengra Khola Bridge in Itahari Sub Metropolitan City, Itahari-04	L	2078/6/4	175966.00	2078/8/6	No Record	28481754.15	9096648.56	6878009.13	Claim Accepted	No info	NEPCA
13	2076/10/28	SVR Electricals Pvt. Ltd. Vs. NEA	DCS 063/64-09 and DCS 064/65-01: Supply and Delivery of Distribution Transformers	L,E,E	2078/10/17	251401.50	2078/12/12	No Record	200890080.00	125556300.00	125556300.00	Claim Accepted	No info	NEPCA
14	2077/4/12	Supreme -Rautaha JV, Ratopul Vs.DOR	NIRTTP-DOR-W-ICB-3 (km 23+540 to km 35+653), Referral NO.3,4 (4A and 4B)	E,E,L	2079/02/31	186650.00	2079/4/18	Appealed	304268972.90	13183440.80	11374579.40	Claim Accepted	No info	NEPCA
15	2077/4/12	Supreme -Rautaha JV, Ratopul Vs.DOR	NIRTTP-DOR-W-ICB-3 (km 23+540 to km 35+653), Referral NO.1,5 (5A,5B and 5C)	E,E,L	2079/02/31	266856.00	2078/4/18	Appealed	304268972.90	25846106.30	23583426.48	Claim Accepted	No info	AAct
16	2077/11/10	ANK- Kabindra- Satyaswor JV Vs. TU, Kritipur	Construction of Mathematical Science Building	E,E,L	2079/3/12	180000.00	2079/5/27	No Record	101949566.89	20113514.00	7780703.03	Claim Accepted	No info	AAct
17	2077/8/28	Shyam Sundar /N.B. JV Vs. Banganga Municipality, Butwal	Municipal Office Building Construction	E,E,L	2078/9/23	117780.00	2079/11/16	No Record	79247377.00	49552770.77	0.00	Claim Rejected	No info	NEPCA
18	2077/6/26	Shil-Pacific JV Vs. DOR	Road Improvement Project Gorahi-Holari Section	L,E,L	2078/6/4	621862.00	2078/8/6	Appealed	358751011.40	165000000.00	73175293.88	Claim Accepted	No info	Both*
19	2077/6/22	B.S. Trade International Vs. Nepal Army	"Purchase of Bullet Proof Jeep Qty-1 Unit, and Escort Jeep Qty-2 Unit & Bus Qty Unit -1"	L,L,L	2078/10/26	190084.00	2078/12/12	No Record	56800000.00	7677897.00	7677897.00	Claim Accepted	No info	NEPCA
20	2077/6/27	M/S Hira & Namita -Dragon - Shivalaya JV Vs. National Pride Project	CAAN/NPP/SIA-IU/02/River Training/-74/75"River Training and other Associated Works at Bara"	L,L,L	2078/8/14	185000.00	2078/10/10	No Record	44169010.60	9344450.00	7116934.00	Claim Accepted	No info	NEPCA
21	2077/7/16	Tamang Kumar JV Vs. CLPIU, Earthquake Emergency Assistance Project	MoFALD/CLPIU/EEAP/Works/NCB-22/2073-74 Reconstruction and Rehabilitation of Bhirkot-Sahare-Hawa-Jiri Road	E,E,E	2078/8/21	430000.00	2078/10/10	No Record	246703687.42	75025299.00	24394899.00	Claim Accepted	No info	AAct
22	2077/9/1	Lama Construction Vs Department of Roads (02)	EEAP/NCB/DG/02	L,L,L	2079/1/9	381601.00	2079/2/30	Appealed	381279555.36	5683655.60	15640982.10	Claim Accepted	No info	NEPCA

23	2077/10/25	DoR Vs. ZIEC-Sharma-Lama JV	Upgrading/ Improvement of Birendra chowk (Udaypur - Bhimsan Section)	E,E,E	2079/3/13	237320.00	2079/4/30	Appealed	7369984218.90	23466006.60	20685992.10	Claim Accepted	No info	No info	AAct
24	2077/10/15	NETSA Vs. Ministry of Women, Children and Social Welfare	DWC/C/RFP/2074/75/01 Dispute regarding Consultant's Service	L,L,L	2078/6/24	279200.00	2078/8/10	No Record	81066200.00	24429539.00	2993764.99	Claim Accepted	No info	No info	UNCITRAL
25	2077/10/7	Lumbini Ashish JV Vs. DOR	DROSKF/337320470/071-189 "Construction of RCC Motorable Bridge Over Pasa Gad Khola	E,E,F	2078/8/12	185000.00	2078/10/10	Appealed	25495775.00	10808245.00	1998127.00	Claim Accepted	No info	No info	NEPCA
26	2077/11/11	Kafiya Vs. 1- Charms Entertainment and 2. Sudip Khadka Production	Production and Promotion of Lilli-billi film	L,L,L	2078/9/9	172066.00	2078/10/30	Appealed	15081814.00	14631056.00	7222721.00	Claim Accepted	No info	No info	AAct
27	2077/11/24	Maharvir Shree Infr P Ltd. Vs Kaligandaki Hydroelectric Power Plant	KGA-074/075-UW-117 for Under Water Repair Work, Radial Gate No1 & 2	L,E,E	2078/5/28	280000.00	2078/7/22	No Record	45000000.00	21984224.36	1653494.28	Claim Accepted	No info	No info	NEPCA
28	2077/12/6	Lama Nagarjun JV vs. DoR	SRCP/NCB/HD-02 Improvement of Halesi - Diktel Road	E,E,L	2078/12/21	329859.00	2079/2/16	Appealed	15893455 2.07	25152915.93	19927336.30	Claim Accepted	No info	No info	NEPCA
29	2078/1/7	Kanchanjunga-Golden- Goods PS Vs. DOR	DROK/M/337/1494/070/071/096 "Improvement of/ Mahankal Aarubari-Tinchule Road"	L,L,E	2079/1/15	390000.00	2079/2/30	Appealed	129832183.00	46074038.00	14990119.00	Claim Accepted	No info	No info	NEPCA
30	2078/3/11	Tamang Kumar JV Vs. CLPIU-Earthquake Emergency Assistance Project	MoFALD/CLPIU/EEAP/Works/NCB-24/2073-074	E,E,E	2078/6/11	515113.00	2078/7/30	No Record	246703687.42	135114293.00	26096477.80	Claim Accepted	No info	No info	NEPCA
31	2078/3/18	Bhairab Construction Vs. Irrigation Project	BIP-NCB/P62/075-076: Construction of Patharaiya Khola (Auri) Bridge Bardiya	E	2078/10/20	135000.00	2078/12/6	No Record	29534003.56	5139197.80	2344544.00	Claim Accepted	No info	No info	NEPCA
32	2078/3/18	Bhairab Construction Vs. Irrigation Project	BIP-NCB/P63/075-076: Construction of Pardamgwa Khola Bridge Bardiya	E	2078/10/20	135000.00	2078/12/6	No Record	28730886.43	5238196.80	2335994.00	Claim Accepted	No info	No info	NEPCA
33	2078/3/23	Budhi Ganga Hydropower Project Vs. M/S Bkoi Builders	BHP/POB/02-071-72; "Office Buildings and other Facilities Construction Works in Accham District"	E,L,E	2078/10/11	320598.00	2078/12/6	No Record	86800046.70	39718407.00	26137481.76	Claim Accepted	No info	No info	NEPCA
34	2078/4/1	OBCI Pvt. Ltd Vs. Dept of Health Service	DOHS/GIC/COVID-19/2076-77: "Procurement of PPE and others for COVID-19 Control and Management "	L,E,L	2079/1/15	956946.00	2079/2/30	No Record	10338448 0.00	87041164 8.00	35271340 5.00	Claim Accepted	No info	No info	AAct
35	2078/4/14	Trishuli/Ashraya JV Vs. Suspension Bridge Division	CTP-17/071/72: Construction of Tribeni Maheshpur (Sista) Multispan Suspension Trial Bridge (1571.00m)	E	2079/1/4	380000.00	2079/2/30	No Record	209379476.00	50000000.00	2772928.05	Claim Accepted	No info	No info	NEPCA
36	2078/5/13	Sharma Sagarmatha Vs FWSSM	01/076-77/CF/FWSSMP_Biratnagar: Tankisinwari Co-Financing Water Supply and Sanitation Project	E,E,E	2078/12/23	203750.00	2079/2/30	No Record	27554092 8.27	12000000.00	12000000.00	Claim Accepted	No info	No info	NEPCA
37	2077/11/10	Atlas- Kabindra- Satyaswor JV Vs. TU, Kritipur	Costruction of Vice Chancellor Office Building	E,E,L	2079/3/12	170000.00	2079/5/6	No Record	14954812 0.00	18991342.00	10670428.00	Claim Accepted	No info	No info	NEPCA
38	2077/6/16	Kalika - Rasuwa Jv Vs DOWRI	Construction and Remodeling of Western main canel system	E,E,E	2078/5/30	2145000.00	2079/7/18	No Record	66060742 6.90	62058302.28	42423273.82	Claim Accepted	No info	No info	NEPCA
39	2077/6/11	Nepal Adarsh Nirman Sewa Vs Siddarthanagar Municipality	Integrated solid waste management sub-project	E,E,E	2078/6/3	449612.00	2078/7/30	No Record	28453421 9.25	84806108.00	50068593.72	Claim Accepted	No info	No info	NEPCA
40	2076/12/6	Bajru Guru Vs Madi Municipality	MM/W/NCB/01/074-75 Retaining Structure, Line Drain Works along Ram Mandir Okherbote Road	E,E,E	2078/6/3	197413.00	2078/7/30	No Record	17297212.53	13227375.72	11655015.89	Claim Accepted	No info	No info	NEPCA
						12548049.50			1761485 2306.82	2938893944.15	1315738247.47				
										16.68%	44.77%				

