

**National Institute of Technology
Rourkela**

MINUTES

56th Meeting of Finance Committee



DATE : 13th January, 2021 (Wednesday)
Time : 14:30 – 15:30 Hours
Venue : Board Room, NIT Rourkela



राष्ट्रीय प्रौद्योगिकी संस्थान, राउरकेला
National Institute of Technology, Rourkela

MINUTES OF THE 56TH MEETING OF THE FINANCE COMMITTEE, NATIONAL INSTITUTE OF TECHNOLOGY, ROURKELA HELD DURING 2:30 PM – 4:00 PM ON 13.01.2021 (WEDNESDAY) IN THE BOARD ROOM OF THE INSTITUTE THROUGH VC.

Members Present:

| Sl. No | Name | Contact No. |
|--------|---|--|
| 1. | Prof. Animesh Biswas Director National Institute of Technology Rourkela-769008 | Tel : 0661-2462001/2472050(O),2463001(R) Mob : 9437972455 Fax : 0661-2472926/2462022 Email: director@nitrkl.ac.in |
| 2. | Shri Madan Mohan, [through VC] Additional Director General, Department of Higher Education, Ministry of Education (Shiksha Mantralaya), Room No. – 431 'C', Shastri Bhawan, (2) Jeevan Deep Building, Parliament Street& (3) West Block No.1, R.K. Puram, New Delhi - 110 001 | Tel : 23381484(O) Mob : 9971035557 Email : mmohan.edu@nic.in / mmohan.edu@gmail.com |
| 3. | Shri Dhananjay Kumar Singh [through VC] Deputy Secretary, Finance [representative of JS & FA] Ministry of Education (Shiksha Mantralaya), Government of India, Dept. of Secondary & Higher Education Shastri Bhawan, New Delhi-110001 | Tel : 011-23382696 Fax : 011-23070668 Mob : 9968280796 Email : jsfa.edu@gov.in |
| 4. | Prof. R V Raja Kumar [through VC] Director Indian Institute of Technology Bhubaneswar Toshali Bhawan, Satyanagar Bhubaneswar-751013 | Tel : 0674-2570334) Fax : 0674-2576004 Email : director.office@iitbbs.ac.in |
| 5. | Padma Shri Nalini Ranjan Mohanty [through VC] Ex-Chairman, HAL Flat No.620B4, Yamuna Block National Games Village (NGV) Koramangala, Bangalore-560047 | Mob : 9845038631 Email : nalinirmohanty@yahoo.co.in |
| 6. | Dr. Ajay Kumar Nayak [through VC] Joint Secretary [representative of Commissioner-Cum-Secretary] Skill Development & Technical Education Dept. Government of Odisha, Bhubaneswar-751001 | Tel : 0674-2391319(O) Fax : 0674-2391324 Mob : 9437051000 Email : etet.od@nic.in / ajaynayak0001@gmail.com ajaynayak07@gmail.com |
| 7. | Prof. G. K. Panda, Nayak [through VC] Professor, MA National Institute of Technology Rourkela-769008 (Odisha) | Tel : 0661-2462705 (O), 2463705(R) Mob : 9437139237 Email : gkpanda@nitrkl.ac.in |
| 8. | Prof. N. R. Mishra Associate Professor, HS National Institute of Technology Rourkela-769008 (Odisha) | Tel : 0661-2462695(O)/ 2463698(R) Mob : 9437462037 Email : mishran@nitrkl.ac.in |
| 9. | Prof. P. K. Das Registrar & Secretary, BOG National Institute of Technology Rourkela – 769 008(Orissa) | Tel : 0661-2462021/ 2462516/2476773 (O) Mob : 7008581227 Email : registrar@nitrkl.ac.in |

FC-56(2021)-01: Welcome to the members by the Chairman.

The Chairman welcomed all the members to the meeting.

FC-56(2021)-02: Confirmation of the minutes of the 55th Meeting of the Finance Committee held on 18.11.2020 at NIT, Rourkela through VC.

