Builders' Association of India

(All India Association of Engineering Construction Contractors and Builders) G-1/G-20, 7th Floor, Commerce Centre, J. Dadajee Road, Tardeo, Mumbai 400 034 Tel.: (91-22) 23520507, 23521328

baihq.mumbai@gmail.com www.baionline.in @BAINational Builders Association of India

NOTI CE

The Eighty First (81) Annual General Meeting of the Members of Builders' Association of India, will be held on Saturday, 24th September 2022, at 6.00 pm at Uday Samudra Hotel (UDS), Kovalam in Thiruvananthapuram District, (Kerala) to transact the following business :-

- To confirm the Minutes of the Eighty Annual General Meeting held on Thursday, 2nd December, 2021 at 6.00 P.M. at Hotel Crowne Plaza, Rajasthan (Minutes have already been circulated to Members wide letter no. 391/D/2021-22 dtd. 23rd December 2021 and also hosted on our website www.baionline.in, comments were sought from members on the same, on or before 19th January 2022, no comments received).
- 2. To take note of the result of BAI Organisational Election for the year 2022-23 (Enclosed).
- 3. To take note of the election result of Trustees for the year 2022-23.
- 4. To consider, and if thought fit, adopt the Annual Report of the Association for the year ending 31st March 2022.
- 5. To consider, and if thought fit, adopt the Audited Balance Sheet and Income & Expenditure Account of the Association for the year ending 31st March 2022.
- 6. To appoint Auditors to audit the accounts of the Association for the year 2022-23 and fix their remuneration.
- 7. To consider, any other item, with the permission of the chair. (Written items to be received at BAI Headquarter on or before 20th September 2022)

l-R.M.th

GYANCHAND MADHANI Hon. Gen. Secretary Builders' Association of India

Place : Mumbai

Dated: 1st September 2022

- Note: (i) The report is hosted on BAI Website www.baionline.in.
 - (ii) Please bring this copy of Annual Report.
 - (iii) Queries on Accounts and Reports should be communicated to BAI Headquarter on or before 20th September 2022, Centres Chairmen are requested to kindly circulate this information amongst their members. Please note no floor queries on accounts and report will be entertained. (Audited Accounts and Annual Report have been approved in 2nd Managing Committee and General Council Meeting held on 24th September, 2022 at Uday Samudra Hotel (UDS), Kovalam in Thiruvananthapuram District. (Kerala).

Delhi Office: D1/203, Aashirwad Complex, Green Park Main, New Delhi 110 016 • Tel.: 40612800 / 9555448763 • E-mail:baidelhi16@gmail.com

Builders' Association of India

(All India Association of Engineering Construction Contractors and Builders)

Registered & Head Office:

G-1/G-20, Commerce Centre, J. Dadajee Road, Tardeo, Mumbai - 400 034 Tel : (022) 23520507, 23521328 Email : baihq.mumbai@gmail.com

Delhi Office:

D1/203, Aashirwad Complex Green Park Main, New Delhi - 110 016 Mob. : (911) 9555448763 Telefax: (011) 40612800 Email: baidelhi16@gmail.com



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81st

Annual Report and Accounts

2021-2022

www.baionline.in



BUILDERS' ASSOCIATION OF INDIA

81st Annual Report and Accounts - 2021-2022

Builders' Association of India

(All India Association of Engineering Construction Contractors and Builders) G-1/G-20, 7th Floor, Commerce Centre, J. Dadajee Road, Tardeo, Mumbai 400 034 Tel.: (91-22) 23520507, 23521328

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l-R.M.th

GYANCHAND MADHANI Hon. Gen. Secretary Builders' Association of India

Place : Mumbai

Dated: 1st September 2022

- Note: (i) The report is hosted on BAI Website www.baionline.in.
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BAI's Eighty One years of Glory

BAI Striving all Round Development of the Indian Civil engineering infrastructure construction industry including residential and commercial Real estate Industry. Throughout its more than Eight decades of existence, BAI has had its ups and downs, trials and tribulations, moments of strengths and weakness, moments of glory and disappointment. But, its umbrella has protected and furthered the cause of the Indian con struction industry and its constituents in many ways:

- BAI has been instrumental for incorporation of Price Variation Clause in contract documents of various works authorities.
- BAI is propagating adoption of a 'unified standard equitable contract document', based on FIDIC conditions by all works authorities.
- BAI was' instrumental in starting National Institute of Construction Management and Research (NICMAR), which has estab lished campuses at Pune, Delhi and Hyderabad and is soon likely to get the status of a deemed university.
- BAI started Overseas Construction Council of India (OCCI) now known as Project Export Promotion Council of India (PEPCI), which through its members, initiated manpower export to Gulf counties and brought in a lot of foreign remittance. PEPCI is now actively pursuing project exports in its various formats under the aegis of Ministry of Commerce & Industry, Government of India.
- In the matter of Sales Tax on Works Contracts, consequent to 46th Amendment to Constitution, all State Governments were interpreting such amendments to suit their revenue requirements. BAI filed a Writ Petition and the Supreme Court correctly ex plained the powers of State Governments pursuant to the 46th amendment and cleared all uncertainties and doubts.
- Fighting relentlessly against the applicability of the Provident Fund provisions to the casual and temporary construction workers, BAI has been petitioning the govt. to see reason and has been suggesting ways and means to successfully imple ment the Provident Fund provisions in such a way that intended benefit reaches the casual and temporary construction workers, who are mostly illiterate and mainly migratory in nature. A Gov ernment of India-formed sub-committee has seen reason in BAI's line of thinking and the Central Provident Fund Commis sioner is expected to come out with a comprehensive work able solution.
- Filed number of writs at various High Courts in the country on issues like VAT, Entry Tax, Service Tax, Sand Dredging, Labour Welfare Cess etc.
- BAI galvanized the builders and contractors into raising their voice, when cement and steel prices went

through the sky, arising out of cartelization by the respective manufacturers. Proper presentation of facts at appropriate forums, arrested the galloping prices.

- BAI filed petition before the Competition Commission of India on the cartelisation of Cement Manufacturers. The Hon'ble Competition Commission have penalised Cement Manufacturers Rs.6,307 Crore and asked them to deposit the same before them. This is the highest penalty ever levied by Indian judicial system.
- Through its monthly journal, 'Indian Construction', the only one of its kind, which is in its 68th year of publication, BAI pro vides latest and useful information to its members throughout the country. It contains useful statistical information, legal notes, book reviews and expert opinions on latest technological developments in construction industry.
- BAI is an affiliate of the International Federation of Asia and Western Pacific Contractors' Association (IFAWPCA). IFAWPCA in turn is affiliated to Confederation of International Contrac tors' Associations (CICA), the world body of contractors and builders. While IFAWPCA has a consultative organisation sta tus with Asian Development Bank, CICA has a similar status with the World Bank.
- BAI has a seat as an observer to the Annual Meetings of Asian Development Bank.
- BAI is also affiliated to many national organizations, directly or indirectly connected to the construction industry. This facilitates exchange of thoughts, ideas and views.
- BAI has been given representative status in many committees of Central and various State Governments, which decide policies on taxation, labour laws, environment, etc.
- BAI is one of the founder member of Construction Industry Development Council (formed by Planning Commission).
- BAI representative is included in the Working Group on Construction in the formulation of Twelth Year Plan (2012-2017).
- BAI is one of the promoters of Construction Skill Development Council of India (CSDCI) formed under the National Skill Development Corporation, constituted by the Prime Minister's Office for encouraging the skill upgradation of unskilled workers.
- BAI obtained 'Stay' order restraining the E.S.I. Department taking action against contractors on coverage of Employees' State Insurance Scheme to the construction workers. BAI is also instrumental in ESIC issuing circular No.T.11/13/11/03/2015 Rev. II dated 26/09/2018, exempting construction site workers from the purview of the provisions of ESIC act.