Table 2. Indicative Status of Arbitration Cases in the Year 2079/80

S.N.	R. Date	Case Name	Project	Arbitrators Status	Date of Decision	Administrtion Cost	File to District Court	Appeal	Contract Amount	Claim	Award Amount	Award Decision	Appeal Decision	Rules Followed
1	2077/12/6	Lama Nagarjun Trishuli JV Vs Department of Roads	Construction/Improvement of Halesi Diktal Road	E,E,L	2079/10/6	283788.50	2079/11/29	Appealed	154805978	30287084	23373024	Claim Accepted	No info	NEPCA
2	2077/12/25	The Waves Group Trading Pvt. Ltd Vs. National Reconstruction Authority	Supply and Delivery of Tablets with Power Bank	E,L,L	2079/5/13	333352.00	2079/7/12	No Record	22995500	38337774	29894150	Claim Accepted	No info	AAct
3	2078/4/32	Shah Consult Vs. Patel Engineering Limited, India	Budhi Gandaki KA and KHA HE Project	E	2079/10/17	420000.00	2079/12/10	Appealed	110559589	83019394	29821421	Claim Accepted	No info	NEPCA
4	2078/10/3	Chakreshwori Samanantar JV Vs. Singh Durbar Secretariat Reconstruction Committee	Construction of Building for National Vigilance Centre at Singhadurbar	E,L,L	2079/10/25	280800.00	2079/12/17	Appealed	130696755	25613211	19171186	Claim Accepted	No info	NEPCA
5	2079/1/4	Guangzhou – Lama – Raman JV Vs Bagmati Improvement Project	Design and Build of Dhap Dam	E,L,L	2079/9/20	460000.00	2079/11/29	Appealed	510752348	87839434	77734013	Claim Accepted	No info	UNCITRAL
6	2077/12/31	TUNDI -SHEC J.V Vs. DUBDC	Construction of Federal Parliament Building	E,E,L	2079/6/13	633625.00	2079/8/12	No Record	5672761585	508296452	49962	Claim Rejected	No info	UNCITRAL
7	2077/8/3	Lama Construction Vs Department of Roads (01)	Upgrading of Dhading Gorka Road	E,L,L	2079/6/4	323200.00	2079/8/12	Appealed	330182352	42785310	23062292	Claim Accepted	No info	NEPCA
8	2079/1/16	Lama Construction Vs Nepal Red Cross	Construction of NRCS Central Blood Transfusion Service Building	E,E,E	2079/12/6	410000.00	2080/2/5	Appealed	1924454756	86907590	33853185	Claim Accepted	No info	UNCITRAL
9	2078/9/25	Sharma BKOJ JV vs DOLI	Construction of Seti (Jhanana) River Bridge at Chainpur-Dipayal Road	E,L,L	2079/5/26	392177.00	2079/7/12	Appealed	102509009	56088716	29018156	Claim Accepted	No info	NEPCA
10	2079/5/26	APAR Industries limited vs NEA	Supply of ACSR Moose Conductor	E,L,L	2080/3/8	580000.00	2080/5/10	No Record	1558367665	153368383	0	Claim Rejected	No info	UNCITRAL
11	2079/2/30	Pappu Mahabir JV Vs DoLI	Construction of Bagmati River Bridge	E	2080/3/12	222500.00	2080/5/10	No Record	951912477	14181374	407370	Claim Accepted	No info	NEPCA
12	2079/8/11	ZCGIEC Ashish VS BICC, Butwal	Construction of International Convention Center	E,E,L	2080/2/29	408462.00	2080/5/10	No Record	933498199	63622973	63622973	Claim Accepted	No info	UNCITRAL
13	2075/1/7	District Coordination Committe Kanchanpur Vs. KS Mitra Nirman Sewa	Construction of Sotial Khola Bridge	L	2079/12/29	237500.00	2080/2/5	No Record	11532655	16439840	5806347	Claim Accepted	No info	NEPCA
14	2079/2/24	Industrial District Management Ltd Vs Biruwa/Simran JV	Upgrading of Road and Drain	E	2079/7/23	85000.00	2079/10/5	No Record	21496602	2441269	1012578	Claim Accepted	No info	NEPCA
15	2077/10/7	Tulasi Bhakta PR Samnirdhi JV Vs. EPS Korea	Construction of Vocational and Skill Development Training Center	E,E,L	2079/9/26	134740.50	2079/12/17	No Record	60490361	24196144	0	Amicable Settlement	No info	NEPCA
16	2077/5/7	Ashish Prithivi JV Vs IDO Mugu	Construction of Karnali River Motorable Bridge	L,L,L	2079/10/20	440000.00	2079/12/17	No Record	95404160	61961766	17250810	Claim Accepted	No info	NEPCA
17	2079/1/19	Prakritik- Shiv J.V Vs. WRIDD	Construction of Headworks, Canal and Canal Structures	E,E,E	2079/10/5	155000.00	2079/12/17	No Record	79761715	6879070	1523590	Claim Accepted	No info	NEPCA
18	2078/6/14	NITDB Vs ZIEC-Pappu	Extension of Storage Shed	E,E,L	2080/2/14	400000.00	2080/5/5	Appealed	1505117355	49585228	23281910	Claim Accepted	No info	NEPCA
19	2078/4/3	PEN Education Network Vs. Ideal Model School	Lease Agreement	L	2080/2/16	300000.00	2080/5/5	No Record	72000000	16700000	16165000	Claim Accepted	No info	AAct
20	2076/10/5	Sikta Irrigation Project Vs. Coastal Pappu Jv	Construction of Main and Link Canals and rehabilitation of Head Works	E,E,E	2080/2/18	796250.00	2080/5/5	Appealed	988118238	333958223	165046058	Claim Accepted	No info	NEPCA
21	12/9/2079	Structo Nepal P Ltd. Vs. Khanikhola Hydropower Co. Ltd	Tungun-Thosne Hydropower Project	L,L,L	2079/10/13	185000.00	2079/12/20	No Record	1331140122	86513396	0	Amicable Settlement	No info	AAct
22	2077/12/6	Century Commercial Bank Vs. M & M Remit	Remittance Agreement	E,L,L	2079/10/12	436300.00	2079/12/29	Appealed	N/A(RA)	78150840	63863118	Claim Accepted	No info	AAct
23	2079/4/9	CM / Shivalaya JV Vs Tansen Municipality,	Flag Stone Pavement Work	L,L,E	2080/2/10	165000.00	2080/5/16	No Record	18319455	7171841	5756034	Claim Accepted	No info	NEPCA

