



KERALA STATE ELECTRICITY BOARD LIMITED

(Incorporated under the Companies Act, 1956)

CIN:U40100KL2011SGC027424

Vydyuthi Bhavanam, Pattom, Thiruvananthapuram – 695004, Kerala

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ABSTRACT

Dam Rehabilitation and Improvement Project (DRIP) - Idukki Hydro Electric Project-Rehabilitation including remedial measures and basic facilities—Improvement of Approach roads to Idukki and Cheruthoni dams – (Part II works)- Contract with M/s Alankar Construction Company –Arbitration- Advocate fee – Sanctioned- Orders issued.

CORPORATE OFFICE (SBU-G/C)

BO(FTD)No.259/2021(DGC/AEE-II/DRIP/IDK/2015)Thiruvananthapuram, dtd.21.04.2021

- Read: -
1. B.O(DB) No.372/2019(LD.I/Adv .Fee/Revision/2018) dated 07.05.2019
 2. B.O (FTD) No.546/2019(DGC/AEE II/DRIP/IDK/2015) dated 12.07.2019
 3. Office Order (CMD)No.607/2020(DGC/AEE II/DRIP/IDK/2015) dated 26.03.2020
 4. Note No.CE(C-DS&DRIP/IDK/2015-16 dated 31.03.2021 of the Chief Engineer (C- DS&DRIP)
 5. Note No.DGC/AEE-II/DRIP/IDK/2015 dated 16.04.2021 of the Director(Generation-Civil) (Agenda Item No.42/4/2021)

ORDER

The work “Dam Rehabilitation and Improvement Project (DRIP) - Idukki Hydro Electric Project-Rehabilitation including remedial measures and basic facilities—improvement of Approach roads to Idukki and Cheruthoni dams – (Part II works)”-was awarded to M/s Alankar Construction Company and the agreement was executed by the Chief Engineer(C- DS&DRIP) on 16.06.2016. The date of commencement and completion of the work were 16.06.2016 and 15.02.2018 respectively.

During the course of work certain variations were necessitated for satisfactory completion of the work and Supplemental Agreement Nos. 1 & 2 were executed incorporating the variations necessitated. After completing the works and receiving final payments as per the contract, the contractor notified disputes for adjudication. The claim raised by the contractor was about Rs.126 lakh. The contractor was not satisfied with the Adjudication award of Rs. 57.88 lakh and informed that arbitration will be resorted to for the balance claims. As per B.O read as 2nd above, Sri M.V George, District & Sessions Judge (Retd) was appointed as KSEBL’s arbitrator. The Arbitral Tribunal consisting of three Arbitrators Sri H.V Haridas, Retd Chief Engineer, Presiding Arbitrator, Sri R Murukesan, Retd Chief Engineer, Co-Arbitrator and Sri M.V George, Retd District Judge, Co-Arbitrator was constituted. The Legal Adviser & Disciplinary Enquiry Officer has engaged Senior Advocate Sri.B. Sakthidharan Nair for presenting the case before the Arbitration Tribunal to defend and safeguard the interest of KSEBL.

The claim amount raised by the contractor before the Arbitration Tribunal was Rs.97,13,875/-. The Chief Engineer (C- DS&DRIP) as per note read as 4th above has reported that Sri. Sakthidharan Nair strongly defended the arguments of the opponent and almost all claims raised by the opponent were denied in the Arbitration award. As a result an award of Rs 57,88,780/- earlier passed by the adjudicator is reduced to Rs. 16,30,586/-.

As per office order read as 3rd above, sanction was accorded to pay the advocate's fee amounting to Rs. 1,56,428/- (being 30% stage fee + Rs 10000/- for other expenses) to Sri.B. Sakthidharan Nair, KSEBL's advocate for representing KSEBL in the arbitration in connection with the subject work and the amount was paid by the Chief Engineer(C- DS&DRIP).

Now the Chief Engineer(C- DS&DRIP) has reported that the Senior Law Officer has forwarded the final bill raised by the Advocate amounting to Rs 3,56,666/- (70% of the Advocates fee plus Rs. 15000/- as clerical and incidental expenses). Thus the total amount claimed by the Advocate is Rs. 5,13,094/-. The Chief Engineer has recommended maximum allowable advocate fee of Rs.5 lakh for this special assignment. The balance amount payable comes to Rs.3,43,572/-(Rupees three lakh forty three thousand five hundred and seventy two only).

The matter was placed before the Full Time Directors as per note read as 5th above. Having considered the matter in detail, the Full Time Directors in the meeting held on 16.04.2021 resolved to accord sanction for an amount of Rs 5,00,000/- (Rupees five lakh only) including clerical and incidental expenses as Advocate fee to Sri.B.Sakthidharan Nair for representing KSEBL before the Arbitration Tribunal for settling the disputes with M/s Alankar Construction Company, the contractor for the work "Dam Rehabilitation and Improvement Project (DRIP) - Idukki Hydro Electric Project- Rehabilitation including remedial measures and basic facilities - Improvement of Approach roads to Idukki and Cheruthoni dams – (Part II works)"

The Chief Engineer (Civil –Dam Safety & DRIP) shall take further action in this regard.

Orders are issued accordingly.

By Order of the Full Time Directors

Sd/-

Lekha .G

Company Secretary i/c

To

The Chief Engineer(Civil -Dam Safety & DRIP)

Copy to:

1. The Deputy Chief Engineer (Research & Dam Safety Organisation), Pallom
2. The Financial Adviser
3. The Chief Internal Auditor
4. The RCAO/RAO
5. The Deputy Chief Engineer(IT)
6. TA to CMD /TA to Dir(GC) /Dir(GE&SCM) /Dir(T&SO) / Dir(D&HRM)/Dir(Plg&S)
7. PA to Dir (F) / Company Secretary i/c
8. FC Supt/ Librarian
9. Stock file / File

Forwarded / By Order


Assistant Executive Engineer