The minutes of the 55th Meeting of the FC held on 18.11.2020 at NIT, Rourkela were sent by E-mail to the members. No comments has been received from members. The copy of the minutes was given in the Annexure.

The FC confirmed and approved the minutes.

[Annexure- A1, Page 16-27]

FC-56(2021)-03: To report on the Action Taken on the minutes of 55th meeting of the Finance Committee held on 18.11.2020 at NIT, Rourkela through VC.

The report on the action taken on the decisions made in the 54th Meeting of the Finance Committee held on 18.11.2020 at NIT, Rourkela through VC was given in the annexure as reporting item.

The FC noted the above.

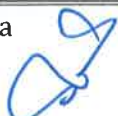
[Annexure- A2, Page 28]

FC-56(2021)-04: Approval of Draft Annual Report for the year 2019- 2020.

The abstract of the annual report, except SAR (Separate Audit Report containing observations on account statement which is awaited from CAG) is enclosed.

The draft Annual Report for the year 2019 – 2020 of the Institute was placed on the table for consideration by FC.

The external members of the FC appreciated the presentation in matrix form on the performance of various Department across eleven parameters, which helps to compare. They suggested that internal ranking of the Department should be made based on their performance against chosen parameters, and that will bring healthy competition among the Departments to deliver their best. Not only that, this internal ranking may help to identify the performing Departments to give preference in allocating more fund for their research activities.



During deliberation on EWS hostel, Director IIT Bhubaneswar suggested that proposed budget of Rs.38 crore may be inadequate for a 1000 seated hostel. It can be reviewed at institute level.

The FC approved the Draft Annual Report for the year 2019 - 2020.

[Annexure-A3, Page 29-36]

FC-56(2021)-05: Information about the amendment of Delegation of Financial Power and purchase procedure for procurement through GEM and e-procurement as is approved in the 57th BOG meeting, dated 28.11.2017 in line with the Minutes of the 10th meeting of the Council of NITs and NITSER, circulated vide No.F.35-6/2016-TS.III, dated the 5th June, 2017.

The BOG vide resolution No. BOG-57(2017)-17, dated 18.11.2017, approved the amended Delegation of Financial Power and Purchase Procedure for procurement through GEM and e-procurement in line with the Minutes of the 10th meeting of the Council of NITs and NITSER, circulated vide No.F.35-6/2016-TS.III, dated the 5th June, 2017 as per the GFR-2017. The copy of the amended Delegation of Financial Power of the Institute, which is approved in the 57th BOG is as follows.

Revised Purchase Procedure after implementation of GFR 2017

A. For Procurement of Goods & Services :

| <i>Ref. Rule of GFR 2017</i> | <i>NIT Rourkela Purchase Limits</i> | <i>Process to be followed</i> | <i>Competent Authority for Approval</i> | <i>Competent Payment Authority for Approval</i> |
|---|-------------------------------------|---|---|---|
| Rule 154. Purchase of Goods without Quotation : | Up to Rs.25,000/- | Without Quotation : Purchase can be made through GeM/ NITR Rate Contract / Directly from the supplier. | HOD/HOC/PI/Registrar | Registrar |
| | Rs.25,001/- to Rs.50,000/- | Without Quotation : Purchase can be made through GeM / NITR Rate Contract Only. | HOD/HOC/PI/Registrar (Except frequently used common Items such as stationeries, Printer cartridge, etc.) | Registrar |
| | | With Quotation : Single quotation through a duly constituted three member committee (if the item is not available through GeM or not covered under NITR Rate Contract). | HOD/HOC/PI/Registrar | Registrar |

