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**Information and Library Network (INFLIBNET) Centre**  
(An IUC of University Grants Commission)

7<sup>th</sup> December, 2018

**Minutes of the 36<sup>th</sup> Meeting of the Governing Board, INFLIBNET Centre,  
Friday, 7<sup>th</sup> December, 2018, INFLIBNET Centre, Gandhinagar**

**Chairman**

**Prof. Yogesh Singh**

**Vice Chancellor, Delhi Technological University &  
Chairman, Governing Board, INFLIBNET Centre**

**Members**

Prof. S A Bari

Vice-Chancellor, Central University of Gujarat, Gandhinagar

Dr. K P Joshipura

Former VC, Saurashtra University, Rajkot

Dr. R K Chadha

Former Additional Secretary, Lok Sabha

Prof. Pratosh Bansal

Prof. IT, IE&T, Devi Ahilya Vishwavidyalaya, Indore

Mr. Gaurinder S Malik

Advisor, NMEICT (Representing JS (TEL), MHRD, New Delhi)

Dr. Jagdish Arora

Director, INFLIBNET Centre & Member Secretary

Prof. Bhushan Patwardhan, Vice-Chairman, UGC, Prof. Rajnish Jain, Secretary, UGC, Prof. A P Mittal, Member Secretary, AICTE, Prof. R C Kuhad, Vice-Chancellor, Central University of Haryana, Prof. B R Ray Chaudhury, Vice-Chancellor, Rabindra Bharati University, Kolkata, Prof. Anurag Kumar, Director, Indian Institute of Science, Bengaluru, and Dr. B K Tripathi, Director, IUC for Teacher Education, BHU, Varanasi could not attend the meeting because of their prior commitments.

The 36<sup>th</sup> Meeting of the Governing Board, INFLIBNET Centre commenced with playing of National Anthem. Dr. Jagdish Arora, Director, INFLIBNET Centre extended a warm welcome to all the members of the Governing Board. The Members introduced themselves to each other.

**1. Confirmation of the Minutes of the 35<sup>th</sup> Meeting of the Governing Board, 24<sup>th</sup> July, 2018, INFLIBNET Centre, Gandhinagar**

The Minutes of the 35<sup>th</sup> Meeting of the Governing Board of the INFLIBNET Centre held on 24<sup>th</sup> July, 2018 at INFLIBNET Centre, Gandhinagar was confirmed as circulated, since no comments were received from the members.

**2. Report on Action Taken and Progress Made since 35<sup>th</sup> Meeting of the Governing Board held on 24<sup>th</sup> July, 2018 at INFLIBNET Centre, Gandhinagar**

Dr. Jagdish Arora presented a brief report on action taken on the decisions made during the 33<sup>rd</sup> Meeting of the Governing Board. Important action-taken report presented to the members was as follows:

- i) Minutes of the 35<sup>th</sup> Meeting of the Governing Board, duly approved by the Chairman, GB were circulated to the members. No comments received from the members. (Agenda 1; 36-GB).
- ii) Minutes of the 28<sup>th</sup> Meeting of the Finance Committee held on 24<sup>th</sup> July, 2018 at INFLIBNET Centre, Gandhinagar, duly approved by the Chairman, Finance Committee and Governing Board, were circulated to the members. The Minutes were also sent to the UGC for allocation of funds as per the recommendation of the Finance Committee. (Agenda 5; 35-GB).

- iii) The Audited Annual Accounts of the INFLIBNET Centre for the Financial Year 2017-2018, recommended for approval by the Governing Board in its 35<sup>th</sup> Meeting would be placed before the Governing Council in its next meeting. (Agenda 6; 35-GB).
- iv) The Annual Report of the INFLIBNET Centre for the Financial Year 2017-2018, recommended for approval by the Governing Board in its 35<sup>th</sup> Meeting would be placed before the Governing Council in its next meeting. (Agenda 7; 35-GB).
- v) The Meeting of the Committee constituted by the Governing Board in its 35<sup>th</sup> Meeting was convened on 6<sup>th</sup> December, 2018. The Report of the Committee was presented by the Chairman of the Committee, Prof. Kamlesh Joshipura to the members of the Governing Board. (Agenda 8; 35-GB).
- vi) The revised salary for contractual of the Centre, as approved by the Governing Board in its 35<sup>th</sup> Meeting was implemented with effect from 1<sup>st</sup> August, 2018. (Agenda 9; 35-GB).
- vii) The revised honorarium for Members of the Centre's Committees on rates approved by the UGC was implemented with immediate effect. (Agenda 10; 35-GB).
- viii) Action has been initiated to sign MoU with Aashka Multispecialty Hospital. (Agenda 11; 35-GB).
- ix) Action has been initiated for implementation of record retention schedule for common records as approved by the Governing Board in its 35<sup>th</sup> Meeting. (Agenda 13; 35-GB).
- x) Limited tender inquiry is being refloated for disposal of old / used computers, furniture, office equipment and electrical fittings & fixtures since responses were not received to the earlier tender. (Agenda 14; 35-GB).
- xi) Committee is being constituted to implement incentives on acquiring Ph.D. Degree to scientists while in service as approved by the Governing Board in its 35<sup>th</sup> Meeting. (Agenda 15; 35-GB).

