

Central University of Rajasthan



MINUTES

42ND MEETING OF EXECUTIVE COUNCIL

- Meeting No.** : 42 (Forty Two)
- Venue (Online)** : From the Conference Room
(Second Floor), Administrative Building,
Central University of Rajasthan,
NH-8, Bandarsindri,
Tehsil - Kishangarh - 305 817,
Distt. - Ajmer, Rajasthan
- Date** : Monday, April 19, 2021
- Time** : 2 PM onwards

CENTRAL UNIVERSITY OF RAJASTHAN
MINUTES OF THE 42ND MEETING OF THE EXECUTIVE COUNCIL
HELD ON 19 APRIL 2021 (2 PM ONWARDS)
FROM THE CONFERENCE ROOM, SECOND FLOOR, ADMINISTRATIVE BUILDING
CENTRAL UNIVERSITY OF RAJASTHAN

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CENTRAL UNIVERSITY OF RAJASTHAN
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CENTRAL UNIVERSITY OF RAJASTHAN

**42nd Meeting (ONLINE) of the Executive Council held on Monday – April 19, 2021 (2 PM onwards)
from the Conference Room, Second Floor, Administrative Building, Central University of Rajasthan**

The following members were present in the meeting:

1. Prof. Neeraj Gupta, Chairman and Vice Chancellor (i/c), Central University of Rajasthan
2. Prof. J. S. Rajput, Nominee of the Chairman, UGC
3. Prof. Akhil Ranjan Garg, Department of Electrical Engineering, Jai Narain Vyas University, Johdpur
4. Prof. Reena Dadhich, Department of Computer Science and Informatics, University of Kota
5. Prof. Krishna Gopal Sharma, Department of History and Indian Culture, University of Rajasthan
6. Prof. Praveen Sahu, Dean, School of Commerce and Management, Central University of Rajasthan
7. Dr. Ajit Kumar Patra, Dean, School of Physical Sciences, Central University of Rajasthan
8. Prof. Pradeep Verma, School of Life Sciences, Central University of Rajasthan
9. Prof. Jugal Kishore Prajapat, Dean, School of Mathematics and Comp. Sc., Central University of Rajasthan
10. Dr. Anjali Sharma, Dean, School of Education, Central University of Rajasthan
11. Sh. KVS Kameswara Rao, Secretary & Registrar, Central University of Rajasthan

Special Invitees

1. Dr. B.K. Mohapatra, Member of Finance Committee, Central University of Rajasthan, Special Invitee
2. Shri A.K. Jain, Spl. DG (Retd.), CPWD, Member of BWC, Central University of Rajasthan, Special Invitee
3. Mr. Garg, SE, CPWD, Special Invitee
4. Sh. Dinesh Kumar Aggarwal, OSD Finance, Central university of Rajasthan, Special Invitee
5. Sh. Santosh K Srivastava Finance Officer (i/c) /JR-I, Central University of Rajasthan, Special Invitee
6. Sh. Sultan Singh, Executive Engineer, Central University of Rajasthan, Special Invitee

Following Members could not attend the meeting and were granted leave of absence:

1. Secretary, Department of Higher Education, Ministry of Education, Govt. of India
2. Principal Secretary, Higher Education, Govt. of Rajasthan
3. Prof. Ashok Kumar Nagawat, Director, Skill Education, Rajasthan ILD Skills University, Jaipur
4. Dr. Bhumika Sharma, Assistant Professor, Department of English, Central University of Rajasthan

**MINUTES OF THE 42ND MEETING OF THE EXECUTIVE COUNCIL
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CENTRAL UNIVERSITY OF RAJASTHAN**

