

HIDAYATULLAH NATIONAL LAW UNIVERSITY, RAIPUR (C.G.)
MINUTES OF THE FINANCE COMMITTEE MEETING DATED 06.09.2012

A meeting of the Finance Committee of the Hidayatullah National Law University took place at the Board Room of the University on 06.09.2012 at 3.30 p.m. The following members were present in the meeting:

1. Prof. (Dr.) Sukh Pal Singh, Hon'ble Vice-Chancellor, HNLU - Chairman
2. Shri R.S. Sharma, Addl. Secretary, Law & Legislative Affairs Department, Government of Chhattisgarh – Member
3. Shri R.L. Masiya, Finance Officer, HNLU - Member
4. Dr. Hanumant Yadav, Faculty Member, HNLU – Member
5. Shri Amitabh Agrawal, Chartered Accountant, Raipur - Member
6. Shri Awadh Ram Sahu, Retd. D.G.M., SBI, Raipur (C.G.) - Member
7. Dr. Dipak Das, Registrar Incharge, HNLU - Member Secretary.

After verifying the quorum, the following agenda items were taken up:

1.	<p><u>Perusal and approval of the minutes of Finance Committee meeting dated 29.08.2012.</u></p> <p><u>Notes:</u> Minutes of the Finance Committee meeting dated 29.08.2012 are placed for perusal and approval.</p> <p><u>Decision:</u> Minutes of the Finance Committee meeting dated 29.08.2012 were read, amended and confirmed.</p>
2.	<p><u>Issue of Balance Payment to M/s. NCCL.</u></p> <p><u>Notes:</u> On the issue of Balance payment to M/s. NCCL, the Finance Committee in its meeting dated 24.09.2011 recommended to the Executive Council as under:</p> <ol style="list-style-type: none">(1) That there is no provision in the contract agreement executed between HNLU and NCCL for payment of interest and other charges to contractor on outstanding payments. Hence, payment on this account cannot be considered. Intimation to this effect may be given to M/s. NCCL.(2) During the execution of work the Engineers of PWD deputed for the purpose as Engineer-in-Charge have scrutinized and certified the bills submitted by M/s. NCCL upto 30th June 2009 for Rs.8,90,83,628/- (Rupees Eight Crores Ninety Lacs Eighty Three Thousand Six Hundred and Twenty Eight) out of which Rs.4,58,00,000/- (Rupees Four Crores Fifty Eight Lacs) have been paid to M/s. NCCL. As such, the Finance Committee recommends payment of balance amount of Rs.4,32,83,628/- (Rupees Four Crores Thirty Two Lacs Eighty Three Thousand Six Hundred and Twenty Eight) to M/s. NCCL, Hyderabad against the bills certified/verified by Engineer-in-Charge (i.e. Certified/verified by P.W.D.)(3) The claim/bill of M/s. NCCL for Rs.1.70 Crores against R.A. Bill No. 23 for work done upto 30.09.2009 is yet to be verified/certified by the Engineer-in-Charge, hence the same may be got examined at an earliest.

- (4) The Finance Committee also recommends that the imposition of penalty does not seem to be admissible. It is because of the fact that the Office of the Chief Engineer, P.W.D., Government of Chhattisgarh vide its letter No.41688097/Sa/09 dated 30.07.2009 states that the University can impose penalty at its discretion as per contract agreement but the contract agreement does not provide for any kind of penalty. However, the same may be looked into and decided accordingly by the Vice-Chancellor.

The recommendations of the Finance Committee meeting dated 24.09.2011 were placed before the Executive Council in its meeting dated 17.12.2011, wherein the Executive Council decided as under:

- A. A Law firm dealing in such matters may be identified by the Vice-Chancellor and report/opinion may be taken from the Law firm as regards the claim of M/s. NCCL.
- B. The Law firm may be provided detailed information right from the tender process, contract agreement, correspondences with the construction company/other agencies involved in the monitoring of the construction work/processing/verifying the bills of the construction company, payments made from time to time against Running Bills, Escalation Bills of the construction company.
- C. The report/opinion of the Law firm may be placed before the Finance Committee.
- D. The recommendations of the Finance Committee alongwith report/opinion of the law firm may be placed before the Executive Council for further necessary action.
- E. The Vice-Chancellor is requested to take appropriate steps in this regard.

Accordingly, Law firm dealing in such matters was identified and provided with detailed information right from the tender process, contract agreement, correspondences with the construction company/other agencies involved in the monitoring of the construction work/processing/verifying the bills of the construction company, payments made from time to time against Running Bills, Escalation Bills of the construction company.

The Law firm M/s. S. Ashwinikumar & Co., Advocates & Solicitors, Mumbai, has submitted its report/opinion. The report/opinion of the Law Firm is in agreement with the above recommendations of the Finance Committee meeting dated 24.09.2011. However, the report/opinion of the Law Firm also mentions that payment to M/s. NCCL may be made subject to rectification of the defects as already pointed out to the firm by the University.