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BUILDERS' ASSOCIATION OF INDIA MANAGING COMMITTEE 2021-2022

President

Shri Ram Niwas Gupta

Vice Presidents

Shri Arun Sahai Shri Nee Shri S. Ayyanathan Shri Sa Shri V. Venkateswara Rao

Shri Neerav Parmar Shri Sanjib Goyal wara Rao

Hon. Gen. Secretary Shri Pradeep Nagawekar Hon. Gen. Treasurer Shri Gyan Madhani

Imm. Past President Mu. Moahan

STATE CHAIRMEN

Chhattisgarh : Shri Dilip Singh Kushwaha

> Haryana : Shri Rajiv Goel

Kerala : Shri Najeeb Mannel

Telangana : Shri V. Bhaskar Reddy

State Co-ordinators (2021-22)

Rajasthan : Shri Rameshwar D. Khandelwal

> Assam : Shri Suresh Agarwalla

Members of the Managing Committee representing Centres

Shri Abhay Garde Shri B. R. Ravichandran Shri G. Ved Anand Shri K. Muruganandam Shri Laxman D. Kotwani Shri P. Hari Kumar Shri Prabir Kumar Mukherjee Shri R. Prakash Shri S. D. Kannan

Andhra Pradesh :

Shri D. Pankaj Reddy

Gujarat :

Shri Arvind Patel

Karnataka :

Shri M. Ramesh

Tamil Nadu :

Shri R. Sivakumar

Madhya Pradesh :

Shri Sanjay Sharma

Dr. Anand J. Gupta Shri Baburao L. Shakkarwar Shri K. Devender Reddy Shri K. Rajakumaran Nair Shri N. Mohamed Abdul Khader Shri P. P. John Shri Prakash H. Menda Shri R. R. Shridhar Shri S. Parthasarathy Shri T. V. Chandrasekaran Shri B. Anandhan Shri G. Diwakar Shri K. J. George Shri K. Subramani Shri N. Sivakumar Shri P. Subramani Shri Prince Joseph Dr. Rajiv B. Krishnani Shri S. Shiva Prakash

Members of the Managing Committee representing Patron Members

Shri A.N. Balaji Shri D.V.N. Reddy Shri K. Venkatesan Shri M. Thirusangu Shri N. Nageswara Rao Shri N.M. Patel Shri Prakash Panjwani Shri S. Ramaprabhu Shri Ashok Agarwal Shri Dinesh Nanji Patel Shri K. Viswanathan Shri M.V. Antony Shri N. Ramalingam Shri Narendra Kumar Shri Ram M. Bhatia Shri S.K. Chandrasekar Shri Vilas K. Birari

Shri Basavaraj S. Totad Shri K. Ramanujam Shri L. Venkatesan Shri Mohanlal S. Katariya Shri N. Sachitanand Reddy Shri Naresh M. Painjane Shri S. Narasimha Reddy Dr. Tarro T. Manghnani

C. G. Deochake

Ravindra Pradhan

Members of the Managing Committee representing Affiliated Associations

Shri B. Ramesh

Shri Kishor Viramgama

B. Sugunakar Rao

O. K. Selvaraj

V. Rajagopal

Shri Mohan J.

Shri S. Karunanithi

Trustees 2019-22

Lal Chand Sharma Jawahar Mutha (2021-22)

Delhi : Shri Ved Khurana

Jharkhand : Shri Vijay Pradhan

Maharashtra : Randhir D. Bhoite

Uttar Pradesh : Shri Ravindra Tyagi

West Bengal : Shri Pradeep K. Chowdhury

Shri Vec

Name of Committee	Chairperson	Co-Chairperson/Member
Banking & Finance Committee	Shri Ved Khurana	Shri R. Murugesan Shri Sanjeev Ralhan Shri Gaurav Kedia
CPWD Committee	Shri Ram Avtar Shri Siva Sankara Rajaa	Shri T.I. George Shri Vinod Hasanandani Shri Manoj Kumar Singla Shri Govind Khaitan Shri Sanjeev Bansal Shri Naresh Jain
Constitutional Amendment Committee	Dr. Dharmesh C. Awasthi	Shri Baburao L. Shakkarwar Shri Rakesh Goel Shri J.R. Sethuramalingam Shri Pradeep Kumar Jain Shri N. Sachitanand Reddy Shri Naresh Kumar Agarwal
CIDCO Coordination	Shri Sanjay Tyagi	Shri Vilas K. Birari Shri Yatender Singh
Corporate Affairs Committee	Shri Mahesh M. Mudda	Shri R. Murugan Shri Ravi Kumar Kheria
Green Building Committee	Shri K. Subramani	Dr. G.S.Venkatasubramani Shri Sachin Saxena Shri Sudhir Dnyandeo Gharge
Grievances Committee	Dr. Tarro T. Manghnani	Shri R. Prakash
Housing / RERA Committee	Shri Chandrakant P. Raipat (East Zone) Shri Attaluri Nagamalleswara Rao (South-I) Shri R.R. Shridhar (South –II) Dr. Anand J. Gupta (West Zone)	Shri Gaurav Jaina (East Zone) Shri Nimesh D. Patel (West Zone)
IFAWPCA Committee	Shri S.N. Reddy (Executive Board Member)	
Indian Construction Journal Committee / Corporate Affairs Committee	Shri Neerav Parmar	
Image Building Committee	Dr. Rajiv B. Krishnani	Shri K. John Paul
ISRO Committee	Shri G. Ved Anand	
Labour & Social Security Committee	Shri Rajiv Goel	Shri Alok Shivhare Shri Kunal Jain Shri Rameshwar D. Khandelwal Shri M.V.G. Jawagar
Legal & Arbitration Committee	Shri Ganesh Chandra Kabi	Shri Bhuwan Giri Goswami Shri Sanjay Soni Shri Anil B. Sonawane
MES Committee	Shri Prakash H. Menda	Shri Mohit Agarwal
Membership Development Committee- East, North, South1, South2 & West.	Shri Narendra Kumar (East Zone) Shri Mahinder Kumar Sethi (North Zone) Shri D.V.N. Reddy (South –I) Shri M. Thirusangu (South –II) Shri Pratap B. Salunkhe (West Zone)	Shri Ashok Kumar Chandak (East Zone) Shri Sanjay Kumar Shukla (North Zone) Shri Ranjeet R. More (West Zone)

Chairpersons of various Committees of BAI for 2021-22

Name of Committee	Chairperson	Co-chairperson/member
Mechanization Committee & Modern Technology Committee	Shri V.G. Sakthikumar	Capt. George Thomas Shri Shubham Jain Shri Sunil Balkrishna Mundada Shri Sushil Agarwal
MSME Committee	Shri CH. Ramakotaiah	Shri L. Venkatesan Shri Ravi Bhattad Shri Suresh Saraiya Shri K.G. Gupta Shri Jaiprakash Bhatia
Members & Vendors Directory Committee	Shri Sanjib Goyal (East Zone) Shri Arun Sahai (North Zone) Shri V. Venkateswara Rao (South -I) Shri S. Ayyanathan (South-II) Shri Neerav Parmar (West Zone)	Shri Mukti Binod Das (East Zone) Shri Shiv Kumar Bhalla (West Zone) Shri Rajiv Goel (North Zone) <i>Co-ordinator of the Committee</i>
NHAI Committee	Shri Kirti M. Thacker	Shri R. Raghu Shri CH. Pavan Reddy Shri K. Chandrasekhar Rao Shri Brij Kishore Goyal Shri Amit Chandnani
Private Contractors Redressal Committee	Shri K. Viswanathan	Shri Gopal Atal
Railway Committee	Shri K. Venkatesan	Shri Alex Perumalil Cyriac Shri Suresh Ramrao Pensalwar
Skill Development Committee	Shri Sudip Kumar Dutta (East Zone) Shri D.S. Shirole (West Zone) Shri P. Parameswaran (South –II) Shri N.S. Muralidhara (South –I)	Shri Rajesh Surana (East Zone)
Taxation Committee	Shri Tarun Ghia	Shri S.D. Kannan Shri Naresh Grover
Taxation - Indirect Tax	CA M. Raveendaran	Shri Gaurav Goyal Shri V. Srinivasa Murthy

BUILDERS' ASSOCIATION OF INDIA

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Ref.: 467/M/2021-22 dated 30th March, 2022

TO: THE TRUSTEES THE VICE PRESIDENTS THE STATE CHAIRMEN/CENTRE CHAIRMEN THE MANAGING COMMITTEE AND THE GENERAL COUNCIL MEMBERS Dear Sirs,

Reg.: BAI Organisational Elections 2022-23

Further to our letter dated 4th March 2022, please be informed that, the following candidates have been unanimously elected are hereby declared as Office Bearers of BAI HQ for the year 2022-23 in the respective post.