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| Ref. Rule of GFR 2017 | NIT Rourkela Purchase Limits | Process to be followed | Competent Authority for Approval | Competent Payment Authority for Approval |
|---|-------------------------------------|--|---|---|
| Rule 155. Purchase of Goods through Local Purchase Committee : | Rs.50,001/- to Rs.1,00,000/- | Limited Tender / Local Purchase Committee (at least 3 member committee) / NITR Rate Contract. | HOD/HOC/PI/Registrar | Registrar |
| | Rs.1,00,001/- to Rs.2,50,000/- | NOTE: Efforts to be made to purchase through GeM in the method of Limited Tender / Bidding. Else through NITR Rate Contract / Three member Local Purchase Committee. | All Deans in their respective areas | Registrar |
| Rule 158 & 160. Purchase of Goods through i) Advertised Tender Enquiry ii) Limited Tender Enquiry iii) Two Stage Bidding iv) Single Tender Enquiry v) Electronic Reverse Auction | Rs.2,50,001/- to Rs .25,00,000/- | GeM /e-Procurement | Director | Director |
| Ref. Rule of GFR 2017 | NIT Rourkela Purchase Limits | Process to be followed | Competent Authority for Approval | Competent Payment Authority for Approval |
| Rule 160 & 161. Purchase of Goods through Open Tender. | Rs.25,00,001/- to Rs.5,00,00,000/-. | GeM/ e-Procurement | Director | Director |
| | Rs.5,00,00,001/- and Above | GeM /e-Procurement | FC & BOG | Director |

B. For Works Contract :

| Ref. Rule of GFR 2017 | NIT Rourkela Purchase Limit | Process to be followed | Competent Authority for Approval | Competent Payment Authority for Approval |
|--|------------------------------------|---------------------------------------|---|---|
| Rule 139 (v). Procedure for Execution of Works. | < Rs.5,00,000/- | Limited Tender | Dean (PD) (Upto Rs.2,50,000/-) Director (Above Rs.2,50,000/-) | Registrar |
| Rule 139 (iv). Procedure for Execution of Works. | Rs.5,00,000/- to Rs.30,00,000/- | Open Tender (Through / e-Procurement) | Director (Upto Rs.2500000/-) BWC (Above Rs.25,00,000/-) | Director |

| | | | | |
|-------------------------------------|----------------------|--|--|-----------------|
| Rule 133. Powers to Sanction Works. | Above Rs.30,00,000/- | Directly through Public Works Organisation (PWO) such as CPWD, SPWD, MES, BRO, etc. Alternatively Open Tender (Through e-Procurement) | BWC (Upto Rs.2,00,00,000/-) FC & BOG (Above Rs.2,00,00,000/-) | Director |
|-------------------------------------|----------------------|--|--|-----------------|

Rule 141 of GFR 2017. Review of Projects:

"After a project costing Rs.100 Crore or above is approved, the Administrative Ministry or Department will set up a Review Committee consisting each from the Administrative Ministry, Finance (Internal Finance Wing) and the Executing Agency to review the progress of the work . The Review Committee shall have the powers to accept variation within 10% of the approved estimates.

For works costing less than Rs.100 Crore, it will be at the discretion of the Administrative Ministry / Department to set-up a suitable mechanism for review and acceptance of variation within 10% of the approved estimates.

All the Heads of Departments / Centers /Offices / Units / Cells are requested to circulate the above rules among the concerned staff *members working under them*".

Participating in deliberation, the Director, NIT Rourkela requested BOG to continue with the present practice with regards to delegation of financial power which was approved by BOG in the year 2017. Mr. D. K. Singh, Dy. Secretary, Finance, Ministry of Education representing Department of Ministry of Education claimed that the delegation of Financial Power to the Director of all NITs for approval is limited to Rs.50.0 lakh for the purpose of procurement of goods and services through open tender instead of Rs. 5.0 Cr. as the present practice (Rule 160 & 161 for purchase of goods through open tender, GFR -2017) followed by NIT, Rourkela.

Further, he claimed that the delegation of financial power to BWC for approval of Works (Rule 133, GFR-2017) is limited to Rs.50 lakh instead of present practice up to Rs2.0 Cr. in NIT, Rourkela.



Hence, the purchase of goods/services and work contract above Rs.50.0 lakh must be approved in FC/BWC and hence such expenditures to be planned in advance. Director expressed concern about cutting down the delegation of financial power of Director as compared the Director of IIT.