24	2077/7/21	Microtech M & E-Cosmic Electrical JV Vs. Construction Sun Jose S.A.	Air Transport Capacity Enhancement	L	2080/1/19	605000.00	2080/4/26	Appealed	284642998	296248101	182132183	Claim Accepted	No info	AAct
25	2079/4/17	Santoshi Nirman Sewa Vs IDO Tanahu	Construction of Krishna Marga (Sabung Deurali Keladighhat Road)	E,L,L	2079/12/9	428800.00	2080/2/16	No Record	107601955	74409282	37634882	Claim Accepted	No info	NEPCA
26	2079/5/16	ZCGIEC-Ashish - Prera JV Vs DOLI (RCIP)	Upgrading and Performance Based Maintainee of Roads	E	2080/1/4	417040.00	2080/3/23	No Record	768125885	497119108	44665886	Claim Accepted	No info	NEPCA
27	2077/9/2	ZCGIEC-Ashish JV Vs Department of Roads	Construction of Steel Truss Bridge	E,L,L	2079/8/23	454284.00	2079/10/24	Appealed	209086371	35025840	6833417	Claim Accepted	No info	NEPCA
28	2079/4/4	Biruwa - Simran JV Vs DUDBC, Pokhara	Foothpath Renovation and Drain, Street Lamp ect. Construction Works	L	2079/12/22	280000.00	2080/3/23	No Record	72003303	21465425	0	Claim Rejected	No info	NEPCA
29	2078/5/17	Mount Kailash Energy Company Ltd. Vs. NEA	Power Purchase Agreement	E,L,L	2079/11/18	663688.00	2080/2/5	Appealed	N/A (PPA)	359714077	63548715	Claim Accepted	No info	NEPCA
30	2078/12/23	Lama Pragati-Kunwar JV Vs DOR	Roadway Excavation, Retaining Structures and Cross Drainage works	L	2079/11/12	225000.00	2080/2/5	No Record	7546318	4734975	72118	Claim Rejected	No info	NEPCA
31	2078/12/9	Kalika-Kumar JV Vs Ram Jamara Kulariya Irrigation Project, Tikapur	Construction of new branch canal and canal structures of Lamki Extension	E,L,L	2079/12/12	570000.00	2080/2/23	Appealed	1717915454	188945479	49441436	Claim Accepted	No info	UNCITRAL
32	2079/5/21	Paramount Construction vs Clean City	Complete Fabrication, Supply, Erection and Construction of Physical structure.	E,L,L	2080/2/12	260647.00	2080/4/24	No Record	17150920	13320822	489440	Claim Accepted	No info	NEPCA
33	2078/10/20	Swachchhanda - Khani JV vs CAAN	Construction of Two Bay in Southside of International Airport	E,E,L	2079/6/13	326510.00	2079/8/6	Appealed	253271163	160616192	0	Claim Rejected	No info	AAct
34	2078/11/2	Tundi - Lamu - Samanantar Vs CAAN	Construction of Remote Airport Parking at TIA	E,E,L	2079/5/28	318240.00	2080/8/6	Appealed	343469973	150403483	0	Claim Rejected	No info	AAct
						12631904.00			**17778969986**	**3151081099**	**1013531253**			
										17.72%	**32.16%**			