It is also requested to them to take charge of their respective offices from 1st April 2022 and inform the same to the Executive Secretary by email baihq.mumbai@gmail.com and raju_john_in@yahoo.co.uk

abad) Shri Manikant (Patna) Shri Mahendra Kumar Sethi (Rajasthan-Jaipur)	
Shri Mahendra Kumar Sethi (<i>Rajasthan-Jaipur</i>)	
Shri V. Srinivasa Murthy (<i>Karnataka-Bangalore</i>)	
Shri G. Ved Anand (Kanyakumari)	
Shri Rajendra S. Athawale (Butibori-Nagpur)	
Vice President - West Shri Rajendra S. Athawale (Hon. Gen. Secretary : Shri Gyan Madhani (Mumbai) Hon. Gen. Treasurer : Shri Mohinder H. Rijhwani (Mumbai)	

State Chairmen / State Coordinators		
State Chairman	ANDHRA PRADESH	Shri B. Raghava Rao (Vijayawada)
State Coordinator	ASSAM	Shri Suresh Agarwalla (Guwahati)
State Coordinator	BIHAR	Shri Bhavesh Kumar (Patna)
State Chairman	CHHATTISGARH	Shri K. Chandrasekhar Rao (Raipur)
State Chairman	DELHI	Shri Ved Khurana (Delhi)
State Chairman	GUJARAT	Shri Arvind V. Patel (Gujarat-Ahmedabad)
State Chairman	HARYANA	Shri Rajiv Goel (Gurgaon)
State Chairman	JHARKHAND	Shri Rohit Agarwal (Jharkhand-Ranchi)
State Chairman	KARNATAKA	Shri R.B. Dayanand (Hassan)
State Chairman	KERALA	Shri Najeeb Mannel (Kollam)
State Coordinator	MADHYA PRADESH	Shri Anil Kumar Grover (Jabalpur)
State Chairman	MAHARASHTRA	Shri Dattatray Mule (Solapur)
State Chairman	RAJASTHAN	Shri Ravi Kumar Kheria (Rajasthan-Jaipur)
State Chairman	TAMIL NADU	Shri K. Jeganathan (Theni)
State Chairman	TELANGANA	Shri K. Devender Reddy (Warangal)
State Chairman	UTTAR PRADESH	Shri Sanjay Tyagi (Muzaffarnagar)
State Coordinator	WEST BENGAL	Shri Anup Mazumder (Durgapur)

	Members of the Managing Comm	nittee re	presenting Centres (28 Nos):
1.	Shri K. Rajakumaran Nair (<i>Butibori - Nagpur</i>)		Shri K. Muruganandam (Salem)
3.	Shri Ravindra Pradhan (Jharkhand -Ranchi)	4.	Shri N. Ramalingam (Erode)
5.	Shri N. Mohamed Abdul Khader (Dindigul)	6.	Shri R. Prakash (Kanchipuram -Chengalpattu)
7.	Dr. Dharmesh C. Awasthi (Kanpur – South)	8.	Shri V.S. Jayachandran (<i>Kerala – Trivandrum</i>)
9.	Shri A.N. Balaji (Southern - Chennai)	10.	Shri P.N. Suresh (Thrissur)
11.	Shri N.G. Lokanathan (Southern - Chennai)	12.	Shri K.J. George (Nagpur)
13.	Shri S. Ramaprabhu (Southern - Chennai)	14.	Dr. Tarro T. Manghnani (Mumbai)
15.	Shri T.V. Chandrasekaran (Southern - Chennai)	16.	Shri Ram M. Bhatia (Mumbai)
17.	Shri T.N. Sivakumar (<i>Tiruchirappalli</i>)	18.	Shri O.K. Selvaraj (Southern - Chennai)
19.	Shri D.R. Sekar (Coimbatore)	20.	Shri P.P. John (Alleppey)
21.	Shri N. Raghunathan (Poonamallee)	22.	Shri Dhanwant Lal Gupta (Bareilly)
23.	Shri V. Rajagopal (Thanjavur)	24.	Shri K.S. Someshwara Reddy (Karnataka-Bangalore)
25.	Shri Sanjiv B. Shah (Por-Ramangamdi)	26.	Shri P. Parameswaran (Udumalpet)
27.	Shri G.M. Ravindra (Karnataka-Bangalore)	28.	Shri Sanjib Goyal (Guwahati)

Members of The Managing Committee - Representing Patron Members (Total 25 Posts)

	0 0	1	0
1.	Shri Narendra Kumar (Patna)	2.	Shri Ashok Agarwal (<i>Rajasthan - Jaipur</i>)
3.	Shri Basavaraj S. Totad (Karnataka - Bangalore)	4.	Shri Bhoopinder Singh (Hyderabad)
5.	Shri P. Subramani (Shimoga)	6.	Shri Dinesh Nanji Patel (Hyderabad)
7.	Shri D.V.N. Reddy (Nalgonda)	8.	Shri G. Santosh Reddy (Nalgonda)
9.	Shri B. Sugunakar Rao (Karimnagar)	10.	Shri T. Kannappan (Puducherry)
11.	Shri L. Venkatesan (Southern - Chennai)	12.	Shri K. Venkatesan (Southern - Chennai)
13.	Shri R. Sivakumar (Southern - Chennai)	14.	Shri S. Ayyanathan (Southern - Chennai)
15.	Shri L. Shantha Kumar (Southern - Chennai)	16.	Shri D. Ramesh (Tiruchirappalli)
17.	Shri K. Chinnaswamy (Coimbatore)	18.	Shri K. John Paul (Kottayam)
19.	Shri B. Chandra Mohanan (Cochin)	20.	Shri Dr. Anand J. Gupta (Mumbai)
21.	Shri C.G. Deochake (Mumbai)	22.	Shri Prakash H. Menda (Ulhasnagar)
23.	Shri Prakash Panjwani (Ulhasnagar)	24.	Shri N.M. Patel (Baroda)
25.	Shri Naresh M. Painjane (Nanded)		

	Members of the Managing Com	nittee representing Affiliated Associations (4 Nos) :	
1.	Shri Arvind Patel (Ahmedabad)	2. Shri Gomathi Shankar (Chennai)	
3.	Shri M. Jaishankar (Chennai)	4. Shri B. Ramesh (Chennai)	

The new office bearers will assume charge of their respective offices with effect from 1st April 2022 for period of 1 year as per the BAI Constitution.

Please use Tel: 91-22-23520507, 23514802 Cell: 9323576860, WhatsApp 9325190879 or E-mail: baihq.mumbai@gmail.com / raju_john_in@yahoo.co.uk for faster communication.

Thanking you,

Yours faithfully,

Par

RAJU JOHN RETURNING OFFICER BAI ORGANISATIONAL ELECTIONS 2022-23

Copy to:	1.	Shri A. B. Chitale	
	2.	Shri V. M. Fazal Ali 👌	
	3.	Shri K. Subramani	

Board of Scrutineers, BAI Organisational Elections 2022-23

BUILDERS' ASSOCIATION OF INDIA

(All India Association of Engineering Construction Contractors and Builders) G-1/G-20, 7th Floor, Commerce Centre, J. Dadajee Road, Tardeo, Mumbai 400 034 Tel.: (91-22) 23520507, 23521328

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Ref.: 468/M/2021-22 dated 30th March, 2022

TO: THE TRUSTEES THE VICE-PRESIDENTS THE STATE CHAIRMEN / CENTRE CHAIRMEN THE MANAGING COMMITTEE AND THE GENERAL COUNCIL MEMBERS

Dear Sirs,

The election process for Trustees of Builders' Association of India for three year term i.e. 2022-2025 has been completed on 30th March 2022. Following are the election results: -

Trustee (East)	Trustee (East) : Shri Rajendra Singh Kamboh (Durgapur Centre)	
Trustee (North) : Shri Lal Chand Sharma (Gautam Budh Nagar Centre)		Shri Lal Chand Sharma (Gautam Budh Nagar Centre)
Trustee (South)	:	 Shri N. Sachitanand Reddy (Hyderabad Centre) Shri Mu. Moahan (Southern (Chennai) Centre) Shri M. Thirusangu (Tiruchirappalli Centre)
Trustee (West)	:	 Shri Pradeep G. Nagawekar (Mumbai Centre) Shri N.M. Patel (Baroda Centre)

The new Trustees will assume charge with effect from 1st April 2022 for a period of Three years as per the BAI Constitution.

Thanking you,

Yours faithfully,

RAJU JOHN RETURNING OFFICER BAI TRUSTEES ELECTIONS 2022-25

COPY TO:

Shri A. B. Chitale Shri V. M. Fazal Ali Shri K. Subramani

The Board of Scrutinisers.