The Director of an institute can spend maximum 4 crores under respective heads in a year. If it needed to spend more, permission from FC/ BOG should be sought.

However, all the purchases which are already initiated as per the purchase procedure of 2017 should continue.

FC recommended for approval of BOG.

1) Comments Received from Mr. D. K. Singh, Dy. Secretary, Finance(MH) on the circulated Minutes:

- i) According to Section-13(1) of the NITSER Act, the BoG shall exercise all the powers of the Institute not otherwise provided for by the Act, the Statutes and the Ordinances. Accordingly, the delegation of powers for administrative approval and financial sanction for purchases in favour of the Director will be up to Rs.50 lakh per proposal/item with a maximum ceiling of Rs.4 crore in a Financial Year subject to availability of budgetary provisions & allocations. All the proposals of procurement of goods and services above Rs.50 lakh per proposal / item or after incurring a total expenditure of Rs.4 crore is required to be brought to BoG for approval on the recommendation of the FC.*
- ii) In view of the provisions under Rule 133(1) of GFR 2017 and Statute 13 of the NITs Statutes as amended in 2017, the delegation of power by the BoG to the BWC for repair and maintenance works and for minor works will be up to Rs.30 lakh.*

Compliance of the relevant provisions in the extant General Financial Rules and CVC guidelines are required to be

ensured in all cases of procurement of goods, services and works. As per the general principle of delegation of powers, the above delegation made by the BOG to the Director of the Institute may not be further delegated to other authorities.

2) Comments Received from Padma Shree N. R. Mohanty, Member, BOG.

Changes in the last Para:

However, all the purchases which are already initiated as per the purchase procedure of 2017 should continue if the purchase order (PO) has been placed on or before 13.01.2021, the date on which the BOG has approved the amended delegation of power. For all other items which are in the pipeline but the PO is yet to be placed, may be put up to FC with the concurrence of Finance and recommendation of the Director, for approval.

Request of the Chainman, BOG and Director of the Institute:

As per the advise of Padma Shree N. R. Mohanty, BOG member, Director of the Institute has discussion with Mr. D. K. Singh, Dy. Secretary, Finance (HE) on 05.02.2021, and it was agreed upon that those files relating to procurement of Goods/Services above Rs.50 lakh, have already been processed till this minutes approved should continue with the existing Delegation of Financial Power to the Director of the Institute.

[Annexure- A4, Page 37-53(d)]

FC-56(2021)-06: Discussion on Establishing Centre of Excellence for Digital Manufacturing and Industry 4.0 at NIT Rourkela Premises.

The FC vide agenda item No.FC-54 (2020)-07, dated 30.09.2020 discussed on Establishing Centre of Excellence for Digital Manufacturing and Industry 4.0 at NIT Rourkela Premises. The FC suggested that the administration to make further investigations with regards to disqualifications of other venders who participated in tendering process, cost of the equipment and the effective gain by the institute by establishing COE.

For this purpose, BOG formed a Committee with Padma Shri N. R. Mohanty, BOG Member Prof. K. K. Mahapatra, Professor, EC& Chairman, COE, Shri D. K. Singh, Dy. Secretary, Finance, Ministry of Education and Prof. P. K. Sahu, Professor (EE), IIT Bhubaneswar. But Shri D. K. Singh, Dy. Secretary, Finance, Ministry of Education expressed his difficulties vide mail dated 02.11.2020, not to be a part of this committee.

The meetings were conducted with rest three members and the following conclusions have been made:

1. The reason of disqualification of the two companies. (M/S Hexagon and M/S Design Tech) was explained by Prof. K. K. Mahapatra with all relevant documents. The members of the committee were convinced about the Tendering process adopted and the basis of disqualification of two vendors made.
2. It was unanimously decided that the qualified party M/S MTAB Technologies on the basis of Techno-Commercial Evaluation, who quoted on behalf of M/S SIEMENS be asked to provide item (along with their quantity) wise cost details separately for each of the Eleven Labs, proposed to be established with the support from Siemens. They are also required to indicate the total number of licenses for each software and the cost of License Fee (if any) to be paid by the Institute for the Software required for each of the Labs separately.
3. It is also unanimously decided that the other Institutes to be asked through a set of questionnaire where MTAB is executing Vendor and M/S Siemens is the Technology Provider. Prof. Mahapatra was advised to prepare a questionnaire and share with other members in the committee.