Table 2. Indicative Status of Arbitration Cases in the Year 2080/81 in NEPCA

S.N	R. Date	Case Name	Project	Arbitrators Status	Date of Decision	Administrion Cost	File to District Court	Application to High Court	Contract Amount	Claim	Award Amount	Award Decision	High Court Decision	Rules Followed
1	2079/7/13	Udaypur Cement Udhog Vs Abhishek Supplier and Traders	Supply and Delivery of Virdy Make Servo Controller Voltage Stabilizer	LLE	2080/12/29	158400.00	2081/2/15	Application Filed	2636902.66	7341659	3775728	Claim Accepted	No Info	A Act
2	2080/3/15	Nepal Bureau of Standards and Meterology Vs Albelo Multi-Trading Pvt.Ltd.	Supply, Delivery & Installation of Universal Testing Machine	EEL	2080/11/2	203000.00	2080/12/20	Application Filed	12400000.00	12400000.00	10132826.00	Claim Accepted	No Info	NEPCA
3	2079/4/4	DOR vs AMR-Pappu-Contech JV	Upgrading of Briguni- Thori Road	EEL	2080/4/23	639003.00	2080/6/10	Application Filed	13247837271.90	32175083636.00	12325353375.49	Claim Accepted	No Info	UNCITRAL
4	2080/4/21	Aashish/Adventure/Budigunga JV and DUDBC	Construction of PHC Building	EEL	2081/3/2	233758.00	2081/4/25	Application Filed	53078886.82	15010592.60	0.00	Claim Rejected	No Info	NEPCA
5	2079/12/26	Aman Mathsitya Farm Ltd Vs Ashish – Om Sai Ram JV	Construction and Installation of 3000 MT Cold Storage Plant	ELL	2081/3/19	409004.00	2081/4/25	No Info	2144643949.99	6345755095	340130508.80	Claim Accepted	No Info	NEPCA
6	2079/10/17	DWSSM vs BKOI-YOGI JV	Ramnagar-Mirchaiya Storm Drainage Project, Siraha	EEL	2081/3/28	680770.00	2081/5/21	Application Filed	3995969334.54	4009445072.83	40824691.10	Claim Accepted	No Info	NEPCA
7	2080/1/12	DUDBC Vs Chakreswori Nirwan Sewa Pvt. Ltd	Construction of building of National Identity Management Center at Singhdurbar	EEE	2080/11/29	207500.00	2081/2/4	Application Filed	829408099.50	115525755.34	81698001.00	Claim Accepted	No Info	NEPCA
8	2080/2/29	Mr. Chiranjiwi Bhusal Vs Mila Land Development Pvt. Ltd.	Contract Agreement for Trading of Commercial Unit	LLL	2081/3/27	280000.00	2081/5/20	No Info	382115760.00	2638387095	157841253.2	Claim Accepted	No Info	NEPCA
9	2079/12/1	Lakdhanavi Limited Vs Dhaulagiri Construction and Development Pvt. Ltd.	Civil Construction of Headworks of Hydro Project	ELL	2080/8/15	384000.00	2080/11/2	No Info	9397668660.00	8033824927	0.00	Amicable Settlement	No Info	UNCITRAL
10	2076/10/26	Lumbini Sky Akela JV Vs Hulas Infra Pvt. Ltd.	supply galvanizing and Installation of steel part of bridge	LLL	2081/1/11	241000.00	2081/2/20	No Info	53194158.00	179410059.50	8545707.24	Claim Accepted	No Info	NEPCA
11	2079/5/27	NEA Vs ICOMM Tele. India	Supply and Installation of Hetauda-Bharatpur 220KV Transmission Line	ELL	2080/5/24	856000.00	2080/7/9	No Info	17739735528.70	78834404493	21248464400	Claim Accepted	No Info	UNCITRAL
12	2078/10/12	DOR Vs Kabir-Rupa JV	Road Safety Works at Harkapur – Okhaldhunga – Salleri road	EEL	2081/2/17	105000.00	2081/4/25	Application Filed	39507600.00	3502000.00	0.00	Claim Rejected	No Info	NEPCA
13	2079/5/16	Kathmandu Municipality City Vs Kalika-Pacific JV	Tinpiple-Thulokhola-Sisdol Road Maintenance	ELL	2080/7/23	398941.00	2080/10/15	No Info	1338943988.00	594704370.00	112116270.00		No Info	NEPCA
14	2079/11/4	DWSSM Vs Kankai- Jayanata JV	Construction of Resunga Water Supply Project	E	2080/8/6	380000.00	2080/10/15	Application Filed	2512715070.06	3628994466	22950000.00	Claim Rejected	No Info	NEPCA
15	2079/4/29	Kathmandu Metropolitan City Vs Kabindra -Siddhartha JV	Construction of Fire Brigade Station and Training Centr	ELL	2080/5/1	357877.00	2080/7/9	No Info	762097291.5	4446917500	142043170.00	Claim Accepted	No Info	NEPCA
16	2080/9/17	Chamati Land Pooling Project Vs Koshi and Neupane-Gauri Shanker Himalayan JV	Black Top 6m and 8m Road Construction Work	EEL	2081/3/14	285600.00	2081/5/2	No Info	1832014886.62	27429134.89	3110000.00	Claim Rejected	No Info	NEPCA
17	2080/4/14	IDO Syangja Vs Lumbini – Gajendra JV	Upgrading of Bayatari Udyachaur Setiheni Road	EEL	2081/3/9	320003.00	2081/5/2	Application Filed	3354380746.59	669599100.83	47918465.33	Claim Accepted	No Info	NEPCA
18	2078/8/16	DOR Vs Mahalaxmi/Ashish/Pacific/ Machhapuchhre/Uttam JV	Construction of Steel Truss Bridge	EEE	2080/9/23	420000.00	2080/12/10	Application Filed	57424293.73	1572476330.33	76678691.85	Claim Accepted	No Info	NEPCA
19	2080/4/10	Narayani River Management Project Vs Mahalaxmi-Shubhakamana JV	Construction of RBM Embankment Sloping Revetment & Launching Apron	E	2080/10/18	70000.00	2080/12/24	No Info	33810779.51	2069219.68	1098850.32	Claim Accepted	No Info	NEPCA
20	2079/12/28	NEA Vs Mahalaxmi Wire and Cable Industries Pvt. Ltd.	Supply and Delivery of ACSR Conductor	ELL	2080/12/25	380000.00	2081/3/3	Application Filed	1719860000.00	48986282.00	36144447.00	Claim Accepted	No Info	A Act
21	2079/3/1	Nilgiri Khola Hydropower Vs Swachchha Urja Bikas Pvt. Ltd	Serpent Sediment Sluicing System (S4) for Nilgiri Hydropower Project	EEE	2080/5/1	292000.00	2080/7/25	No Info	3337500000.00	2399029760	72313349.71	Claim Accepted	No Info	UNCITRAL
22	2079/3/1	Mandu Hydropower Vs Swachchha Urja Bikas Pvt. Ltd	Serpent Sediment Sluicing System (S4) for Bagmati Small Hydropower Project	EEE	2080/5/1	460000.00	2080/7/25	No Info	489797500.00	13491071500	0.00	Claim Rejected	No Info	UNCITRAL
23	2079/4/10	NEA Vs Mountain Energy Nepal Limited	Power Purchase Agreement of Mistri Khola Hydroelectric Project	ELL	2080/6/29	633574.75	2080/8/24	Application Filed	3446490039.00	2996947860.00	264078067.00	Claim Accepted	No Info	A Act

24	2079/9/11	NEA Vs Madhury and Joshi Construction Pvt. Ltd	Upgrading of Damak - Padajungi 33KV Feeder Conductor	EEL	2080/11/24	268000.00	2081/1/20	Application Filed	2255820.85	6526618.70	1273133.57	Claim Accepted	No Info	NEPCA
25	2078/9/2	District Election Office Vs Nanda/ Akash I JV	Construction of Office Building of District Election Office	L	2080/10/7	160000.00	2080/12/9	No Info	1330954.44	3095498.45	7627441.21	Claim Accepted	No Info	NEPCA
26	2078/12/20	DOR Vs Pappu- Nepal Pragati JV	Construction of Bridge over Khasang and Sukhu River along Mid Hill Highway	EEL	2080/9/11	3600000.00	2080/11/13	Application Filed	923876575.63	45935552.27	18919433.85	Claim Rejected	No Info	A Act
27	2079/11/30	Dibyashori Hydropower Ltd Vs Ramechhap Sherpa Construction Pvt. Ltd.	Construction of Sabhakhola Hydroelectric Project	EEL	2080/10/7	6043536.00	2080/12/3	No Info	4577217795.45	125927939.29	93949006.96	Claim Accepted	No Info	NEPCA
28	2079/4/19	Aiselukharka Rural Municipality Vs Rajan. K. Jagadamba/ Bhuwaneshwori JV	Construction of Administrative Building	ELL	2080/9/25	2225900.00	2081/2/19	No Info	26843346.20	12345318.40	0.00	Amicable Settlement	No Info	A Act
29	2080/1/21	S Manakamana Engineering Hydropower Ltd Vs Sakura Power I Biratwa/ Dibyajyoti JV	Ghatte Khola Small Hydroelectric Lot-I	EEL	2080/12/30	3450000.60	2081/2/19	No Info	4192273422.20	90000000.00	0.00	Amicable Settlement	No Info	NEPCA
30	2080/3/17	DoLI vs Sapana – P.R. JV	Rehabilitation & Reconstruction of Lele Tilahharib – Devichaur – Ghusel - Jhagalkot Road Improvement	EEL	2081/1/3	2658995.00	2081/3/19	Application Filed	229973312.12	6853603.98	19973638.67	Claim Accepted	No Info	NEPCA
31	2079/11/1	DOR Vs Sharma/BKOI/Surya JV	Upgrading of Kesharlya Chimadi Lankahi Phulchauki road	ELL	2080/4/12	1202110.00	2080/6/14	Application Filed	133791239.98	1444270872.90	28854540.50	Claim Accepted	No Info	NEPCA
32	2080/1/8	DOR Vs Sharma Pappu Roshan JV	Upgrading of Tanagadhi Simraungadh Road	ELL	2080/9/17	4800000.00	2080/11/27	Application Filed	4643466168.13	1061723308.79	95007144.20	Claim Accepted	No Info	NEPCA
33	2080/2/3	DUDBC Vs Shiva Siakti-Chakreswori JV	Construction of Regional Irrigation Directorate Building	EEE	2081/2/25	2840000.00	2081/4/25	Application Filed	156285155.90	3903514 8.64	17169722.83	Claim Accepted	No Info	NEPCA
34	2080/6/1	CLPIU Vs Shyam Sundar – C.M. JV	Construction of Nine School Building	EFE	2081/2/6	3600000.00	2081/4/25	No Info	515536744.72	48794900.64	39467973.79	Claim Accepted	No Info	NEPCA
35	2080/6/8	CLPIU Vs Shyam Sundar – Motidan JV	Construction of Nine School Building Complexes	EEL	2081/2/2	2840000.00	2081/4/24	No Info	570880454 8.20	25796825.63	24013877.47	Claim Accepted	No Info	NEPCA
36	2079/6/4	Melamchi Water Supply Development Board Vs Sinohydro Corporation Ltd.	Melamchi Water Supply Project	EEL	2080/7/3	6043892.00	2080/9/13	Application Filed	1028183831.76	26801731 1.90	75613812.00	Claim Accepted	No Info	UNCITRAL
37	2079/11/26	Galebhi Rural Municipality Vs Sulav Infra Pvt. Ltd.	Bhimdhunga - Lamidada Sadak Staurnoti	L	2080/11/9	1350000.00	2081/1/15	No Info	9598801.64	9618678.78	4422344.56	Claim Accepted	No Info	NEPCA
38	2080/3/24	PCIU Vs Sunkoshi – Giri JV	Construction work of Covered Hall	ELL	2081/3/7	2210900.00	2081/5/13	Application Filed	65792880.53	14311907.30	14311907.30		No Info	NEPCA
39	2079/5/27	DOR Vs Surbodhar / Friends / Shrestha JV	Construction of RCC bridge	ELL	2080/4/5	4234848.47	2080/6/12	Application Filed	195476 05.00	7,17,07,887	4546645.32	Claim Accepted	No Info	NEPCA
40	2079/10/11	DOR Vs Tamang Construction	Construction of Harkapur – Okhaldhunga Road	ELE	2080/10/8	1133112.50	2080/12/13	Application Filed	97372257.00	16907770.40	9876388.55	Claim Accepted	No Info	A Act
41	2080/6/9	DOR Vs Tandi Construction	Harkapur – Okhaldhunga Road	ELL	2081/1/25	2632000.00	2081/3/23	Application Filed	11412774 6.00	10424948.05	9766223.30	Claim Accepted	No Info	A Act
42	2080/5/7	Jyoti Spinning Mills Limited Vs Mr. Werner Blaser	Technology Transfer Agreement	L	2080/9/24	3100000.00	2080/12/17	No Info	280162406.00	280162406.00	21216000.00	Claim Accepted	No Info	UNCITRAL
						5674240.00								
						158609779.32			**1552372323.52**	**523198617 5.46**	**166385867.90**			
										33.70%	**31.80%**			