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Report of the President and Managing Committee of Builders' Association of India for the year 2021-22

Friends,

The President and the Managing Committee have great pleasure in presenting the 81st Annual Report of the Association along with the Statement of Accounts and the Auditors Report for the year 2021-22.

The Indian Construction Industry: A Brief Summary

The Construction industry consists of the Real estate as well as the urban development segment. The Real estate segment covers residential, office, retail, hotels and leisure parks, among others. While Urban development segment broadly consists of sub-segments such as Water supply, Sanitation, Urban transport, Schools, and Healthcare. FDI in the construction development sector (townships, housing, built up infrastructure and construction development projects) and construction (infrastructure) activities stood at \$27.97 bn and \$26.20 bn, respectively, between April 2000 and March 2022.

The Indian construction industry recorded growth of 17.1% in 2021, which was supported by a continued relaxation of restrictions and improving construction activity in the road and highways sector.

- Policy Support In March 2021, the Parliament passed a bill to set up the National Bank for Financing Infrastructure and Development (NaBFID) to fund infrastructure projects in India.
- In FY21, infrastructure activities accounted for 13% share of the total FDI inflows of US\$ 81.72 billion.
- Cement production (weight: 5.37 percent) increased by 8.0 percent in April 2022 over April 2021. Its cumulative index increased by 20.8 percent during April to March 2021-22 over the corresponding period of previous year.
- 100% Foreign direct investment in the construction industry in India under automatic route is permitted in completed projects for operations and management of townships, malls/shopping complexes, and business constructions.
- 100% Foreign direct investment in the construction industry is allowed under the automatic route for urban infrastructures such as urban transport, water supply, sewerage, and sewage treatment.

The construction Industry in India is expected to reach \$1.4 Tn by 2025

- Cities Driving Growth Urban population to contribute 75% of GDP (63% present), and 68 cities will have a population of more than 1 million; up from 42 today.
- The construction industry market in India works across 250 sub-sectors with linkages across sectors.
- The Real Estate Industry in India is expected to reach \$1 Tn by 2030 and will contribute 13% to India's GDP
- Residential- By 2030, more than 40% of the population is expected to live in urban India (33% today), creating a demand for 25 Mn additional midend and affordable units.
- Under NIP, India has an investment budget of \$1.4 Tn on infrastructure - 24% on renewable energy, 19% on roads & highways, 16% on urban infrastructure, and 13% on railways Schemes such as the revolutionary Smart City Mission (target 100 cities) are expected to improve quality of life through modernized/ technology driven urban planning.

According to the Oxford Economics Report, India will be a powerful engine for global growth, with construction output exceeding US \$ 1 trillion per annum (Rs.75 lakh crores) by 2030 and an accumulated US \$ 7.9 trillion expected to be spent on construction in India during the decade to 2030. We forecast India's contribution to global growth will exceed the US in the decade to 2030 and will account for 14.1 percent of global growth. Residential construction activity is forecast to grow fastest being the largest subsector and a key driver of global growth. Pentup demand in the wake of the pandemic and the release of excess household savings will drive the housing market. Over 125 million of Indian population will live in urban areas by 2030 and will require housing. The industrial building sector is also expected to see strong levels of activity supporting the region's importance to global supply chains. India will account for the highest expenditure on infrastructure projects (9.8% CAGR) since governments know that this investment will be the key driver of economic recovery.

Conferring Industry status to Construction sector – A long standing demand

Construction has been a part of the tradition not only in heritage. Ancient constructions in India such as the city India but throughout the world. It is also a national

of Mohenjo-Daro, the historic monuments like Taj Mahal,

temples and other religious places, forts and towers reflect that India's builders and craftsmen were responsible for a variety of civil works in India and abroad. Soon after independence in 1947, the country was taken to the planned economic growth. The successive five-year plans have laid greater emphasis on infra structure development, irrigation, energy, transportation, communication, health, housing and so many other activities with the objectives of improving the quality of life of people in India.

The construction sector has always played a powerful role for economic growth in addition to producing structures that adds to productivity and quality of life. Construction sector has forward and backward linkage to more than 500 allied industries and any upward movement of construction sector would therefore naturally affect the fortune of these industries also and ultimately result economic growth of the whole country. Construction activity therefore plays a catalyst role and is an important element in economic activity and development and has an economic multiplier effect.

Indian Construction sector is an important indicator of the development as it creates assets worth over Rs.200Billion, thereby providing investment opportunities across various related sectors. The construction sector contributes more than 6.0% to the nation's GDP and around 76.0% to the gross capital formation. Indian construction constitutes part of the secondary sector of the economy as it does not majorly utilise natural resources for its consumption.

Indian construction sector is fragmented comprising of around 250 firms in the corporate sector, in addition to these firms, there are about 1,50,000 class A contractors registered with various government construction organisations. There are thousands of medium sized companies who have specialised in niche activities, lakhs of small contractors, which compete for small jobs or work as sub-contractors of prime or other contractors and thousands of major companies involved in the construction activities across all segments.

The sector is labour-intensive including indirect jobs and it provides employment to more than 40.0 million people who are engaged in construction projects and the recent poignant issue of migrant labours' journey back to their native places under the lockdown period is a grim testimony to the insecurity and transient nature of the job market which prevails.

While real estate consists of construction activity of residential, non-residential buildings, factories, construction of commercial and industrial sheds, pre-fabricated buildings, hospitals, hotels and recreation centres etc, what is more crucial is the construction of infrastructure assets that faces a massive deficit in India as a developing economy. Construction of Infrastructure assets consists of roads, highways, bridges, railways, urban infrastructure, ports, shipping, civil aviation, coastal waterways, oil and gas refineries, drilling, water transportation and sanitation, power projects, windmills, power transmission, irrigation, space science, cellular operators etc. Real estate and infrastructure fall under the construction sector which are considered as one critical sector.

As the success of National Infrastructure Pipeline list of more than 6500 projects which are under different stages viz. ongoing, planned and conceptual stage with maximum thrusts on energy, roadways, urban infrastructure and railways, crucially hinges on the performance of the construction sector, the nature and growth of the sector has attained much significance.

Apart from the highly interdependent nature of this sector with several other segments of the economy, one unique feature of construction sector relates to its contribution to the growth of manufacturing. The construction in mining sector requires excavators, dumpers, cranes of high capacity, construction of roads requires crash barriers, handrails, steel beams, fabricated steel profiles, construction of oil drilling requires casing pipes with a number of attachments, the construction of power plants needs large civil construction and also power vessels apart from electrical equipment, transformer, etc.

Thus, growth in construction sector is intrinsically linked with growth in manufacturing of machinery, mechanical and electrical equipment, basic Metals, fabricated metals. Construction sector has grown by an average 5.5% in the last five years. However, due to the pandemic, it has slipped to (-) 2.2% in Quarter 4 of the Financial Year 20 -21 and then drew by a huge margin in Quarter 1 of the Financial Year 21-22 under the pandemic and following full impact of prolonged lockdown period.

Market Overview

Increased impetus to develop infrastructure in the country is attracting both domestic and international players. Private sector is emerging as a key player across various infrastructure segments, ranging from roads and communications to power and airports. To boost the construction of buildings in the country, the Government of India has decided to come up with a single window clearance facility to accord speedy approval of construction projects.

Indian construction market is expected to register a Compound Annual Growth Rate (CAGR) of 6% over the forecast period of 2019-2024. Infrastructure sector plays a vital role in the growth and development of the Indian economy. Nearly, 9% of India's GDP is spent on Infrastructure services comprising of construction of power, bridges, dams, roads and urban infrastructure development which also forms the base and supporting factor for other services sectors.

Indian companies, both public and private sectors,

announced projects worth 1.99 trillion in the quarter ending March 2019, which is 16% lower than what was announced in the quarter ending December 2018, and 46% lower than the year-ago period. In April 2017, companies in Malaysia and India signed deals for infrastructure projects worth USD 3.86 to be implemented in India.

India has a requirement of investment worth USD 646 billion in the infrastructure sector by 2022; 70 percent of which will be required in the power, roads and urban infrastructure sectors.

Government Schemes and initiatives such as Housing for all through the flagship scheme Pradhan Mantri Aavas Yojana (PMAY) was launched in June 2015 and it aims to build 20 million urban homes and 30 million rural houses by 2022. Smart Cities are fuelling the growth of the Urban Infrastructure and construction development. As part of PMAY, In March 2018, construction of an additional 3, 21,567 affordable houses was sanctioned under PMAY.