Report of the Committee (submitted by Prof. K.K. Mahapatra, Professor, EC & Chairman of proposed COE):

- a) In response to 1 above, no further discussions are required as the tendering process is correct and the parties were discarded with valid reasons.
- b) In response to 2; committee asked for detailed cost from MTAB who submitted the excel sheet. One of the committee member Prof. P. K. Sahu feels that cost is on higher side. Prof. Mahapatra feels that since similar COEs have been built at almost a similar cost and it is difficult to figure out the exact cost in market.
- c) In response to 3 above, responses from four institutes (NIT Warangal, NIT Nagpur, NIT Kurukshetra and PCE Chandigarh) have been received. Only the PCE Chandigarh had some issues with execution partner M/S MTAB Technologies. In the event of that Institute need to tighten them from the day one.

With permission of Chairman, BOG, Prof. K.K. Mohapatra, Professor, department of Electronics and communication presented the committee report for establishing COE. Director, NIT Rourkela was also in favour to set up such COE as it will help institute to excel in the area of research and consultancy. Prof. Mohapatra also tried to clarify all the doubts raised by the BOG members.

However, all most all external members of the BOG were not convinced about the financial feasibility of the project, keeping in view its initial investment and the future recurring annual expenditure, and the credential of the vender proposed to established the CoE. Rather they suggested the institute should promote such laboratories by the respective Departments The expenditure towards that may be met from the IRG or HEFA loan.

The proposal of Centre of Excellence (CoE) is dropped.

[Annexure-A5, Page 54 -96]

FC-56(2021)-07:

Disbursement of Rs.8,33,23,667/- i.e. one-third of the estimated value of Rs.24,99,71,000/- to M/s CPWD, Sambalpur for construction of Sports and Common Facilities Complex at NIT Rourkela.

In response to the request letter received from CPWD, vide No. 23(51)/SM/2020/314, dated 01.04.2020, the Executive Vice President, HEFA, Bangalore was requested to release the 1st installment of Rs.8,33,23,667/-, which was realized to CPWD account's through RTGS or NEFT dated 13.04.2020, i.e. one-third of the estimated cost of Rs.24,99,71,000/- to initiate the construction work of Sports and Common Facilities Complex at NIT Rourkela.

Participating in deliberation, Mr. Madan Mohan, Addl. Director General and Mr. D.K. Singh, Dy. Secretary, Finance representative of the Ministry in BOG said that as per Ministry guidelines the advance should be 10 percentage of the total budget. Even they said that usually CPW used to ask 10 percentage of project allocation in initial phase.

FC suggested that institute should check CPWD norms and convey the concern of BOG to CPWD. It also suggested in future while making any MoU institute should stick to 10 percentage of advance in initial phase.

In Clause No.5 of the MoU, signed with CPWD, Sambalpur stated as follows and placed for kind information of the members.

“Based on approved preliminary drawings, CPWD shall submit preliminary estimate of the work to NITR. The preliminary estimate shall incorporate the enabling estimate approved earlier NITR shall convey A/A & E/S, and release advance deposit @10% of the estimated amount to CPWD along with sanction and to be treated as security deposit. This deposit shall be retained for adjustment

against last portion of the expenditure or refunded at the end. CPWD shall demand second deposit of 23¹/₃% of approved estimates amount from NITR on the award of first construction work order. NITR shall make this deposit preferably within one month of request from CPWD. Further release of funds on demands by CPWD shall be considered after adjustment against 2nd deposit against documents furnished”.

The FC noted the above.