Table 2. Indicative Status of Arbitration Cases in the Year 2081/82 in NEPCA

S.N	R. Date	Case Name	Project	Arbitrators Statns	Date of Decision	Administrtion Cost	File to District Court	Application to High Court	Contract Amount	Claim	Award Amount	Award Decision	High Court Decision	Rules Followed
1	16/01/2022	DOR Vs. M/S ZIEC- Pappu JV	Construction of Teku and Dallu Bridge	LEE	10/08/2024	439636.00		Application Filed	226174974.31	183283941.00	107469756.00	Claim Accepted	No Info	NEPCA
2	30/03/2021	BKOI-SKY JV Vs. Land Revenue Dept	Construction of Office Building	EEL	27/10/2024	385798.00		Application Filed	102328648.78	62369848.00	30630553.00	Claim Accepted	No Info	NEPCA & Act
3	2/2/2023	H.L.E Nepal Vs Prerana Shrestha	Employment Agreement	LLL	14/11/2024	85000.00		No Record	N/A	2500000.00	625000.00	Claim Accepted	No Info	UNCITRAL
4	5/6/2023	Budhanilkantha Heritage VS Microtech m & e pvt. Ltd	Supplying, Installation, Testing and Commissioning of MEP Work	LEE	22/06/2025	374000.00		No Record	118400000.00	68556507.00	Amicable Settlement	Amicable Settlement	No Info	NEPCA
5	11/6/2023	Thamserkhu Developers VS Nepal Trust	Lease Agreement	LLL	30/09/2024	350000.00		Application Filed	1594052004.60	401541640.00	0.00	Claim Rejected	No Info	Arbitration ACT
6	9/7/2023	Suvod Associates VS FCGO	Consulting Services for the review of Internal Control System	LLE	01/07/2025	280000.00		No Record	21713741.00	25675848.00	8779745.00	Claim Accepted	No Info	UNCITRAL
7	19/07/2023	Sumec- Chandra & Basant JV Vs Butwal Sub Metre City	Butwal Water Supply sub-project	LLE	13/01/2025	300000.00		Application Filed	1017125l0.65	39242789.00	2172042.00	Claim Rejected	No Info	UNCITRAL
8	21/09/2023	Bandan Bhagwati/Dev & Sayar JV Vs. IDO, Manthali	Upgrading works on Khairani Ghaat Bethan Galwa Road	LLE	13/09/2024	139000.00		No Record	85617768.79	5674664.00	4655713.00	Claim Accepted	No Info	NEPCA & Act
9	24/09/2023	Mrit Sanjivani-Bidyanchal JV Vs. Irrigation Development Division, Rupendehi	Kanchan Bandha Irrigation Project	EEL	22/01/2025	115000.00		No Record	81836922.15	3926012.00	2651294.00	Claim Accepted	No Info	NEPCA
10	27/09/2023	ANK-Lumbini-Barglamukhi Vs AFU	Construction of Central Office Building	LLL	25/09/2024	440586.00		No Record	353488744.60	49100000.00	22216916.00	Claim Accepted	No Info	NEPCA
11	1/10/2023	Shanxi-Ashish JV Vs. RCIP	Upgrading and Maintenance of Shaktikhor Bazar Road	EEE	13/12/2024	516800.00		Application Filed	875256681.68	1367993l8.00	118297515.00	Claim Accepted	No Info	NEPCA
12	4/10/2023	Lumbini-Ashish-Santoshi VS. FPIU, Rupendehi	Upgrading of Existing Roads	EEL	18/08/2024	500000.30		Application Filed	759166316.17	122380950.00	6466431.00	Claim Rejected	No Info	NEPCA
13	4/10/2023	Yadav Construction Vs Department of Women and Children	Construction of Balsudhar Griha Building	LLE	03/12/2025	105000.00		No Record	168251782.00	3402186.00	3274594.00	Claim Accepted	No Info	NEPCA
14	12/10/2023	Kalika-Hulas JV Vs. DoR	Design and Build of Dudhkoshi Bridge	LLE	18/09/2024	243500.00		No Record	99619000.00	18000000.00	17868273.00	Claim Accepted	No Info	Both NEPCA & Act
15	16/10/2023	M/s Silt-Mics-Eversafe JV Vs. Sanchayakosh Gharjugga Brahasthapan Company Pvt. Ltd	Architectural & Engineering Design and Full Construction Supervision Services of Office Quarter	EEL	23/10/2024	125105.00		No Record	7153000.00	4500000.00	3960262.00	Claim Accepted	No Info	Arbitration ACT
16	10/9/2023	Tundi-Roshan-Ashraya JV Vs DWSSM, Panipokhari	Construction Of Katahariya Storm Water Drainage Project	EEL	07/10/2025	466842.00		No Record	349785258.16	45800000.00	0.00	Claim Rejected	No Info	NEPCA
17	19/10/2023	Aakash Medicine Distribution P. Ltd. Vs KMC	Supply and Delivery of Medicine and Medical Goods	LLL	30/08/2024	271950.00		No Record	11168040.00	20800000.00	2297430.00	Claim Accepted	No Info	NEPCA
18	28/11/2023	COVEC Vs Sunkoshi Marine Diversion Multipurpose Project	Construction of the Headrace Tunnel and Associated Structures	EEE	02/02/2025	333200.00		Application Filed	10056837464.53	3941584l.00	32721522.00	Claim Accepted	No Info	NEPCA
19	10/12/2023	Sagarmatha Drilling & Construction Company Vs FWSSM Bhaktapur	Construction of Harre Tunibote Dudhe Khola	EEL	30/03/2025	218500.00		Application Filed	177263102.60	22000000.00	2531975.00	Claim Accepted	No Info	NEPCA
20	24/12/2023	Medipoint International Vs Election Commission	Protection Material at Election Commission Nepal	LLL	08/09/2024	360000.00		Application Filed	39265692.00	89329025.00	248400.00	Claim Rejected	No Info	NEPCA
21	19/01/2024	Surya & Sons Pvt. Ltd. Vs Provincial Road Divison Office	Construction of Pre-stressed Multi-span Bridge	LEL	18/04/2025	300000.00		Application Filed	179103244.00	38098489.00	6345469.00	Claim Accepted	No Info	NEPCA
22	16/02/2024	Swachhanda/Dhukuchhu/Ashraya JV Vs PUDBC, Birjung	Beautification Works of Shivalay Pond/Barahwa Tal	LEL	07/11/2025	552349.00		Application Filed	738081565.62	172189826.00	3935489.00	Claim Accepted	No Info	NEPCA
23	27/02/2024	Lumbini-Koshi & Neupane JV Vs NITDB	Construction of Kathmandu ICD/CFS	EEL	09/04/2024	320000.00		Application Filed	201487038.00	42665712.00	38953531.00	Claim Accepted	No Info	NEPCA & Act
24	6/3/2024	Joshi Biz. House Vs Sali Traiding	Procurement of 50,000 M.T. of UREA	ELL	27/10/2024	512700.00		Application Filed	11624l750.00	132610514.00	6900948.00	Claim Accepted	No Info	NEPCA
25	13/03/2024	Mahalaxmi-Jaya Dhanarjaya-Chaudhary JV Vs PUDBC Birgunj	Upgrading and Construction of Roads and Drainage at Various Chainages	EEE	25/06/2025	192500.00		Application Filed	100733271.49	22660382.00	7612753.00	Claim Accepted	No Info	NEPCA