Foreign Direct Investments (FDI)

FDI Inflows and Government initiatives are driving the market and has given massive push to the infrastructure sector by allocating USD61.92 billion for the sector in its Union Budget 2017-18. In the 2018-19 budget, the government increased its expenditure towards infrastructure to USD75.9 and in the financial year 2017-18, to USD89.2 billion.

The construction and infrastructure sector has received FDI inflows amounting to USD 24.54 billion and USD 9.82 billion, respectively from April 2000 to June 2017. To attract more FDIs the Indian Govt has permitted 100 percent FDI across various infrastructure sectors.

Taking this advantage in 2018, a UAE based firm, having previously invested USD 1 billion in India, announced to invest another USD 1 billion in India's infrastructure sector along with logistics and container terminals.

In the same year, another global infrastructure investment company announced its plans to raise up to USD 4 billion through its second infrastructure fund, which will be invested in infrastructure assets in India and across the globe.

Budget Allocation by Government

In February 2021, the combined index of eight core industries stood at 127.8. In the road's sector, the Government's policy to increase private sector participation has proved to be a boon for the infrastructure industry as many private players are entering the business through the public-private partnership (PPP) model. India is expected to become the third largest construction market globally by 2022. India plans to spend US\$ 1.4 trillion on infrastructure projects through the National Infrastructure Pipeline (NIP), from 2019 to 2023, to ensure sustainable development in the country. In the Union Budget 2021, the government allocated Rs. 60,241 crore (US\$ 8.28 billion) for road works and Rs. 57,350 crore (US\$ 7.88 billion) for the National Highways. The government plans to construct 8,500-kms road by March 2022. Moreover, an additional 11,000 kms of National Highway corridors will be completed by March 2022. The government announced an outlay of Rs. 118,101 crore (US\$ 16.20 billion) for the Ministry of Road Transport and Highways. Also, the government, under the Bharat Mala Pariyojana, was awarded a project worth Rs. 5.35 lakh crore (US\$ 73.37 billion) including construction of >13,000 kms of roads worth Rs. 3.3 lakh crore (US\$ 45.26 billion).

For FY21, Indian Railways has the highest-ever planned capex of Rs. 215,058 crore (US\$ 29.52 billion). As per the Union Budget 2021, the Ministry of Railways has been allocated Rs. 110,055 crore (US\$ 15.09 billion). For March 2021, Indian Railways' loading was 122.19 million tonnes—a 24% (Year on Year) YoY growth. The Indian Railways earned Rs. 12,137.22 crore (US\$ 1.65 billion) from freight loading—a 24% YoY increase.

In the Union Budget 2021, Rs. 9,000 crore (US\$ 1.24 billion) has been allocated to create and augment telecom infrastructure in the country. Also, the Budget 2021 allocated Rs. 42,824 crore (US\$ 5.88 billion) for the energy sector. Through the budget, the government announced Rs. 305,984 crore (over five years) for a revamped, reforms-based and result-linked new power distribution sector scheme.

The Mega Investment Textiles Parks (MITRA) scheme was launched to establish world-class infrastructure in the textile sector and establish seven textile parks over three years. The government announced Rs. 305,984 crore (US\$ 42 billion) over the next five years for a revamped, reforms-based, and result-linked new power distribution sector scheme.

According to the Department for Promotion of Industry and Internal Trade (DPIIT), FDIs in the construction development sector (townships, housing, built up infrastructure and construction development projects) and construction (infrastructure) activities stood at US\$ 25.93 billion and US\$ 23.99billion, respectively, between April 2000 and December 2020.

Deprived of being recognized as an Industry

Construction Industry Development Council (CIDC), New Delhi was set up in March 1996 by the planning commission, along with the constituents of Indian Construction Industry as the apex organization with the twin objectives of professionalizing the functioning and providing systematic institutional structure to various construction activities. One of the first major projects taken up by CIDC was of Human Resource Development (HRD) for construction workers in India. What surprises most is that despite its massive contribution to national building activities, construction industry in India has not yet acquired the status which it deserves. It has not yet been given the recognition as an industry which is much overdue. Some of the factors which have deprived construction sector from being recognised as an Industry are –

- There is no specific guideline in construction industry and even if it exists, it is not implemented sincerely and uniformly across all the projects.
- Over the years, construction technologies have changed but even today primitive methods are used in smaller projects.
- The available statics suggest that most of the construction industry in India is in the unorganized sector comprising of semi-skilled and un-skilled workers.
- Quality and safety is not taken uniformly across all the projects.
- There is no special schemes available to meet the financial requirements for large scale technological changes and modernization.
- Most of the contracting firms run without adequate technically trained staff.
- There is no consistency of materials being used in the projects.
- Linkage between R and D departments and construction industry is very weak and it takes years to develop confidence on findings of research and development.
- Mostly workers are employed purely on temporary basis and on daily wages which are also not uniform.
- Workers are not adequately protected during any casualty at project sites and their compensations are arbitrary without any guidelines.
- Most of the contractors have come hard way up and they have developed their speciality but there is no laid down procedure of training and induction.
- Though there is a minimum wage act, but it is hardly implemented strictly. Moreover, due to easily availability of labor force, persons are ready to work at lower wages.
- Uniform safety norms are not observed during construction across all the projects and in case of accidents, the labour suffers.
- Most importantly, our Engineering colleges and polytechnics do not have a syllabus which integrates health and safety learning into engineering knowledge.

- The bridge between industry and technical institutes is very poor and hence there are very limited interaction avenues.
- Issues of lack of transparency, a cumbersome approval process, and imperfect title issues hit both ends, with foreign investors at times shying away from the proposition and also dampening customer confidence in a project.

Ultimately, it is arguable that issues like these prevent the sector from achieving its full potential and have the effect of blocking the industry recognition.

Challenges to be overcome for attaining Industry status.

It is essential to take some measures to improve working conditions in construction industry. There is a need to overcome these setbacks and make construction industry in India most modern to meet future challenges. It will be imperative to implement sweeping changes and some of them are mentioned here –

- First and foremost is to provide training to work force which will bring in change of quality of the project.
- Implementation of Labour laws consistently and make payments as per Minimum Wages Act.
- Factory Act should be made applicable so in case of accidents, workers are adequately compensated.
- Uniform work methodology across all projects carrying out similar scope of works.
- Standardisation of specifications of work.
- Quality and safety should be as per industry practices.
- Allocate funds for carrying out Research and Development (R&D) for alternative materials and new technologies and subsequently implement findings of the research for construction sector.
- Bring construction sector and Engineering institutes more closer by means of frequent interaction.
- Achieve Economy by proper planning, and management of almost all activities and events involved in construction.

Benefits which will accrue on grant of Industry status

The term 'Industry status' has not actually been specifically defined in any legislation in India. Conferring industry status basically entails an inclusion in the State / Central industrial policy. With industry status, State and Central agencies comprehend and consider a sector as a separate and cohesive one, with special schemes and subsidies commensurate with its distinct demands and requirements. The cry for 'industry status' for real estate has been heard time and again for years now. This has been a longstanding demand by the sector, which was only partially fulfilled when the affordable housing segment received industry status in 2018.

Recently putting this issue in perspective, here are two instances of State governments conferring industry status.

In a bid to attract industries to the State, the Uttar Pradesh government accorded 'industry status' to the warehousing and logistics sector. According to the UP Infrastructure and Industrial Development Commissioner, now industrial land-use charges will be applicable to warehousing and logistics sector parks in UP, thereby reducing the cost of setting up of these projects.

Soon after, Mizoram became the first State to accord industry status to sports. The move is aimed at further bolstering sports activities by attracting investment. Also, henceforth, industrial benefits like subsidies and banking facilities will be extended to sports in the State.

Broadly, sectors that have been conferred industry status are also privy to legal and procedural benefits such as capital and interest subsidies, single window/fast track clearance processes for licenses, exemptions or relaxations from stamp duty, tariffs and other duties.

As for the real estate sector, the immediate benefits would be:

- (i) getting loans with less trouble at lower interest rates;
- (ii) enabling large investors to be financing partners;

- (iii) attracting equity investment in the sector; and
- (iv) (iv) enabling developers to refinance their existing debts.

Getting down to brass tacks, the biggest hurdle for real estate developers today is the cost of capital. Anything that contributes towards a reduction in the cost of capital would impact the overall project cost positively, and this benefit can in turn be passed on in part to the buyers.