The following major defects/pending works were pointed out to M/s. NCCL by the University:

1. 16 Nos. faculty quarters were pending for completion.
2. 08 Nos. Class-IV quarters were pending for completion (04 towards Girls Hostel and 04 Towards Boys Hostel).
3. Preventive measures for checking entry of rainwater and insects in girls and boys hostels by affixing polymer sheets and mosquito wire mesh in hostel lobby grills.
4. Expansion joint treatment and roof treatment in buildings as per requirement.
5. False ceiling repair work etc. as per requirement.

Following is the present status of major defects rectified/pending works completed by M/s. NCCL:

1. 16 Nos. faculty quarters have been completed.
2. 04 Nos. Class-IV quarters towards Girls Hostel have been completed, 04 Nos. Class IV quarters towards boys hostel are yet to be completed.
3. Preventive measures for checking entry of rainwater and insects in hostels, by affixing polymer sheets and mosquito wire mesh, have been completed in girls hostel and 70% completed in boys hostel, remaining work is expected to be completed soon.
4. Expansion joint treatment and roof treatment in buildings is yet to start.
5. False ceiling repair work is yet to start.

In view of the above, the matter is placed before the Finance Committee for perusal and making recommendations to the Executive Council, on the report/opinion of the Law Firm.

Decision:

After thoroughly going through the report/opinion of the Law Firm, the Finance Committee recommends as under:

- (1) The balance amount of Rs.4,32,83,628/- (Rupees Four Crores Thirty Two Lacs Eighty Three Thousand Six Hundred and Twenty Eight) may be paid to M/s. NCCL, Hyderabad against the bills certified/verified by Engineer-in-Charge (i.e. Certified/verified by P.W.D.) as under:
 - (a) In view of rectification of most of the defects, 70% of the certified/verified amount may be released.
 - (b) The remaining 30% of the certified/verified amount may be released after rectification of remaining defects/completion of remaining work as above.
- (2) The claim/bill of M/s. NCCL for Rs.1.70 Crores against R.A. Bill No. 23 for work done upto 30.09.2009 may be got verified/certified by a three member Committee consisting of the University Engineer, Executive Engineer, NRDA who is also a member of the Building Committee of the University and one more Engineer of the Government Department/government undertaking. Based on the verification of this committee, payment towards R.A. Bill No. 23 may be released to M/s. NCCL.
- (3) That there is no provision in the contract agreement executed between HNLU and NCCL for payment of interest and other charges to contractor on outstanding payments. Hence, payment on this account cannot be considered. Intimation to this effect may be given to M/s. NCCL. Penalty also cannot be imposed on the contractor since there is no provision in the contract agreement executed between HNLU and NCCL.
- (4) After making the above payments to M/s. NCCL, it shall be considered as full and final payment.

3. Construction of Vice-Chancellor's Bungalow and other allied works.

Notes:

A continuous need has been felt for having Vice-Chancellor's Bungalow in the Campus. The matter regarding construction of Vice-Chancellor's Bungalow was placed in the Finance Committee meeting dated 17.08.2012. It was proposed to construct the Vice-Chancellor's

Bungalow from out of the available balance State Government Capital Grant.

The Finance Committee in its meeting dated 17.08.2012 decided that the estimates for construction of Hon'ble Vice-Chancellor's bungalow must also include two additional rooms on terrace, additional servant quarter in the Vice-Chancellor's residential premises, compound wall and external area development etc. After including the above additional work, the estimates may be verified by the Engineer and thereafter the matter may be placed before the Finance Committee.

As per the decision of the Finance Committee meeting dated 17.08.2012, the estimates for construction of Hon'ble Vice-Chancellor's bungalow were placed in the Finance Committee meeting dated 29.08.2012.

The Finance Committee in its meeting dated 29.08.2012 recommended that separate estimates for Hon'ble Vice-Chancellor's Bungalow, Servant Quarters annexed to it, Residential Office, Boundary Wall, Furniture and Fixtures, Furnishings may be got prepared and they may be got approved/recommended at an earliest from the Finance Committee by way of circulation of papers.

As per the decision of the Finance Committee meeting dated 29.08.2012, separate estimates for the above works have been got prepared and are placed before the Finance Committee for perusal and approval.

Decision:

- (1) After going through the estimates, the Finance Committee recommended approval for carrying out the following works:

Sl.	Particulars	Estimates (Rs. In Lacs)
1.	Hon'ble V.C. Bungalow RCC & Civil Works	102.63
2.	Camp Office	15.11
3.	Compound Wall	47.88
4.	Security Room & Car Shed	14.66
5.	Class IV Quarters	21.43
6.	External Development	34.05
7.	Architectural and Structural Design Services	17.19
8.	VAT @5% + Service Tax 4.944%, Labour Cess @ 1%, any taxes as applicable + Escalation as per existing contract	20.92
	Total	273.87

- (2) The Finance Committee also recommended that the work of interiors will be considered only after completion of the above buildings.

4. Any other matter with the permission of the Chair.

The meeting concluded with Vote of Thanks to the Chair.