### **3. New Projects at INFLIBNET Centre**

Members took note of the new projects taken-up by the Centre since last meeting of the Governing Board. The new projects are: i) Indian Information Research Network System (IRINS), funded by MHRD; ii) Atal Ranking of Institutions on Innovation Achievements (ARIIA), funded by the AICTE; iii) Web-Portal for National Testing Agency (NTA), funded by NTA; iv) SHREYAS - Web Portal, assigned by the MHRD; iv) e-Adhyayan & e-Content Services, by-products of e-PG Pathshala

### **4. Projects in Pipeline**

The Members of Governing Board also took note of new projects that are in pipeline, including i) Access to Plagiarism Detection Software to All Universities / HEIs; and ) Development of a Web Portal for Central Sector Scheme Pandit Madan Mohan Malaviya National Mission on Teachers and Teaching (PMMMNTT); and iii) e-Governance @ UGC.

### **5. Arbitration Filed by the Civil Contractors**

The members of the Governing Board noted that the final bills of Civil Contractors were paid after the recommendations of the Standing Purchase Committee and Sub-committee constituted by the Building Committee. As per the recommendations of the Committees, necessary deductions were made from the

final bills of the civil contractors for reasons mentioned below at 5.1.1 for M/s Katira Constructions Ltd. and at 5.1.2 for M/s Malani Constructions Co.

However, both the civil contractors filed arbitration proceedings against deductions of payments from their bills. The total contingency amount of claims and of counter claim by the Centre filed in the arbitration is as follows:

Sl. No.	Contractor	Claim with int. @ 18% (Rs.)	Counter Claim by Centre (Rs.)
1.	M/s Katira Constructions Ltd.	1,37,35,846.00 + int.	37,94,721.00
2.	M/s Malani Constructions Co.	3,28,95,099.00 + int.	1,50,10,285.00
	Total	4,66,30,945.00 + int.	1,88,05,006.00

### 5.1 Deductions and Justifications

The Governing Board was informed about the details of deduction made for the two contractors as per the tender clauses with justifications given by the Standing Purchase Committee.

#### 5.1.1 Deductions and its Justifications in case of M/s Katira Constructions Ltd., Civil Contractor for Administrative and Academic Block

Sl. No.	Items of Deduction	Amount Deducted (Amount in Rs.)	Justification
1.	Liquidated damages for delay in construction @ 2.5%	48,47,550.00	There was a delay of 23 months in construction. As such, liquidated damages were recovered as per the tender clause 4.08.
2.	Recovery against price variation Basic Rate Difference (BRD)	39,69,416.00	The Basic Rate Difference is regulated as per the RBI price index formula given in the tender under clause 4.62, instead of straight market rate difference that was demanded by the contractor.
3.	Labor Welfare Cess @1% of bill	19,39,020.00	The statutory deduction @ 1% from the bills of the contractor was made as per Labour Welfare Act and paid to the Government as per clause 4.26.
4.	Rectification of Defects	22,05,960.00	There were defects not rectified by the contractor during defect liability period, some of these defects were rectified by the Centre and some of the defects are still pending for rectification. The amount was then recovered from the final bill of the contractor for carrying out such rectification as well as for pending defects as per clause 4.34.02.
5.	Non-Identification and Handing Over of Items as given in BoQ	7,73,900.00	There were items which were not as mentioned in the BoQ/tender and contractor did not hand-over / or identified such items. The cost of those items was deducted from the final bills of contractor.

**5.1.2 Deductions and its Justifications for M/s Malani Construction Co., Civil Contractor for Residential Block**

Sl. No.	Items of Deduction	Amount Deducted (Amount in Rupees)	Justification
1.	Liquidated damages for delay in construction @ 2.5%.	37,42,444	There was a delay of 15 months in construction of the Residential Block, liquidated damages were recovered as per tender clause 4.08.
2.	Recovery against price variation Basic Rate Difference (BRD)	29,20,238	The Basic Rate Difference was regulated as per the RBI price index formula given in the tender under clause 4.62.02, instead of straight market rate difference that was demanded by the contractor.
3.	Labor Welfare Cess 1% of the bills	14,96,977	The statutory deduction of 1% from the bills of the contractor was made as per labor welfare act and paid to the Government under clause 4.26.02 of the tender.
4.	Rectification of Defects	20,00,000	There were defects not rectified by the contractor during defect liability period, some of those were rectified by the Centre and some of the defects are still pending for rectification. The amount was then recovered from the final bill of the contractor for carrying out such rectification as well as for pending defects under clause 4.34.