The potential for growth of the real estate sector in India is undeniable. However, the sector is plagued by shortcomings that may have thus far served as roadblocks to conferment of industry status and ultimately to its growth and contribution to the Indian economy.

It is a known fact that developers have been experiencing major cash flow problems for quite a few years now. While this is mainly due to unsold inventory piling up due to the skewed housing demand, the Covid-19 pandemic has also had its impact, making the situation far worse. Industry status at this point would provide relief that developers need and give them an opportunity to focus on increasing sales, offloading the existing unsold inventories and come out of the cycle in which they are presently trapped in.

Conferment of industry status will give the real estate sector the boost it needs right now, with its recognition as a priority sector by the RBI. Couple this with a simplified approval process for residential projects and increased transparency in the sector and we would see a boost to the nation's GDP, with a rise in job opportunities and fall in construction costs.

Construction Industry Issues

GST : Construction Industry

The Government of India has identified infrastructure and construction as the key drivers for economic growth of the country and major investment is planned in this sector under the current plan.

Construction sector provides major employment opportunities to the citizens of the country.

The changes in the GST Act and Rules will substantially increase the ease of doing the business in the country. It is pertinent to note that GST amendments reduces the cascading effect of tax by allowing seamless credit. Also it will increase compliance across the value chain very effectively. It is important that GST Act/Rules are modified suitably so that it facilitates the business and reduces legal hassles. This will enable the business houses focus on productive future.

Since its inception on 1st July, 2017, GST has had many contentious provisions, which BAI tackled by engaging in regular interaction with the Government. While some contentious issues were favourably addressed by the Government, some still remain. Mr. Mu. Moahan, Imm. Past President BAI has addressed a detailed all-encompassing representations to Government of India on theses contentious issues, which is reproduced below.



BUILDERS' ASSOCIATION OF INDIA

(All India Association of Engineering Construction Contractors and Builders) G-1/G-20, 7th Floor, Commerce Centre, J. Dadajee Road, Tardeo, Mumbai - 400034 Tel: (91-22) 23514802, 23520507,23521328 Website: www.baionline.in, E-mail : <u>baihq.mumbai@gmail.com</u> @BAINational <u>But http://youtube.com/user/baihqmumbai</u>

Ref: 123/M/2021-2022 dated 26th May, 2021

The Secretary Office of the GST Council Secretariat, 5th Floor, Tower II, Jeevan Bharti Building, Janpath Road, Connaught Circus New Delhi-110 001

Dear Sir,

Sub: Memorandum to GST Council - Indirect Taxes.

Builders' Association of India (BAI) is an apex all India body of Engineering Construction Contractors and Real Estate Companies founded in 1941, with more than 20,000 business entities as members through its 200 plus Centres (Branches) throughout the country. Regional Associations Affiliated to BAI form indirect membership of more than 1,00,000. The fundamental aim of the Association is to bring about all round improvements in the construction sector, while striving towards resolution of operational as well as policy level problems faced by the construction industry. This involves making efforts to obtain from policy makers and authorities, the level of attention that the construction industry deserves in view of its tremendous contribution and importance to the economy.

The industry is gearing up to face the challenges brought up by the second wave of COVID-19 economic condition. It is a privilege to the BAI to submit the Memorandum on Indirect Taxes to GST Council.

In order to ensure that the real estate and construction industry can fetch maximum benefits from GST system, we would like to represent few of our issues faced by the construction sector and we request you to do the needful.

The Memorandum is attached herewith for your kind perusal.

We also appreciate, if you kindly grant us an opportunity to meet your goodself on any date and time at your office to explain more on the Memorandum.

Thanking you,

Yours faithfully,

R.N.GUPTA PRESIDENT BUILDERS' ASSOCIATION OF INDIA MOBILE 98100 11139

Encl.:- As above

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MEMORANDUM TO 43RD GST COUNCIL MEETING TO BE HELD IN VIDEO CONFERENCING @ NEWDELHI ON 28.05.2021 @ 11.00 AM

INDIRECT TAXES



BUILDERS' ASSOCIATION OF INDIA MUMBAI

(All India Association of Construction Contractors and Builders)

G-1/G-20, 7th Floor, Commerce Centre, J. Dadajee Road, Tardeo, Mumbai - 400034 E-Mail: baihq.mumbai@gmail.com

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BUILDERS' ASSOCIATION OF INDIA

GOODS AND SERVICES TAX

INDIA SHOULD BECOME A SELF CONTENT NATION.

- Dependency on other countries for Technology to be reduced considerably.
- Urbenisation of population in some way to be curbed.
- Large people organizations should be encouraged to move to smaller towns.
- Smaller towns to be developed with better social infrastructure.

THE FOLLOWING RECOMMENDATIONS BY GST COUNCIL WILL REVIVE THE CONSTRUCTION INDUSTRY WHICH IS PIONEER AND PRIMARILY SUPPORTING THE NATION BUILDING IN A LARGER WAY.

RELIEFS SPECIFIC TO COVID – PANDEMIC SITUATION

Coronavirus has given the whole world biggest jolt of century in every aspect may it be economical, emotional, labour employment or anything. Each and every one has to work on some extremely innovative ideas to come out of the situation and bringing the countries back to growth trajectory. In India Construction Industry is one of the biggest in terms of GDP Contribution, Taxes Collection and Labour Employment. Since last one year there is huge impact on the construction industry because of coronavirus, resulting in reduction in pace of work and ultimately resulting into labour un employment. Inspite of all the odds this industry has potential to quickly recover and back on track within a short span of time. There fore some of the relief measures as suggested by our members which are very specific to Covid Period are being put forth before your office and also we expect the implementation of same will give huge boost to the industry in short period.

1. In present scenario, Health Infrastructure has seen the tremendous pressure and looking at the situation it will continue to rise unless and until some concrete solution for this virus emerges. Health Infra needs to be boost with immediate effect.

Therefore rate of GST on all health infrastructures can be reduced from existing 12% to 5% for a specific period of time with an option of refund of excess ITC on Inputs and Input Services both. It will immediately reduce the financial outlay of the Government of India and will pace the work on Health Infra.

2. Infrastructure sector like Road, Rails, Ports etc in the country is also one of the biggest labour employment sector. Now, it is time to accelerate the pace in this sector at double digit growth in next 3-5 years, to achieve the multiple goals. The government of india has also planned a huge outlay on Infrastructure sector. Reduction in rate of GST from 12% to 5% in this sector will also bring growth in this sector and in terms labour employement will be generated which will multiply the growth of India.

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RELAXATION IN THE PROVISIONS OF GST ACTS

We are thankful to the Government for the waiver of late fees and reduced rate of interest for delayed payment of GST.

COMPLIANCES UNDER GOODS AND SERVICES TAX ACT:

We would like to bring to your kind notice that the Government has extended due dates for filling of monthly returns under GST for various periods including April and May, 2021 and also has given relaxation in form of waiver of late fees for late filling of returns and reduced rate of interest for delay in deposit of tax with the Government. We request that *the Government may kindly extend the above concession limit upto the turnover of Rs.50.00 crores.*

a. The following time limits for filing of Forms may also be extended by the Government:
 i. Filing of returns for APRIL, MAY AND JUNE may be extended to 31st July, 2021.
 ii. Applying for registration on becoming liable to be registered.

iii. Opting out of composition on crossing the threshold of composition.

b. Interest waiver for delay remittance of GST amount during Covid Pandemic Period.

c. Reasonable Time may be allowed to extend the e-way bill non-blocking to four months.

d. Interest waiver for mismatch of ITC difference between GST returns vs GST portal.

e. A suitable composition scheme may be enacted to benefit the small contractors.

II. ISSUES RELATED TO TAXABILITY, VALUATION AND RATES

1. Scope of immovable property

Issue: Section 2(119) of CGST Act, 2017 defines works contract. The definition is reproduced below:-

"works contract" means a contract for building, construction, fabrication, completion, erection, installation, fitting out, improvement, modification, repair, maintenance, renovation, alteration or commissioning of any immovable property wherein transfer of property in goods (whether as goods or in some other form) is involved in the execution of such contract;

Definition of works contract covers only immovable property. Hence, any works executed on movable property has to be classified under composite supplies or mixed supply, as the case may be.

Suggestion: Execution of works includes multiple activities in its ambit and to classify it either as mixed or as composite supply is an onerous task and prone to lots of litigations. Therefore, we request you to include the composite contracts in relation to movable properties also in the ambit of works contracts.