26	22/03/2024	Agni Diagnostics Vs Patan Path Lab	Direct Client Agreement	L	27/12/2024	58000.00		No Record		1600000.00	1311571.00	Claim Accepted	No Info	NEPCA
27	31/03/2024	Pristine Valley Dryport Vs NITDB	Agreement to Lease the assets for Operation and Management of Inland Clearance Depot	ELL	25/05/2025	436000.00		No Record	3329998800.00	78000000.00	0.00	Claim Rejected	No Info	UNCITRAL
28	1/4/2024	Nagarjun-Gulliver World Jv VS DOR	Construction of Steel Plate Girder with RCC Deck Slab Bridge	EEE	04/09/2025	160366.00		Application Filed	24509511.00	7500000.00	2065550.00	Claim Accepted	No Info	NEPCA
29	30/04/2024	Diwa-M.A.-Pratistha Construction JV Vs National Sports Council	Design and Build of Athletics Track and Field at Beljhundi Stadium	LLL	24/01/2025	382000.00		Application Filed	24244529.60	48427383.00	24244529.00	Claim Accepted	No Info	Arbitration ACT
30	15/05/2024	B&B-Slate JV Vs CLPIU (Education)	Reconstruction of School Building including Site Development Works	EEL	27/03/2025	124914.00		Application Filed	50133059.89	6792377.00	3560783.18	Claim Accepted	No Info	NEPCA
31	7/6/2024	Prakritik/Kashyap/Sameer JV Vs Sista Rural Municipality	Construction Of 10 Beded Hospital	LLE	13/12/2024	185000.00		No Record	42648512.00	26650410.82	Amicable Settlement	Amicable Settlement	No Info	NEPCA & Act
32	23/06/2024	Raman-Ashraya JV Vs PUDBC Birgun)	Construction/Upgrading of Agaibi Roads and drains	ELL	26/03/2025	222500.00		Application Filed	11239576l.59	16395912.00	10342261.00	Claim Accepted	No Info	Arbitration ACT
33	5/7/2024	Shyam Sunda-Prera JV Vs CLPIU (Education)	Construction of 10 School Building Complexes	LLE	22/04/2025	435000.00		No Record	74816581l.43	85388953.00	0.00	Claim Rejected	No Info	NEPCA
34	15/07/2024	PS-GSHC JV Vs Gokarneshwor Municipality	Construction of multipurpose municipality building	LEE	03/09/2025	456000.00		Application Filed	154418915.00	8480438.00	5118000.00	Claim Accepted	No Info	NEPCA
35	18/07/2024	CM/Khan/Pachali Bharab JV Vs CLPIU (Building)	Conservation and Retrofitting of Hiranya Varna Mahavihar	LLE	04/10/2025	260000.00		No Record	181676331.43	30731585.00	9011442.00	Claim Accepted	No Info	NEPCA & Act
36	21/07/2024	CM Construction Vs Balephi Rural Municpality	Construction Of Administrative Building With Quarter	EEL	22/04/2025	142000.00		No Record	59677574.00	5141615.00	2537057.00	Claim Accepted	No Info	NEPCA
37	2/8/2024	Sriswa-Bhugdeu-Mahankal JV Vs Khandichakra Municipality	Dhandar Water Supply Construction Project	LLE	18/06/2025	280000.00		No Record	40419938.40	29562909.00	21263597.00	Claim Accepted	No Info	NEPCA
38	9/8/2024	Yogi/Hanuman JV Vs CLPIU (Education)	Reconstruction of School Buildings	LLE	03/09/2025	272100.00		No Record	59113155.93	25355622.00	23050566.72	Claim Accepted	No Info	NEPCA
39	18/08/2024	ANK-Kibindra VS TU	Construction of Tribhuwan University Office Building	LLE	30/04/2025	246616.00		Application Filed	23736433.20	16597034.00	12829153.00	Claim Accepted	No Info	NEPCA & Act
40	21/11/2024	Dhulikhel-LB&AB JV Vs Malikarjun Rural Municipality	Construction of Administrative Building	E	17/06/2025	352855.00		Application Filed	65550905.00	30000000.00	0.00	Claim Rejected	No Info	NEPCA
41	2/1/2024	Bhumi FU/dha-OM/ Buddha JV Vs Ramdhuni Municipality	Construction of Primary Hospital (15 Bed)	LLE	16/06/2025	489890.00		No Record	104100410.82	45500000.00	Amicable Settlement	Amicable Settlement	No Info	NEPCA
42	17/05/2024	Santoshi Nirman Sewa Vs IDO Tanahu	Construction of Krishna Marga (Sahung Deurali Keladigaat Road)	ELL	24/12/2024	214400.00		Application Filed	107601955.20	74404282.00	37634882.40	Claim Accepted	No Info	Arbitration ACT
						12645107.00			2267707289.62	1927664539.82	583585003.30			
										8.50%	30.27%			

APPENDIX B: KEY INFORMANT INTERVIEW QUESTIONNAIRE

KEY INFORMANT INTERVIEW (KII)

Construction Arbitration Dispute Resolution in Nepal

Validation and Expert Inference Questionnaire

Interviewee Name	Organization / Role	Years of Experience	Date of Interview
_____	_____	_____	_____

Purpose of This Interview

This Key Informant Interview (KII) aims to validate, contextualize, and enrich the quantitative findings derived from the analysis of 151 NEPCA arbitration case records (FY 2073/74 – 2080/81). Your expert insights are critical in interpreting statistical patterns and understanding the procedural and institutional realities behind the numbers.

Estimated Duration: 20-40 minutes | **Confidentiality:** Responses will be anonymized unless written consent is provided.

Note: *There are no right or wrong answers. We value your professional judgment and lived experience in the Nepalese construction dispute resolution ecosystem.*

SECTION 1 General Trends in Construction Arbitration

1A Growth and Volume of Arbitration Cases

1. The data shows a consistent upward trend in arbitration cases filed with NEPCA from FY 2073/74 to 2080/81, except for a dip in FY 2078/79. From your experience, what are the primary institutional or policy-level drivers behind this overall growth?
2. The FY 2078/79 dip has been attributed partly to COVID-19-related effects. Do you agree, and are there additional factors that contributed to this anomaly?
3. Federal government bodies remain the dominant client in disputes, but a gradual rise in local and provincial government involvement is observed. What explains this shift, and do you foresee it accelerating under Nepal's federal structure?