DETAILED MINUTES

Item No.	Particulars															
42-1.0	<p>WELCOME AND PRESENTATION BY THE VICE CHANCELLOR.</p> <p>The Chairman extended hearty welcome to all the members of the Executive Council. He expressed gratitude to all the members for agreeing to attend the meeting on a short notice.</p>															
42-2.0	<p>CONFIRMATION OF MINUTES</p>															
42-2.1	<p>Confirmation of Minutes of 41st Meeting of the Executive Council held on Wednesday, April 07, 2021.</p> <p>Copy of the Minutes of the 41st Meeting of the Executive Council held on Wednesday – April 07, 2021 is enclosed. (Annexure-A) [Page No. : 09 to 16]. Minutes were circulated to all Members through e-mail on 10th April, 2021 for confirmation / comments. Consent / Approval from 6 Members (including 2 external Members) were received on the same through email. No comments were received from the remaining Members.</p> <p>Placed before the Executive Council for confirmation.</p> <p>Resolution: Minutes of the 41st Meeting of the Executive Council were confirmed.</p>															
42-3.0	<p>ACTION TAKEN REPORTS</p>															
42-3.1	<p>Action Taken Report for 41st Meeting of the Executive Council held on Wednesday, April 07, 2021.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Item No.</th> <th style="text-align: center;">E.C. Item</th> <th style="text-align: center;">Action Taken</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">41-4.1</td> <td>Minutes of the 32nd Meeting of the Finance Committee.</td> <td>Noted</td> </tr> <tr> <td style="text-align: center;">41-4.2</td> <td>To report about the extended tenure to be completed by Sh. D. K. Aggarwal, Finance Officer (Officiating)</td> <td> <ul style="list-style-type: none"> ● Order for appointment of Sh. D. K. Aggarwal as OSD (Finance) has been issued who has joined the post on 13.04.2021. ● Order for handling the charge of Finance Officer by Sh. Santosh K. Srivastava, Joint Registrar-1 has been issued who has taken over the charge on 13.04.2021. </td> </tr> <tr> <td style="text-align: center;">41-4.3</td> <td>Various applications of non-teaching employees for promotion to higher posts</td> <td>Constitution of the DPC is in process.</td> </tr> <tr> <td style="text-align: center;">41-4.4</td> <td>Various applications of teaching employees for promotion under UGC C.A.S. under UGC Regulations, 2018</td> <td>Noted</td> </tr> </tbody> </table> <p>Resolution: The action taken report was noted. Vice Chancellor informed that the constitution of the Departmental Promotion Committee and the Committee to examine the pending Grievances of the faculty members will be constituted soon.</p>	Item No.	E.C. Item	Action Taken	41-4.1	Minutes of the 32 nd Meeting of the Finance Committee.	Noted	41-4.2	To report about the extended tenure to be completed by Sh. D. K. Aggarwal, Finance Officer (Officiating)	<ul style="list-style-type: none"> ● Order for appointment of Sh. D. K. Aggarwal as OSD (Finance) has been issued who has joined the post on 13.04.2021. ● Order for handling the charge of Finance Officer by Sh. Santosh K. Srivastava, Joint Registrar-1 has been issued who has taken over the charge on 13.04.2021. 	41-4.3	Various applications of non-teaching employees for promotion to higher posts	Constitution of the DPC is in process.	41-4.4	Various applications of teaching employees for promotion under UGC C.A.S. under UGC Regulations, 2018	Noted
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42-4.0	ITEMS FOR CONSIDERATION							
42-4.1	<p>Minutes of the 22nd Meeting of the Building Works Committee.</p> <p>The 22nd Meeting of the Building Works Committee of Central University of Rajasthan was held on 13th April 2021. The Minutes of the 22nd Meeting of the Building Works Committee were placed before the Finance Committee and the same are placed before the Executive Council for consideration (Annexure-B) [Page No. : 17 to 32].</p> <p>Placed before the Executive Council for consideration.</p> <p>Resolution: The Executive Council approved the recommendations of the Building Works Committee and the recommendations of the Finance Committee.</p>							
42-4.2	<p>Minutes of the 33rd Meeting of the Finance Committee.</p> <p>The 33rd Meeting of the Finance Committee of Central University of Rajasthan was held on 16th April 2021. The Minutes of the 33rd Meeting of the Finance Committee are placed before the Executive Council (Annexure-C) [Page No. : 33 to 45].</p> <p>Placed before the Executive Council for consideration.</p> <p>Resolution: The Executive Council approved the recommendations of the Finance Committee.</p>							