**6. Award of Arbitration by the Arbitrator**

The verdict on award of arbitration for both civil contractors, i.e. M/s. Katira Construction Ltd. and M/s. Malani Constructions Co. by the Arbitrator was placed before the Governing Board along with the Minutes of 21<sup>st</sup> and 22<sup>nd</sup> Meeting of the Building Committee held on November 27, 2018 and December 6, 2018 respectively at the INFLIBNET Centre, Gandhinagar. The Building Committee opined that the Award of Arbitration should be contested since CPWD guidelines were not followed while calculating amount of award.

The major observations of the Building Committee and Standing Purchase Committee (a subcommittee appointed by the Building Committee) were as follows:

- ☞ The total amount claimed by M/s. Katira Construction Ltd. is Rs. 6,38,72,977.36/- for arbitration and the Sole Arbitrator has awarded Rs. 2,24,00,000 (i.e.35.06%). But INFLIBNET Centre has made a total counter claim of Rs.74,93,640.98 and awarded amount is only Rs. 10,50,000 (14.01%)
- ☞ The total amount claimed by M/s. Malani Constriction Co. is Rs. 3,28,95,019.03/- and the Sole Arbitrator has awarded Rs.1.21,61,000 (36.97%). INFLIBNET Centre has made a total counter claim of Rs.1,50,15,586.51 and awarded amount is only Rs. 21,61,000 (14.39%)
- ☞ The amount awarded by the Sole Arbitrator in both cases are high (>35%) and to INFLIBNET is (<15%).
- ☞ The Building Committee opined that there are adequate reasons and facts for filing an appeal for a review of award of arbitration especially items related to time limit deposit, price escalation, expenditure already incurred on rectification of defects and amount retained for pending defects, on account of extra items, cement & steel, overhead establishment charges, etc.
- ☞ The Building Committee also observed that Senior Civil Engineer is generally arbitrated for such cases.
- ☞ Committee recommended to file appeal for recourse based on recommendations of Standing Purchase Committee and legal opinion by the Government Counsel.

Members of Governing Board discussed and deliberated on award of arbitration, recommendations of the Building Committee, and legal opinion of the Government Counsel. Considering the recommendations of the Building Committee, legal opinion obtained from the Government Counsel, approved that appeal should filed for review of Award of Arbitration initially under Section 33 of Arbitration Act and subsequently in the High Court of Gujarat.

#### **7. AMC for the Civil and Maintenance Work of Institute Building and Hiring services of Sr. Consultant (Civil) on Contract**

After detailed discussions and deliberations, the Governing Board agreed that building need regular maintenance and approved hiring of services of Sr. Consultant (Civil) on contractual basis. It was suggested that qualifications and level at which consultant is hired may be kept flexible. The Centre may also consider hiring of services of two Junior Engineers (Diploma Holders), instead of Sr. Consultant with Bachelor of Engg. (BE) or above.

#### **8. Promotion Policy for the Scientists and Staff of INFLIBNET Centre**

The members of the Governing Board had detailed discussions and deliberations on the Promotion Policy for the Scientists and Staff of the INFLIBNET Centre. Mr. Yatrik Patel, Scientist-D (CS) & In-charge (P&A) gave a brief presentation on proposed RRs and other details to the members. After detailed discussions and deliberations, members of the Governing Board authorized the Chairman to approve the final RR and promotion policy after it is vetted by a committee involving a representative from DoPT, for submission to the UGC for their consideration.


**9. Approval of the Minutes of the 21<sup>st</sup> and 22<sup>nd</sup> Meeting of the Building Committee held on 27<sup>th</sup> November, 2018 and 6<sup>th</sup> December, 2018 respectively at INFLIBNET Centre, Gandhinagar**

The Governing Board approved the Minutes of the 21<sup>st</sup> and 22<sup>nd</sup> Meeting of the Building Committee held on 27<sup>th</sup> November, 2018 and 6<sup>th</sup> December, 2018 respectively held at INFLIBNET Centre, Gandhinagar.

**10. Engaging Existing Contractual Staff for Extra Priority Assignments with Provision of Additional Reimbursement**


The Members of the Governing Board approved the proposal on engaging existing contractual staff for extra priority assignments with provision of additional reimbursement on pro-rata based on their salary drawn. Prior approval of competent authorities would be essential in such cases.

The Meeting ended with a Vote of Thanks to the Chair.

  
(Jagdish Arora)

Member Secretary

Director, INFLIBNET Centre, Gandhinagar

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(Prof. Yogesh Singh) 19/12/18  
Vice-Chancellor, Delhi Technological University &  
Chairman, Governing Board, INFLIBNET Centre