1B Sector and Project Type Distribution

1. Road, bridge, and building projects together account for 74.8% of all arbitration cases, with roads alone at 34.4%. Why do these sectors dominate, and what sector-specific conditions make them more prone to disputes?
2. Road and bridge sector cases appear to have stagnated in recent years, while building, river works, and water supply and sanitation (WSS) sectors show a slow rise. How do you interpret this shift?

SECTION 2 Claim and Award Patterns

2A Claim Quantum and Award Ratios

1. The median award-to-claim ratio across the dataset is approximately 44%, what does it reveal about the nature of claims being filed?
2. There is a recurring pattern of claimants filing disproportionately large claims relative to what is ultimately awarded. In your view, is this a deliberate negotiating tactic, a symptom of poor cost documentation, or something else?
3. A strong positive correlation was found between contract amount and claim amount ($r_s = 0.598$), and between award amount and claim amount ($r_s = 0.711$). Does this suggest that higher-value contracts inherently carry higher dispute risk, or simply that the financial stakes are proportionally larger?

2B Tribunal Thresholds and Composition

1. Sole arbitrators are observed to handle significantly lower contract and claim value cases. Simultaneously, their selection is declining. What is driving this trend; is it a deliberate policy shift, a change in party preference, or growing distrust?
2. The data shows a rising preference for balanced panels that include both legal and technical professionals. What do you see as the advantages and limitations of this trend?

SECTION 3 Duration of Proceedings

3A Time Trends and Systemic Delays

1. Since no structural case attribute [including financial size, sector, or tribunal composition] significantly predicts arbitration duration, where would you focus reform efforts to meaningfully reduce resolution time?

SECTION 4 Arbitral Decision Outcomes

4A Rejection, Acceptance, and Settlement Patterns

1. Construction sector was significantly associated with arbitral decision outcomes ($p = .014$). Road and hydropower sectors showed higher rejection rates. What sector-specific dynamics explain why these sectors see more claims rejected?
2. One-shot players (parties appearing in arbitration for the first time) are more likely to settle, while repeat clients show higher rejection rates. How do you interpret this from an institutional learning perspective?
3. Tribunal composition was significantly associated with decision outcomes ($p = .028$). Sole arbitrators tend toward more conservative awards. Is this a reflection of mutual trust between parties, or do you see other explanations?

SECTION 5 Appeals to High Court

5A Drivers of Appellate Behavior

1. The four significant predictors of High Court appeal were contract amount, tribunal composition, tribunal size, and claim amount, all financial or structural. This suggests appeals are driven by economic rationality. Do you agree, and what threshold of financial stake typically justifies appealing?
2. Construction sector, repeat player effect, and Award-to-Claim ratio were not significantly associated with appeal decisions. Does this surprise you? Would you expect parties with low award ratios to be more likely to appeal?

SECTION 6 Institutional Capacity and Reform

6A NEPCA and the Broader ADR Landscape

1. In the absence of other ADR mechanisms in the Public Procurement Act, NEPCA has become the primary formal dispute resolution forum for public construction contracts.

Is this reliance on a single institution healthy for the sector, or does it create systemic bottlenecks?

2. Given the stagnation in claim quantum over the study period, what does this suggest about the evolution of dispute types and the maturity of the construction contracting ecosystem in Nepal?
3. Based on your overall experience, what are the top two or three reforms; whether in law, contract practice, institutional capacity, or arbitrator training that would most significantly improve the efficiency and fairness of construction dispute resolution in Nepal?

SECTION 7 Closing and Expert Validation

1. Overall, do you consider the quantitative findings from this study to be an accurate representation of the current state of construction arbitration in Nepal? Please note any significant areas where the data may be misleading or incomplete.

Response:

_____
_____

_____
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_____

2. Are there any emerging issues or developments in construction arbitration — not yet captured in the dataset — that you believe are important for this research to address?

Response:

_____
_____

_____
_____

_____
_____

APPENDIX C: SUMMARY QUALITATIVE INSIGHTS OF KII WITH EXPERTS

S.N	Quantitative Findings	Expert Approval	Rigor and Validation	Expert Qualitative Inferences
1	**Yearly Trends:**			
	• The cases show a yearly upward growth pattern except for the year of 2078 • Despite having few outliers of 1818 day cases took a median of 368 days to resolve while 20% of claim can be expected for the construction projects with 44% of median award rates • Federal government is leading clientele for most of construction dispute however some rises are seen from local and provincial governments • Sole Arbitrators are falling out of favour for selection in	Experts agreed on findings with a bit of confusion on 44% award ratio as NEPCA's yearly trend shows modest 29-30% award ratio	Most data were streamlined and cross checked from NEPCA. Robust methods like median and inter quartile range to avoid outliers. The 30% award ratio was created by non-construction disputes like Supplies, Lease Agreement, Consulting work, etc. which were mostly rejected.	• Experts expect further growth of arbitration in absence of other ADR methods except negotiation being supported by the current Public Procurement Act. The dip at the year of 2078 was noted due to lots of cases including sick ones getting yearlong EOT due to COVID. It was further added that NECPA wasn't able to promptly adapt to online based proceedings due to COVID while disputant parties also avoided claims due to COVID threats. • Since disputes are unique to each cases and circumstances we cannot simply expect certain percentage of contract amount to be

	handling arbitration cases • Road, Bridge and Building projects dominate majority of case frequencies (74.8%), with road sector having highest representation at 34.4%, followed by building at 21.2% and bridge 19.2% • Road and bridge sector projects have stagnant number of cases while building, river works, and water supply and sanitation sector project cases are seen on slow rise in recent years. • Though Engineers only sole and three panel tribunals were a preference, a balanced panel incorporating both lawyers and engineers is seen to be rising			raised in claim, however the median 44% award ratio was interpreted as recurring trend of filing immature or baseless claims. • Local and Provincial governments are expected to have further rise in disputes as per federalization but also due to inevitable errors due to weaker capacity and institutional memory compared to federal governments • Two different perspective arose in decreasing preference for sole arbitration; first was that selection of sole arbitrator happens due to mutual preference of both parties which is rare in current times but secondly can also be riskier due to threat of collusions. Though, increasing claim quantum was said to be another reason for the decrease, as per other

				analysis there wasn't as significant increase in claim quantum in last 6 years. • The stagnant cases of road and bridge was interpreted as DoR where most of that sector's dispute arises from is diversifying its dispute resolution in ad hoc as well as other dispute resolution institutions. However, further dispute in river works as well as water supply and sanitation are also expected due to increase in those type of projects. • Experts themselves noted rise of lawyer interest in arbitration process and it being more trendy for parties to prefer involvement of lawyer into the proceedings might reduce further appeal complications. This could also be another reason for rise of 3 member tribunals as

				parties seek for more balanced decision through backing of both technical and legal conditions.
2	**Yearly Proceeding Duration and Claim value:**			
	• Median resolution time oscillated between 300-500 days, however 2076 and 2077 showed highest duration taken with 2078 being the lowest • Claim amount shows no distinct change from 2075 to 2080 in median values	Experts agreed on findings	Robust methods like Kruskal-Wallis H test was used to reduce effects of the outliers.	• After the removal of other ADR methods from the PPR a large volume of cases flooding NEPCA after 2075 was identified as reason for prolonged proceedings till 2077. • Though some experts expected growth in claim quantum most of the disputes being reoccurring ones mostly had slow time based slight increase in it.
3	**Tribunal Thresholds:**			
	Sole Arbitrators on median handled significantly lower contract and claim amount cases	Experts agreed on findings	Robust methods like Kruskal-Wallis H test was used to reduce effects of the outliers.	Due to existing clause in ICB as well as increasing complexity in large contract amount projects, it was reasonable for low contract projects and low claim quantum to be handled by a sole

				arbitrator and consecutively for larger ones by a 3 member panel for reduction of conflict based risks.
4	**Financial Correlations:**			
	• Strong and positive correlation was found between contract amount and claim amount (r_s=0.598, N=150, p=0.000<0.05). • Strong and positive correlation was found between award amount and claim amount (r_s=0.711, N=151, p=0.000<0.05)	Experts agreed on findings	Robust methods like Spearman's Correlation was used to reduce effects of the outliers.	• Experts agreed on larger contract amounts with higher stakes and complications often accordingly inviting larger claim amounts • Since dispute will always be not so ideal scenarios spawning from unavoidable circumstances parties go on disputes with certain substantial reasons and hence this created valid awarding of such claims
5	**Case Attributes on Duration:**			
	None of the eight case attributes examined; contract amount, construction sector, Claim to Contract Amount Ratio, tribunal composition, power dynamics, Award to Claim Ratio, tribunal	Experts agreed on findings	Robust methods like Kruskal-Wallis H test and Spearman's Correlation was used to reduce	This pattern reveals that the length of proceedings is not determined by the structural or financial characteristics of cases at commencement, but is more likely influenced by procedural conduct within the proceedings; citing the