42-4.3	<p>To consider the Arbitration Award for the work of Construction of Staff Quarters (Type-B, C & D) executed by the CPWD</p> <p>The work of Construction of Residential Quarters 12 Nos. Type-C (G+2), 32 Nos. Type-D (G+3) including Water Supply, Sanitary Installation, Drainage & Electrical Works, etc. was awarded by the University to CPWD vide letter No. CURAJ/R/F.45/2013-14/467-68 dated 02.05.2013 with (revised) AA&ES amount of Rs. 142423,700/-.</p> <p>The work Construction of Residential Quarters 24 Nos. Type-B (G+2) including Water Supply, Sanitary Installation, Drainage & Electrical Works, for CURaj was also awarded by the University to CPWD and accorded (revised) AA&ES of amount of Rs. 137531200/- vide its letter No. CURAJ/R/F.45/2013-14/469-70 dated 02.05.2013.</p> <p>The CPWD has awarded the both the above works to M/s AYG Realty Pvt. Ltd. (erstwhile known M/s Choudhary & Choudhary India Ltd.).</p> <p>The CPWD vide its letter No. 54(Arb.)/EE/IIITKPD/2020/73 dated 22.02.2020 has informed that the agency has gone into arbitration for these works for settlement of disputed claims. Further, the CPWD vide its letter No. 54(Arb.)/EE/IIITKPD/2020/91 dated 28.02.2020 requested to deposit the sum of Rs. 600000/- against each work (i.e Rs. 1200000/-) towards arbitration fees and other expenses.</p> <p>Later, the CPWD vide its letter No. 54(Arb.)/EE/IIITKPD/2021/77 dated 24.02.2021 [Annexure-D, Page No. 46 to 47] intimated regarding the Arbitration award for the said works with a request to release the payment of arbitration amount latest by 31st March, 2021 so that the amount of arbitral award can be released to the contractor within 60 days from date of award i.e. by 20th April, 2021 and further interest on this award is avoided.</p> <table border="1" data-bbox="327 1749 1490 2063"> <tr> <td data-bbox="327 1749 411 1890">1.</td> <td data-bbox="411 1749 917 1890">C/o Residential Quarters 12 Nos. Type-C (G+2), 32 Nos. Type-D (G+3) including Water Supply, Sanitary Installation, Drainage & Electrical Works, etc. for CURaj (as per CPWD Letter No. 77 dtd. 24.02.2021)</td> <td data-bbox="917 1749 1490 1890">Arbitration Award published on 22.02.2021, Amount Rs. 17710527/- (excluding the GST reimbursement and future interest @12% p.a. as per claim No. 8 & 9). CPWD demanded amount Rs. 2.29 Crores (including interest and GST)</td> </tr> <tr> <td data-bbox="327 1890 411 2063">2.</td> <td data-bbox="411 1890 917 2063">C/o Residential Quarters 12 Nos. Type-B (G+2) including Water Supply, Sanitary Installation, Drainage & Electrical Works, for CURaj (as per CPWD Letter No. 77 dtd. 24.02.2021)</td> <td data-bbox="917 1890 1490 2063">Arbitration Award published on 22.02.2021, Amount Rs. 15585122/- (excluding the GST reimbursement and future interest @12% p.a. as per claim No. 8 & 9). CPWD demanded amount Rs. 2.01 Crores (including interest and GST)</td> </tr> </table> <p>The extract of Arbitration claims award enclosed (Annexure E, Page No. 48 to 49)</p>		1.	C/o Residential Quarters 12 Nos. Type-C (G+2), 32 Nos. Type-D (G+3) including Water Supply, Sanitary Installation, Drainage & Electrical Works, etc. for CURaj (as per CPWD Letter No. 77 dtd. 24.02.2021)	Arbitration Award published on 22.02.2021, Amount Rs. 17710527/- (excluding the GST reimbursement and future interest @12% p.a. as per claim No. 8 & 9). CPWD demanded amount Rs. 2.29 Crores (including interest and GST)	2.	C/o Residential Quarters 12 Nos. Type-B (G+2) including Water Supply, Sanitary Installation, Drainage & Electrical Works, for CURaj (as per CPWD Letter No. 77 dtd. 24.02.2021)	Arbitration Award published on 22.02.2021, Amount Rs. 15585122/- (excluding the GST reimbursement and future interest @12% p.a. as per claim No. 8 & 9). CPWD demanded amount Rs. 2.01 Crores (including interest and GST)
1.	C/o Residential Quarters 12 Nos. Type-C (G+2), 32 Nos. Type-D (G+3) including Water Supply, Sanitary Installation, Drainage & Electrical Works, etc. for CURaj (as per CPWD Letter No. 77 dtd. 24.02.2021)	Arbitration Award published on 22.02.2021, Amount Rs. 17710527/- (excluding the GST reimbursement and future interest @12% p.a. as per claim No. 8 & 9). CPWD demanded amount Rs. 2.29 Crores (including interest and GST)						
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On the basis of letter No. 54(Arb.)/EE/IIITKPD/2021/77 dated 24.02.2021, for this amount, the University have shown the provisional liability in the Books of Accounts in the FY 2020-21. The University has taken the approval from the UGC vide its letter No. F.1-3/2019(CU) dated March 23, 2020 [**Annexure-F, Page No. 50**] for Rs. 4,16,73,647.00 towards payment of any committed liability to the CPWD.

