

MINUTES OF THE TWENTIETH MEETING OF EXECUTIVE COUNCIL DATED
09.03.2009

The twentieth meeting of the Executive Council of Hidayatullah National Law University took place on 09.03.2009 at 11.00 a.m. at the Conference Hall of the University wherein the following Hon'ble Members were present:

1. Hon'ble Mr. Justice S.B. Sinha, Judge, Supreme Court of India
2. Hon'ble Mr. Justice Rajeev Gupta, Chief Justice, High Court of Chhattisgarh & Chancellor, HNLU
3. Hon'ble Mr. Justice Dharendra Mishra, Judge, High Court of Chhattisgarh
4. Hon'ble Mr. Justice S.K. Agnihotri, Judge, High Court of Chhattisgarh
5. Prof. (Dr.) M.K. Srivastava, Vice Chancellor, Hidayatullah National Law University
6. Shri S.N.P. Sinha, Chairman, Bar Council of India
7. Shri Prashant Mishra, Advocate General, Chhattisgarh
8. Shri M.K. Raut, Principal Secretary, Higher Education Department, Govt. of Chhattisgarh
9. Shri R.S. Sharma, Secretary, Law Department, Government of Chhattisgarh
10. Shri Vijayendra, Secretary, Finance Department, Government of Chhattisgarh
11. Shri Ravindra Shrivastava, Senior Advocate, Supreme Court of India
12. Shri Vivek Ranjan Tiwari, Chairman, State Bar Council of Chhattisgarh
13. Prof. I.P. Massey, Faculty Member, HNLU
14. Prof. Hanumant Yadav, Faculty Member, HNLU

The agenda items were taken up as under:

1. **Approval of minutes of nineteenth meeting of the Executive Council dated 08.01.2009.**

Decision:

The minutes of nineteenth meeting of the Executive Council dated 08.01.2009 perused and approved.

The papers pertaining to approval of the minutes of the Building Committee meeting dated 10.10.2008 and Finance Committee meeting dated 25.10.2008 by circulation were placed before the Executive Council for information as per Statute 10(6) of the Hidayatullah National University of Law Chhattisgarh Act, 2003.

2. **Placing minutes & recommendations of the Finance Committee meeting dated 07.03.2009.**

Decision:

Minutes & recommendations of the Finance Committee meeting dated 07.03.2009 approved by the Executive Council.


REGISTRAR
HIDAYATULLAH NATIONAL
LAW UNIVERSITY, RAIPUR

3. **Discussion and decision on the issue of construction work.**

Decision:

The Executive Council decided that Shri M.K. Raut, Principal Secretary P.W.D., Govt. of C.G. shall supervise, control and make all endeavours to get the construction work completed by 30.06.2009.

4. **Discussion and decision on the issue of payment to Shri S.C. Deshpande.**

Decision:

The Executive Council decided that the issue of payment to Shri S.C. Deshpande may be examined and decided by Shri M.K. Raut, Principal Secretary, P.W.D., Government of Chhattisgarh and payment will be made as per his recommendation.

5. **Any other matter with the permission of the Chair.**

The following resignations were placed before the Executive Council of HNLU:

- (a) Resignation of Mr. Arshad Hidayatullah from membership of the Executive Council.
- (b) Resignation of Mr. S. Shanthakumar from the post of Associate Professor of HNLU.

Decision:

- (a) Resignation of Mr. Arshad Hidayatullah may be placed before the Hon'ble Chancellor.
- (b) Resignation of Mr. S. Shanthakumar from the post of Associate Professor of HNLU accepted subject to the condition of three months notice of three months' salary in lieu of notice period.