Comments Received from Mr. D. K. Singh, Dy. Secretary, Finance(MH):

It was also pointed out during the meeting that while assigning a work to a Public Works Organization or a PSU, relevant provisions in Para 3.1.4 and Annexure-8 of Manual for Procurement of Works-2019 issued by D/o Expenditure, M/o Finance (available on their web-site) may be kept in view.

The above observation will be implemented in future work related MoU with any PSU or CPWD.

[Annexure A6, Page 97-99]

FC-56(2021)-08: Proposal for Purchase of Microsoft Surface Go 2 for on line class.

On recommendation of FC, the BOG vide resolution no BOG-70(2020)-04, dated 30.11.2020, had approved Rs.1.8cr (approximately) for purchase of 380nos of **Microsoft Surface Go 2** for on line class and **Rs19.0 Lakhs** for headphones and web camera. As per the budgetary quotation the single device will be Rs.53,731.65/- inclusive of tax. The total estimated budget for 380nos of the said item will be Rs.2, 04, 20,000/-(approximately). Additional Rs.24,00,000/- will be required to complete the purchase process for Microsoft Surface Go 2. If Rs.19.0 Lakhs sanctioned for headphones and web camera will be used to meet the additional fund required for the purchase of Microsoft Go 2, an additional amount of Rs.5,00,000/- may please be approved.

The FC recommended the proposal for the approval of BOG.

[Annexure A7, Page 100-102]

FC-56(2021)-09: Status of the 1000 seated Hostel under term loan proposal from HEFA under Window IV.

The detail Project Report (DPR) for financing 1000 seated Hostel through term loan from HEFA under Window IV costing Rs.35.0 Cr. was submitted to the Department of Higher Education, Ministry of Education vide letter No.NITR/RG/2020/L/0467, dated 01.07.2020 and the HEFA Board. In principle the HEFA Board has approved the proposal as informed vide the mail dated 31.12.2020 (copy enclosed).

The FC noted the proposal. Further, it was decided that the provision of funds for the 1000 seated Hostel project shall be done by the Ministry as per the laid down procedures and rules.

[Annexure A8, Page 103-112]

FC-56(2021)-10: Settlement of dispute through arbitration proceeding No. 20 of 2018 pending before Honourable Justice N. Prusty, Judge, Odisha High Court (Retired), Cuttack.

Arbitration proceeding No. 20 of 2018 was for a number of claims raised by the contractor M/s. Udra Constructions against a contract awarded to the firm by NITR in 2012. After completion of work and closure of the contract, various dues of the contractor was not settled in spite of his requests for which, the party moved the Hon'ble Odisha High Court for appointment of arbitrator as per Arbitration Act and Rule. Hon'ble Odisha High Court, after hearing was pleased to appoint Hon'ble Justice N. Prusty (Retired) of Odisha High Court as Arbitral Tribunal under the aegis of High Court Arbitration centre, Cuttack, vide order dated 07/12/2018.

Hon'ble Arbitrator issued notice and allowed the parties to file their respective stand and fixed the matter for hearing.

M/s. Udra Constructions, the claimant filed a detailed claim statement before the arbitrator in which 7 claims were specified as under.

Return of security deposit together with interest in terms of the contract.

1. Interest on delayed payment of the 12th RA Bill and final bill.
2. Interest on delayed payment for the period 20/12/2015 to 21/02/2017 @9% p.a.
3. Interest @9% p.a. for the delay in release of performance guarantee.
4. Extra expenditure of Rs. 6,02,6000/- made towards man power and idle machineries against extra work.
5. Future interest @ 9% from the date of submission of claim.
6. 50,000/- towards cost and legal expenses.

NITR filed their detailed counter before the arbitral tribunal admitting the claim for refund of security deposit with interest in terms of the agreement and denied rest of the claims.

Hearing resumed before the Arbitral Tribunal and the claimant examined their witness, exhibited documents and thereafter NIT was called upon to adduce evidence.