Resolution of BWC: *The Project Director/SE, CPWD gave details of the award sent by CPWD vide their letter No 54(Arb.)/EE/IIITKPD/2021/77 dated 24.02.2021. While explaining the process of award he stated that CPWD officials have properly defended the same as per rules and procedures and also by the legal counsel appointed by Addl Solicitor General. It was pointed out that CPWD is legally bound by the award that is to be paid by 22nd April 2021. The final decision on release of payment is taken by the Competent Authority of the CPWD after technical and legal examination as per well-established process of CPWD. The Building and Works Committee after detailed deliberation on various aspects of award and taking note of expert opinion of special invitees resolved as under:*

- 1) *The awarded amounts of both the Arbitration cases are to be transferred to CPWD as an Advance for further processing at their end after following the due procedure and rules in such matters.*
- 2) *Legal consultant of the University opined that prima facie there are few claims that could be challenged in the court of law. It was decided that the Legal Consultant of the University will send his written submission to the CURaj at the earliest which will be forwarded to Project Director/SE, CPWD, MNIT Project Circle, Jaipur for taking up the matter with Techno-Legal Cell and at appropriate level of authority of CPWD. It was also noted by the BWC that the final decision in the matter whether to challenge or not to challenge will be with the Competent Authority of the CPWD.*
- 3) *BWC also resolved that the responsibility in both the arbitration cases, fully lies with CPWD and CPWD shall take all possible measures to safeguard the interest of Government of India and the University. Any query on these Arbitration awards either by Audit, UGC or Ministry of Education, Govt. of India will be dealt with and responded/settled by CPWD on priority. This was noted and agreed to by the Project Director/SE, CPWD, MNIT Project Circle, Jaipur for compliance.*
- 4) *After finalization/settlement of the Arbitration matter, CPWD will submit the details of both the Arbitration cases to the University. The balance amount if any after final settlement of the claim will be refunded to the University.*

The committee recommended to place the matter before the Finance Committee and the Executive Council for approval.

The copy of the Arbitration Award is enclosed as detailed below:

1. Arbitration Award Booklet received from the CPWD in respect of Staff Quarters Type B - **Annexure-G (Page No. 51 to 171)**
2. Arbitration Award Booklet received from the CPWD in respect of Staff Quarters Type C and D - **Annexure-H (Page No. 172 to 292)**

Resolution of FC: In the light of the facts stated above in chronological order and keeping in view the legal position of the arbitral award which is binding on the CPWD, the Finance Committee considered the resolution of the Building & Works Committee and resolved to recommend to the Executive Council to accept the Arbitration Award as fait accompli and to release the funds to the CPWD as deposit amount but and not as an advance for further appropriate action at the end of the CPWD, after observing all the technical, procedural and legal aspects and safeguarding the interest of the Central University of Rajasthan and Govt. of India. However, the amount may be paid from the available funds at the University under Capital Head.

The Finance Committee also suggested for preparation of a report on the lessons learnt from these arbitration awards for future works. The Finance Committee also observed that the responsibility to reply to the audit paras if any in future and any inquiries w.r.t these arbitration awards shall lie with the CPWD which shall respond to all such queries promptly and get them settled.

With this, the same is recommended to Executive Council for consideration and approval.

Placed before the Executive Council for consideration.

Discussion of the Executive Council:

At the outset, the VC (I/C) presented the background of the case in a chronological manner that led to the imposition of the Arbitration Award. He mentioned that the work of construction of residential quarters Type B, Type C, and Type D was assigned to the CPWD as deposit work after observing the due process of approval. The University submitted its proposal for the 12th Plan period amounting to Rs. 1052.93 crores to the UGC during the year 2012-13. However, the approval of the UGC was received for a tentative amount of Rs. 307.75 crores during the financial year 2013-14. The University has started its infrastructure developmental work as per previous funding pattern and accordingly various works such as Academic Blocks, Hostels, Semi-permanent Buildings, Staff Quarters, Admin Building, Peripheral Road, Utility Buildings, Guest House, etc. were undertaken.