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2. Interest, late fees, penalty

Issue: Section 15(2) (d) of CGST, SGST Acts stipulates that the value of supply shall include 'interest or late fee or penalty for delayed payment of any consideration for any supply'. Such amounts are brought under taxation for the first time under GST. This is certainly an additional costing and burden to any Industry. Instead of easing the business, such provisions burden the business.

Suggestion: We request you to remove clause (d) from Section 15(2) of CGST, SGST Acts with retrospective effect from 01.07.2017.

3. Lower GST Rate for contractor to builders of residential projects

Issue: <u>GST rate of 5% without input tax credit for non-affordable housing sector and a GST rate of 1% without input tax credit for the affordable housing sector.</u>

As per Notification No.11/2017-Central tax (Rate) dated 28.6.2017, the rates applicable on the works contract service provided by a contractor to a promoter for construction of a real estate project will be 12% or 18% depending upon whether such work contract service is provided for construction of affordable residential apartments or residential apartments other than affordable residential apartments. The promoter is restricted from claiming input tax credit of taxes charged by the works contractor.

The promoter charges 5% or 1% GST for non-affordable and affordable houses in a project respectively, from a buyer of Residential property.

If the promoter gives the construction contract to a contractor on works contract basis, then the contractor will charge 12% or 18% GST on the total contract value.

Since the promoter cannot take input tax credit of GST charged by the contractor, the promoter's cost of project is inflated by 12% or 18%, as the case may be. Due to this, the real estate developers would be inclined to increase the prices of residential units sold by them.

Suggestion: The Government should bring down the GST rate of 5% and 1% for the contractors executing works contract for affordable and non-affordable residential projects, so that the real estate developer does not suffer a loss of profit and the prices of units in the residential real estate sector does not go up.

4. Accumulation of credit at subcontractor level

Issue: Considering the representations of the Industry, Notification No. 01/2018 – Central tax (Rate) dated 25.01.2018 was issued for extending the lower GST rate of 5% & 12% to the Sub-Contractors that was earlier applicable for Main Contractors only.

There is a need to clarify that this benefit of 5%/12% is applicable to all Sub-Contractors and that it is not restricted to Sub-Contractor providing services to Main contractor alone. Also it should be extended to all Sub-contract works whether done wholly or partly of the Main Contract works.

There is a need to incorporate the wordings in the notification under GST as it was in serial no. 29 (h) of Notification No. 25/2012-ST dated 20.06.2012 namely

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"Services provided by Sub-contractor by way of Works contract to another contractor providing Works contract services which are exempt".

Otherwise it is likely that it leads to higher tax of 18% in the hands of various Sub-Contractors and huge accumulation of credit at respective subcontractors end and ultimately becoming additional cost for the Main contractor as well.

Suggestion: We request you to extend the GST rate of 5%/12% to all subcontractors providing services in relation to works contract as specified in Sr. No. 3(iii), (vi) and (vii) by duly amending the Notification similar to 29(h) of Notification 25/2012-ST dated 20.06.2012.

5. To continue Exemption under GST for Supplies/ Services

Issue: Exemption to service of construction and other works in relation to roads, bridges, tunnels, Ports, irrigation works, canals, dams, Power Projects, Pipelines, Conduit or plants for water supply/treatment, civil or other original works to Government etc. was granted for the period 2015-2020 vide Notification No.09/2016-ST under Service tax regime.

Under GST, such exemptions granted till 2020 during service tax regime should have been continued.

Suggestion: Allow and continue the exemption benefit as granted vide Notification No.25/2012 dated 20.06.2012-S.T. with retrospective effect from 01.07.2017. GST of 18% / 12% as proposed is an additional burden on such ongoing Projects.

6. Lower rate benefits should be extended to pure labour services

Issue: For some specified services, lower rate of 12% has been prescribed for activities in the nature of works contract only i.e. services along with material component.

Suggestion: In tune of Government's intention, we request you to extend the lower rate benefits to pure labour services also if the work is being done for contractors getting the 12% benefit.

7. PPP Hybrid Annuity Model (HAM) and EPC contractors to be treated as Government entity for the purpose of GST

Issue: In case of HAM and EPC projects, the Government is delegating the limited authority with full responsibility to the contractors. The contractors are executing the entire work and maintenance for the entire contract period normally around six years. As per the tender conditions, the contractors have to do the work like the way in which Government itself is organizing the work. But the Government is holding the full power and authority during the entire project period.

Suggestion: These contractors are to be treated as Government entity for all the purposes of GST.

8. Clarification over Concessional rate @ 12% for Railway, Metro and Mono Rail Residential Apartments for staff and office complexes

Issue: As per Notification No. 20/2017-Central Tax (Rate) dated 22.08.2017 and its amendment Notification No. 01/2018-Central Tax (Rate) dated 25.01.2018, the Output GST payable for Composite supply of Works Contract Service pertaining to Railways including Metro or Monorail is Concessional rate @ 12% as applicable.

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Now, the issue is whether the construction of staff quarters for railway or metro employees or office/administrative structure for railway or metro will also be covered under this category or it will be covered under sub -para "vi" of Para 3 of Notification No. 11/2017 of CGST Rates as amended.

Suggestion: A clarification is sought on this specific subject so as to have similar levy. As on date almost 50 locations are decided for Metro Operations all over india with a huge outlay. Clarification over this issue will ease the compliances for a number of contractor working for metros in India.

9. Operation and Maintenance Contracts for Roads and construction sector

Issue: The works contract are chargeable at 12% and the services other than those specified are charged at 18%. Various Government departments hold the view that the services are also liable at 12% and do not reimburse the GST claim of 18%.

Suggestion: GST Council may clarify on the applicability of GST rates for Operation and Maintenance contract of Road and construction sector.

10. Higher rate of tax on Cement

Issue: Cement, is the principal INPUT in Infra Works which is being taxed @ 28% under GST. As most of the Works contract services provided to Government are being charged to GST @ 12%, higher rate of GST on cement is resulting in huge accumulation of credit. Further, due to restriction of refund on claiming such accumulated and unutilized credit, it is ultimately resulting in increase in cost of the Main contractor.

Suggestion: We request you to reduce the rate of GST on Cement from 28% to 18%.

III. TRANSITIONAL ISSUES – CREDITS AND TAXABILITY

1. Notices issued for claiming credit under Section 140(3).

Issues:- Contractors have been receiving notices for justifying the eligibility of their claim of excise duty paid on stock, claimed under Section 140(3) of The CGST Act, 2017. For your reference, Section 140(3) is reproduced below:-

(3) A registered person, who was not liable to be registered under the existing law, or who was engaged in the manufacture of exempted goods or provision of exempted services, or who was providing works contract service and was availing of the benefit of notification No. 26/2012— Service Tax, dated the 20th June, 2012 or a first stage dealer or a second stage dealer or a registered importer or a depot of a manufacturer, shall be entitled to take, in his electronic credit ledger, credit of eligible duties in respect of inputs held in stock and inputs contained in semi-finished or finished goods held in stock on the appointed day subject to the following conditions, namely:—

Section 140(3) allows claim of credit to works contractor providing works contract service and availing benefit of notification No. 26/2012-Service Tax, dated the 20th June, 2012, and works contractor availing such benefits are builders. So department is questioning the works contractors to clarify the allowability of their claim.

We would like to draw your attention to the other scenarios envisaged under Section 140(3) viz:

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- 1. A registered person, who was not liable to be registered under the existing law, or
- 2. who was engaged in the manufacture of exempted goods or provision of exempted services, or
- 3. a first stage dealer or
- 4. a second stage dealer or
- 5. a registered importer or
- 6. a depot of a manufacturer

A works contractor, is eligible to claim credit of excise duty paid on stock under other scenarios also to be specific, it was providing exempted services in erstwhile regime. Department, without considering this fact, is issuing notices to works contractors asking them to clarify assuming that if they are not builder then, they cannot claim credit of excise duty paid on their stock. This tendency is making life of works contractors extremely difficult.

Suggestion:- We request you to issue clarifications prescribing specific instances in which the department may initiate proceedings without harassing genuine taxpayers in the industry.

2. Credit of inputs held in work in progress.

Issue:- Section 140(3) allows credit to works contractors availing benefit of Notification No. 26/2012,-Service tax, dated the 20th June, 2012. The section is reproduced in the previous note above.