When the matter stood thus M/S. Udra Constructions came out with a proposal for settlement of their claims and requested NIT to explore the possibility of a settlement. The proposal was examined and comments of the Executing Department was obtained. The contract was awarded for construction of Technology Innovation and Industrial Relations (TIIR) Building at an initial cost of Rs. 26,67,88,876/- . However, due to increase in scope of work an additional construction, the project cost went upto Rs.32,22,74,942/-. It is relevant to mention here that the SD amount for the

whole contract was about Rs.3,22,27,494/-. Although the contract was initially for a period of 24 months, it extended from time to time due to additional scope of work and finally it was closed in the year 2016. As per agreement, 1.5 crore of the SD was released and the rest amount remained as outstanding which was as per agreement and supposed to be released after completion of the Defect Liability Period i.e. one year after closure of the contract. The said period was also over by 2017 but in the meantime the contractor came out with different claims for the delay in the settlement of his dues.

While the matter was under examination at NIT, the contractor moved the Hon'ble High Court raising different claims and disputes for appointment of arbitrator in arbitration proceeding No. 81 of 2017. Arbitrator was appointed.

In course of arbitration proceeding, on the request of the party, matter was examined and he was impressed upon to forgo all his claims and NIT will consider release of his balance SD together with interest as agreed upon in terms of the agreement. Good sense prevailed and on the advice of respectable persons M/s. Udra Constructions agreed to close the matter for disposal of the arbitration proceeding upon payment of Rs. 2,24,71,909/- towards full and final settlement of all his dues arising of work order No. NITR/PW/WO/CT/20/12-13/20, dated 19/06/2012 which is nothing but sum total of the outstanding SD amount and interest calculated thereon in terms of the agreement.

The settlement is to the advantage of NIT since huge interest burden was avoided as well as other claims raised by the party and likely to be adjudicated upon in the arbitration proceeding by the arbitrator could be prevented.

Thus, upon payment of Rs. 2,24,71,909/- as full and final settlement of all dispute the matter will be closed and unnecessary litigation costs with time and energy could be saved.

The FC is requested to consider the proposal for closure of the matter on the aforesaid line.

The arbitration proceeding stands posted to 12/01/2021 for hearing and after approval of the Board, matter will be dealt accordingly.

Participating in deliberation Mr. D. K. Singh, the member from Ministry enquired about the agreement made by NIT, Rourkela with the contractor on the return of retention money to the contractor.

For the kind information of all members, Registrar mentioned the Clause -10 of General Instruction of contract and special condition of agreement, which states as follows:

"50% of retention money and total of initial security deposit will be returned after virtual completion of the work. Balance 50% be kept in fixed deposit with the institute after the work is virtually completed

and the same will be returned along with interest after satisfactory completion of defect liability period”.

He placed the resolution of BWC in this matter before the members of the committee for their appraisal, which says:-

“Settlement of dispute with regards to arbitration proceeding no.20 of 2018 was deliberated upon. In the process this old outstanding dispute having financial implication will be settled amicably with no financial implication/ burden on NIT, Rourkela. Further, all the members felt that the image of NITR will be augmented with a positive message in the work environment by this settlement. The proposal is concurred” will be to the advantage of the institute.

Further he placed before the committee, the award made by the Arbitrator in this case (Arbitration Proceeding No.20 of 2018 between M/s Udra Construction Pvt. Ltd Vs. NIT, Rourkela), dated 12.01.2021 which says as follows:

- a) The Respondent shall pay to Claimant a sum of Rs. 2,24,71,909/- towards full and final settlement of dues arising out of contract no./work order No. NITR/PW/WO/CT/20/12-13/20, dated 19/06/2012. The Claimant acknowledges and accepts the aforesaid settlement of dispute between the parties and the grievance made thereunder by the Claimant.*
- b) This is a full and final settlement of all the dispute and parties and no other claim/demand/grievance survives.*
- c) The respondent shall pay aforesaid amount within 15 days of the final award in terms of the settlement in passed by the Hon’ble Arbitrator.*

The parties herein pray the Hon’ble Arbitral tribunal to make a publish an award in terms of the settlement.