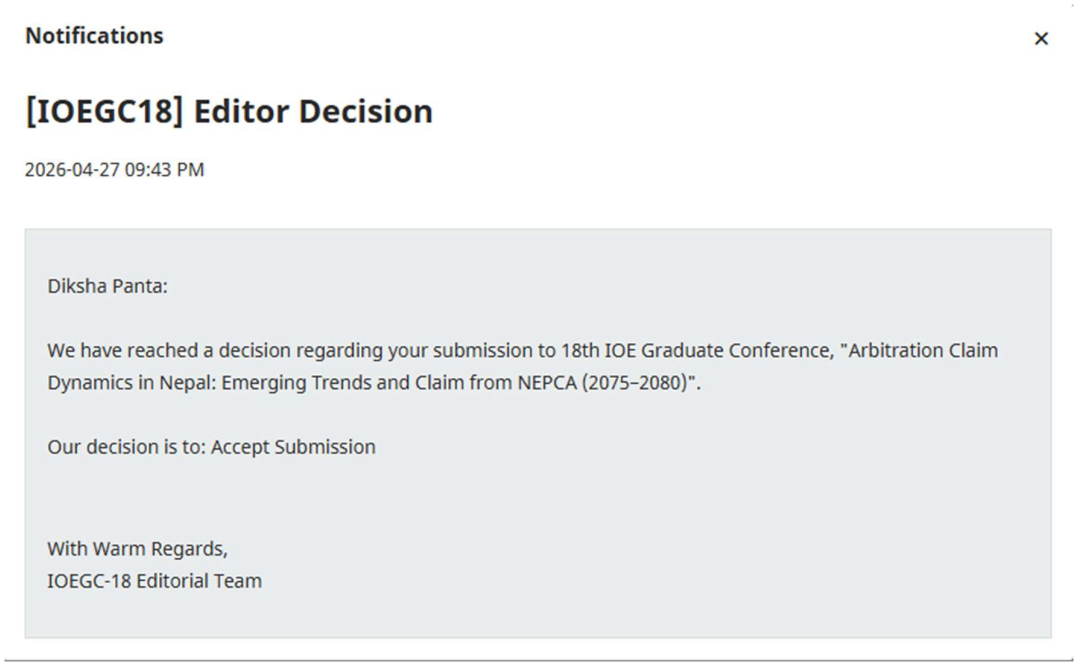
	size, or claim amount were statistically significant predictors of arbitration duration.		effects of the outliers.	previous analytical yearly research done by NEPCA for FY 2080/81 and FY 2081/82 late appointment of arbitrators by client and late payment of arbitration fees was implied as major cause of delay in proceedings.
6	**Case Attributes on Award to Claim Ratio:**			
	Of the seven case attributes examined, two showed statistically significant relationships with the Award to Claim Ratio: contract amount (positive, p = .034< .05) and Claim to Contract Amount Ratio (negative, p =.000< .05). Tribunal size produced a borderline significant result.	Experts agreed on findings	Robust methods like Kruskal-Wallis H test and Spearman's Correlation was used to reduce effects of the outliers.	The strong negative relationship with the Claim to Contract Amount Ratio is indicative of tribunals showing aversions to disproportionate claims especially as a way of reducing stakes or risks however the results cannot be solely generalized like that, since each cases were expected to be a unique entity.
7	**Case Attributes on Decision:**			
	Three case attributes were significantly associated with the arbitral decision of	Experts agreed on findings	Robust methods like Chi-Square test and	• Road sector and Hydropower sectors were found to have higher rejection rates;

	rejection, acceptance or settlement; construction sector ($p = .014<.05$), tribunal composition ($p = .028<.05$), and repeat player effect ($p = .005<.05$). Tribunal size produced a non-significant overall result but a significant directional trend. Financial variables like contract amount, Claim to Contract Amount Ratio, and claim amount were not significantly associated with decision outcomes.		Fisher's Exact was used to reduce effects of the outliers as well as inadequate variable values.	could likely be due to establishments of proper dispute clauses or handling units in Departments/Companies involved in them. • Sole Arbitrators usually being appointed for smaller contract cases as well as mutual trust of both parties could be lean on being more conservative awards. • One-shot players are more like to amicably settle, perhaps due to the overwhelming proceedings. Repeat clients also showed higher rejection rates due to familiarity with the proceedings fuelled by organizational memory in handling disputes.
8	**Case Attributes on Appeal/File to Court**			
	Four case attributes were significantly associated with the rate of appeal to the High Court: contract amount ($p < .001$), tribunal	Experts agreed on findings	Robust methods like Chi-Square test and Fisher's Exact was	The financial magnitude findings, both contract and claim amounts being substantially larger in appealed cases, strongly support the interpretation

	composition ($p = .001$), tribunal size ($p < .001$), and claim amount ($p = .001$). Construction sector, Claim to Contract Amount Ratio, repeat player effect, and Award to Claim Ratio were not significantly associated with appeal decisions.		used to reduce effects of the outliers as well as inadequate variable values.	that appellate behaviour is driven by economic rationality: parties appeal when the financial stakes are sufficiently high to justify the cost of High Court proceedings.

ANNEXURE

ANNEX-I: IOE GRADUATE CONFERENCE ACCEPTANCE



Notifications ×

[IOEGC18] Editor Decision

2026-04-27 09:43 PM

Diksha Panta:

We have reached a decision regarding your submission to 18th IOE Graduate Conference, "Arbitration Claim Dynamics in Nepal: Emerging Trends and Claim from NEPCA (2075–2080)".

Our decision is to: Accept Submission

With Warm Regards,
IOEGC-18 Editorial Team

ANNEX-II: ORIGINALITY REPORT

iThenticate

Similarity Report ID: oid:3117:585276546

PAPER NAME

Trends, Outcomes, and Efficiency of Construction Arbitration in Nepal: A Mixed-Methods Analysis of NEPCA Case Records

AUTHOR

Diksha Panta

WORD COUNT

23375 Words

CHARACTER COUNT

135918 Characters

PAGE COUNT

96 Pages

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SUBMISSION DATE

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To Whom It May Concern:

This is to certify that the paper titled "*Arbitration Claim Dynamics in Nepal: Emerging Trends and Claim from NEPCA (2075-2080)*" (Submission ID #1026), with **Diksha Panta** as the first author, was accepted through the peer-review process and has been presented at the 18th IOE Graduate Conference, organized at Pulchowk Campus, Lalitpur, Nepal, from May 7 to 9, 2026.

Please note that inclusion of the accepted manuscript in the conference proceedings is contingent upon timely compliance with any further editorial requirements during the publication process.

Prof. Sangeeta Singh
Convener
18th IOE Graduate Conference