REGISTRAR
HIDAYATULLAH NATIONAL
LAW UNIVERSITY, RAIPUR

**MINUTES OF THE MEETING DATED 21.02.2009 OF THE
COMMITTEE CONSTITUTED BY THE EXECUTIVE COUNCIL DATED 08.01.2009**

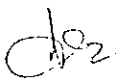
A meeting of the committee took place on 21.02.2009 at 11.00 a.m. at the Conference Hall of the University in presence of:

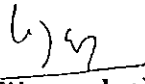
1. Prof. (Dr.) M.K. Srivastava, Vice-Chancellor, HNLU
2. Shri Prashant Mishra, Advocate General, Chhattisgarh
3. Shri M.K. Raut, Principal Secretary, P.W.D., Govt. of Chhattisgarh
4. Shri Vijayendra, Secretary, Finance Department, Govt. of Chhattisgarh
5. Shri A.K. Samant Ray, Addl. Secretary, Law & Legislative Affairs Dept., Govt. of CG

The committee has unanimously shown concern for the completion of the project. The attitude of NCC was found negative since last two years. The committee is in favour of recommending termination of the building contract with NCC but before going for such decision, the committee is of the view that if possible all the issues may be settled in between HNLU & NCCL with the help of Shri M.K. Raut, Principal Secretary, P.W.D., Govt. of Chhattisgarh and to complete the entire project in 3-4 months by all means (not in piecemeal) and releasing the payment only afterwards.


In such case HNLU will provide NCCL extension of time with penalty and without escalation. There will not be any payment for extra items if not agreed/not approved in writing specific extra items with cost. The NCCL will also have to carry out corrections in defective construction. For all this, there is need of signing MoU as a part of contract agreement in between HNLU & NCCL.

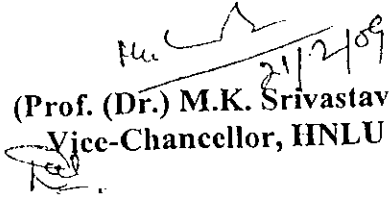
The committee is of the view that the issue of technical and financial sanction to the project may be decided by the Principal Secretary P.W.D. in terms of presently effective rules, instructions, directions of P.W.D.


(Shri A.K. Samant Ray)
Addl. Secretary, Law Dept.
Govt. of Chhattisgarh


(Shri Vijayendra)
Secretary, Finance Dept.,
Govt. of Chhattisgarh


(Shri M.K. Raut)
Principal Secretary
P.W.D., Govt. of C.G.


(Shri Prashant Mishra)
Advocate General
Chhattisgarh


(Prof. (Dr.) M.K. Srivastava)
Vice-Chancellor, HNLU

**REPORT OF THE COMMITTEE CONSTITUTED BY THE EXECUTIVE
COUNCIL**

Dt.03.03.2009

The committee consisting of Vice Chancellor, HNLU, Advocate General Chhattisgarh, Principal Secretary (PWD), Secretary (Law), Principal Secretary (Higher Education), and Secretary (Finance), Government of Chhattisgarh has convened its meetings on 12th January and 21st February, 2009.

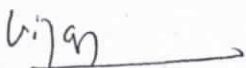
The committee has gone through all the details, assessed the progress of construction work and discussed on the issues with M/s. NCCL.


The findings of the committee are as under:


- a. The committee has found that the attitude of the construction company M/s. NCCL has been entirely negative and blunt. They have slowed down the pace of the work and stopped the work since last one and half years, and six months respectively.
- b. They have made so many promises to complete the project but never complied. They have delayed the project and charged escalation.
- c. The company has submitted bills even for the work not performed; such amount was deducted by the Engineering Staff of HNLU from the bills. A number of constructions were found defective and no rectification was made even after giving them notice. They are claiming payment for extra-items without proper permission or order of University authorities.
- d. It is difficult to believe that M/s. NCCL is willing to work or will be able to complete the project.

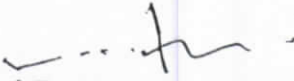
Based on the above facts, the committee is forced to recommend as under:


1. The University may terminate the contract within the norms of the contract agreement.
2. The University may take over executed/unexecuted construction work to give it to any other construction agency at the risk and cost of NCCL as per the terms of contract agreement.


(Shri Vijayendra)
Secretary, Finance Dept.
Govt. of Chhattisgarh


(Shri R.S. Sharma)
Secretary, Law Dept.
Government of C.G.


(Shri M.K. Raut)
Principal Secretary
P.W.D. & Higher Education
Govt. of C.G.


(Shri Prashant Mishra)
Advocate General
Chhattisgarh


(Prof. (Dr.) M.K. Srivastava)
Vice-Chancellor, HNLU