All the members felt the return of Rs.2,24,71,909/- to the contractor as full and final settlement arising out of work order No. NITR/PW/WO/CT/20/12-13/20, dated 19/06/2012, which is noting but sum total of the outstanding retention money and interest calculated

thereon in terms of the agreement and as per Arbitrator's order the said amount to be paid within 15 days to the contractor.

The FC recommended for approval of BOG.

(Annexure A09, Page 113-144]

FC-56(2021)-11: Any other item with the permission of the Chair.

- 1) **Recommendations of Medical Advisory Committee (MAC) of the Institute with regards to the treatment of Mr. Pratap Kumar Patra, Lab Attendant SG-II (ME), EC-5890544 at AMRI Hospital, Bhubaneswar.**

Case History

Mr. Patra, is suffering from Buccal Carcinoma (Cancer) and was referred to Tata Memorial Centre (TMC), Mumbai in December, 2019. He was diagnosed with Buccal Carcinoma of upper alveolus and was advised for segmental Mandibulectomy. But there was long waiting list in TMC and suggested to do the surgery at other hospital. He did the said surgery at Apollo Mumbai. After that TMC referred him to complete his radiotherapy at Hemlata Hospital and Radio Centre, Bhubaneswar on 10/02/2020.

After completion of initial radiotherapy at Hemlata Hospital, he again complained of swelling of Chick and discharge. He was referred to IGH, Rourkela and the treating doctor advised him to consult an Onco-surgeon at higher centre in May 2020. At that time due to lockdown in view of COVID-19 pandemic, there was no communication to Mumbai. Then Mr. Patra was referred by the institute to Oncology department of AMRI Hospital, Bhubaneswar which is a referral hospital of the Institute. From there onwards he is continuing the treatment at the same hospital.

An email was received from the AMRI Hospital, Bhubaneswar on 08/01/2021 with the note of the treating doctor that the patient has already been treated with Surgery/Radiotherapy/Chemotherapy. Assessing the aggressiveness of the disease, the treating doctor has planned for urgent Immunotherapy (Keytruda/Pembrolizumab). According to him such therapy has exceptional response in few patients. The cost of the therapy is Rs. 5,00,000/- (approx.) per cycle given 3 weekly.

On receipt of the email, HOD(HC) of NIT Rourkela had a talk with the treating doctor (Dr. S. K. Mishra) on 10/01/2021. According to him the patient is not responding to conventional chemotherapy. So he is thinking about an alternative therapy, Immunotherapy. The therapy is considered as a last measure to extend the life of the patient. Success of the therapy varies and 10-20% patients can survive 3-5 years with this therapy.

The patient was advised to take opinion from any Govt. Hospital on NGS Cancer Hotspot Panel (diagnostic). As intimated by him, they consulted in the Acharya Harihar Cancer Hospital, Cuttack and the doctor of Acharya Harihar Cancer Hospital suggested that, as the patient is under treatment at AMRI hospital he should follow the treatment protocol as suggested by

AMRI, BBSR. The Immunotherapy is not a listed item in the CGHS rate chart.

Recommendation

The matter was discussed at length and since the patient is in critical condition and the conventional chemotherapy is not responding, following were recommended:

- a) **The first cycle of the Immunotherapy as suggested by the treating doctor of AMRI, BBSR may be approved with the cost as mentioned above.**
- b) In the meantime, HOD(HC) may be advised to try to get appointment in Tata Memorial Centre, Mumbai for treatment of the patient.
- c) In case appointment in Tata Memorial Centre, Mumbai is not available, decision on the further cycle of Immunotherapy may be decided later.

Looking into the gravity of the situation, Director has allowed the recommendation of MAC of the Institute under heading – 'a'.

The FC recommended for approval of BOG.

(Annexure A10, Page 145-147)

The meeting ended with thanks to the Chair.

[Prof. P. K. Das]
Registrar and Secretary
BOG, NIT, Rourkela

[Prof. Animesh Biswas]
Chairman [acting]
BOG, NIT, Rourkela