Soon after receiving the 12th Plan allocation from the UGC, the University started approaching the UGC for additional allocation of Capital Grant. The CPWD vide its letter dated 03-04-2014, requested to deposit the balance amount of Rs. 132 crores to complete the construction of the ongoing works. After repeated persuasions with the MHRD and the UGC, the UGC accepted the demand of CURAJ and wrote to the Ministry vide its letter dated 24-11-2014 to consider an additional grant of Rs. 75 crores under the capital head to meet the committed liability of CURAJ. Consequently, the University was able to receive Rs. 30 crores on 13-10-2015 and Rs. 45 crores on 01-09-2016. Thus, there was an inordinate delay in receiving the funds.

It was also apprised to the Committee that the Arbitral awards have been given in favour of the contractor, on the following three major grounds which are explained point-wise:

1. Delayed payment to the contractor by the CPWD. As enumerated above the University was not in a position to release the desired amount to the CPWD which in turn could not pay to the contractor in time.

2. Delayed submission of working drawings/designs by the University consultant. It was also apprised to the EC that the architect's bill amounting to Rs. 29.02 lakhs have been kept on hold. The matter of delayed submission of drawings etc will be thoroughly examined by the Committee constituted by the University and would be dealt with as per the contract agreement and the applicable rules. It has been decided to associate Shri A K Jain, former Special DG, CPWD with the Committee. The University shall take appropriate action keeping in view the recommendations of the Committee.

3. Release of the withheld amount of royalty. SE, CPWD (Special Invitee) explained this point and clarified that contractor was expected to produce NOC from the state Government. Even though the contractor had paid the royalty he could not produce the NOC from the Department of Mining, Government of Rajasthan. Accordingly, the amount payable to the contractor was put on hold from the final bills of the contractor. The Arbitrator did not find any justification of withholding a substantial amount from his final bill. In the arbitral award, it has also been mentioned that despite a lapse of 6 to 7 years, no demand has been received from the state govt.

SE, CPWD also apprised that the CPWD has made all its techno-legal efforts during the proceeding of this case. The representative of the CPWD and the empanelled counsel of the government of India had attended the hearing before the Arbitrator coupled with obtaining legal opinion on the matter from the Ministry of Law. The SE, CPWD further clarified that arbitration award can be challenged in higher court under Sec 34 of Indian Arbitration Act. There are very limited grounds on which this Arbitration award can be challenged in the court and as per the established procedure, the Competent Authority of CPWD takes a judicious decision if the matter is to be challenged or not. He also reiterated that CPWD had followed all provisions of the GFR and relevant applicable rules of GoI while pleading for this case **(Annexure-I [Page No. 293-301])**.

Prof J S Rajput observed that he was not fully convinced that the matter had been appropriately defended by the CPWD before the Arbitrator with reference to release of payment on account of royalty. He pointed out that the University must take steps to ensure that such a situation is not repeated in future.

	<p>After circulation of the Draft Minutes to the Members, the minutes were approved by the Members. While no Member has commented on the resolution of the Executive Council, three Members – Prof. Akhil Ranjan Garg, Prof. K.G. Sharma and Prof. Pradeep Verma made some suggestions/observations. These pertain to the operational part of the decision and the University has acted upon them. The email communications between the respective Members and the Chairman Executive Council are placed on record as Annexure to the discussion (Annexure-J [Page No. 302 to 306]).</p> <p>Resolution:</p> <p>The Executive Council considered the matter in its entirety and keeping in view the time-bound nature of the award and limited scope of appeal u/s 34 of the Indian Arbitration Act as submitted by the CPWD, it was resolved to approve the recommendations of the Finance Committee to release the amount under Capital Head in favour of the CPWD.</p> <p>The University will prepare a report for future guidance and to prevent such occurrences in future projects. The CPWD needs to take adequate precautions in such matters for future.</p>
42-5.0	ANY OTHER ITEMS WITH THE PERMISSION OF THE CHAIR.
42-5.1	-

At the end the Chairman thanked all members for their support and guidance for smooth functioning of the University. He informed the EC about the situation of COVID +ve cases in the University and that the University has taken a decision to ask the Research Scholars/Fellows to leave the campus and return to safety of their homes.

The members acknowledged the efforts being made by the University and proposed a vote of thanks to the Chair.