This provision allows credit of eligible duties on inputs held in stock, inputs contained in semifinished goods and inputs contained in finished goods.

In case of builders, the stock majorly consist of under construction structures which are known as work in progress. Taking a view that semi-finished goods differs from work in progress, department has denied the carry forward of credit of eligible duties on inputs held in work in progress as on the appointed day.

Suggestions: In order to resolve the issue, we request you to issue a clarification that the credit u/s 140 is allowed for inputs held in work in progress stock also to both contractors and builders.

3. Settlement of GST claims

Issue: It is observed that project owners are taking time to amend/re-negotiate the existing contracts due to change in cost and till then the invoices are kept under hold.

Public sector customers / Government agencies are not accepting the bills raised by the Construction Contractors. Due to non-settlement of claims, the working capital position of all the Construction Contractors is severely affected.

Further it is also their contention that advances towards mobilization, equipment and inputs are not towards supply of service and hence GST is not applicable on such advances.

On account of above issues bills are held up and the contractors are facing severe financial hurdles to keep continuity of work flow.

Various Government, Local authority, Governmental authority / Government Undertakings are expressing their inability to settle claims on account of GST differential for the reason that they do not have any specific direction from the Government to do so.

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Suggestion: We request you to guide all the Government departments on national level on the applicability of GST and we also request you to issue a clarification directing all the Government departments to settle and release payment to contractors across India based on adoption of some common formulae.

4. Settlement of VAT Regime issues

Issue: Various State Governments and Governmental organizations are reluctant to reimburse the GST on output services even now. For instance, on the introduction of GST on 1st July 2017, there were contracts entered into prior to GST Regime and the work was rendered post GST regime. The agreement with Government departments have a clause for increase in taxes, but the officials passing the Work bills are not willing to pay the GST claim. This is because in the pre GST Regime, the Government contracts are exempted from Service Tax since they fall under infrastructure category.

Suggestion: We request GST Council to advise the State Governments to reimburse the GST Claims of works contractors without any further delay. We are in the fourth year of GST and any delay is affecting the industry.

IV. INPUT TAX CREDIT

1. Exclusion of 'Any other civil structure' from the definition of 'Plant and Machinery'

Issue: The credit of goods and services used for construction of an immovable property is blocked except if it is used for construction of plant and machinery. The term plant and machinery is defined in explanation to Section 17 as:-

For the purposes of this Chapter and Chapter VI, the expression "plant and machinery" means apparatus, equipment, and machinery fixed to earth by foundation or structural support that are used for making outward supply of goods or services or both and includes such foundation and structural supports **but excludes**—

(i) land, building or any other civil structures;
(ii) telecommunication towers; and
(iii) pipelines laid outside the factory premises.

Use of the term "Other civil structures" in the exclusion list of "Plant and Machinery" may lead to numerous disputes on the eligibility of credit on various plant and machineries as in most cases, various plant and machineries require civil works to support their operation.

Suggestion: We humbly request you to include other civil structures in the definition of plant and machinery. Explanation to Section 17 defining plant and machinery may be amended for this purpose.

2. Loss of input tax credits because of non-compliance by vendors and sub-contractors.

Issue: As per section 42 of GST Act 2017, input tax credit availed on provisional basis under section 16 should be matched with GSTR 1 of the vendor. However, if the same is not matching then, the credit availed is required to be reversed with interest by the recipient.

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Section 42(3) & (5) prescribes that, Where the input tax credit claimed by a recipient in respect of an invalid supply is in excess of the tax declared by the supplier for the same supply or the outwards supply is not declared by the supplier in his valid return, the discrepancy shall be communicated to both such persons in such manner as may be prescribed.

The amount in respect of which any discrepancy is communicated under sub-section (3) and which is not rectified by the supplier in his valid return for the month in which discrepancy is communicated shall be added to the output tax liability of the recipient in such manner as may be prescribed in his return for the month succeeding the month in which the discrepancy is communicated.

ITC Restrictions based on GSTR - 2B

While filing GSTR-3B the amounts such as eligible inputs, input reversal, etc are restricted up to excessof 5% of GSTR-2B Values.

Suggestion : Punishing the recipient for the mistake of supplier is not reasonable. Therefore, we request you that this hardship should be removed. Input tax credit should be allowed on the strength of the original tax invoice.

3. Non availability of Credits on mobilization advances

Issue: GST is payable on mobilisation advances received from Government. If the same contract is subcontracted and mobilisation advances are paid to subcontractors, GST is again charged by such subcontractors and it is not available as credit till the time it is adjusted from the advance.

In infrastructure projects, there is huge time gap between receipt of mobilization advance and adjustment of such advances. This is leading to blockage of huge funds and less availability of the funds for actual procurement of goods and services.

Such time gaps are also leading to cash payment of GST during the time of initial phase of the project and also at the end resulting in accumulation of unutilized credit at the time of completion of the project.

Further, Construction Industry is not allowed to claim refund of such accumulated and unutilized credit. Therefore, it is leading to increase in cost of the infrastructure projects.

Suggestion: Credit Should be allowed on GST paid on Mobilisation Advances to Subcontractor for infra projects.

4. Input Credit eligibility for Corporate Social Responsibility (CSR) expenses

Issue: Fulfillment of CSR is a statutory obligation under the provisions of Companies Act. Therefore, credit on expenditure incurred for such activities shall be allowed.

When services are received through our Sub contractors, while fulfilling CSR as mandatorily prescribed by the Government, all types of input tax credit shall be allowed unconditionally. Similarly, when the CSR Activities are executed by ourselves, it shall be considered as 'for the purposes of business'. Presently under GST, the Act and Rules are totally silent on this issue.

It is requested to consider incorporation of suitable provisions under GST which motivates the Industry for effective participation in social responsibilities.

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BUILDERS' ASSOCIATION OF INDIA

Suggestion: We request you to make necessary amendments in GST Act for allowing credit on CSR with retrospective effect from 01.07.2017.

5. Anomalies in reversal of credit under Section 17(3)

Issue: Section 17(3) of CGST Act, 2017 provides that the value of exempt supply shall include transactions in securities, sale of land and sale of building. Since these are Non-GST supplies, reversal of ITC as stipulated under section 17(3) is a burden on the industry. It is therefore proposed for considering amendment / deletion of Section 17(3) of the said Act.

Further, reversal of 5% credit is stipulated where goods or services or both are used for purposes other than business. Similar reversal of credit is stipulated on Capital Goods under Rule 43 of CGST Rules, 2017. These are stipulated for the first time under GST which is a huge burden on the industry.

Suggestion: We request you to carry out necessary amendments for mitigating the burden on account of stipulated provisions under GST for reversal of Credits.

V. ITC ON IMMOVABLE PROPERTY

1. Credit restrictions on works contract resulting in immovable property

Issue: GST is built on the foundation of a liberal credit regime i.e. to allow credit of all goods and services with minimal restrictions. Section 17(5) of the GST Act provides that no credit would be available for:

'(c) Works contract services when supplied for construction of immovable property (other than plant and machinery) except where it is an input service for further supply of works contract service;

(d) goods and services or both received by a taxable person for construction of an immovable property (other than plant and machinery) on his own account including when such goods or services or both are used in the course or furtherance of business;

Explanation: For the purposes of clauses (c) and (d), the expression 'construction' includes reconstruction, renovation, additions or alterations or repairs, to the extent of capitalization, to the said immovable property;'

The above-mentioned credit restrictions would have significant impact in terms of the procurements of goods or services or works contract services for commercial/business purposes such as malls, business parks, warehouses, etc. meant for leasing or factories, plants, units for manufacturing and production, etc.

Such restrictions on credits of taxes paid in the construction phase would be against the basic principle of GST and the industry is expecting a much more liberal credit regime for the construction services acquired in relation to business assets and commercial property.

Suggestion: The Government has implemented a number of policies such as Make in India and made a lot of initiatives to support Start-ups to promote GDP of the nation. The set up for any Page 10 of 18

BUILDERS' ASSOCIATION OF INDIA

business requires huge amount of investment in construction of structure and other infrastructure facilities. At present, the amount of GST paid on such investment is not allowed as credit to the recipient. This demotivate the start-ups to have their own business which is against the Government policy and therefore we request you to make necessary amendment under Section 17(5) and block the credit on construction which is used for non-business purpose only.

2. Allowing ITC for immovable property on own account

Present Law: Input Tax Credit (ITC) is the core concept of GST as GST is destination based tax. No ITC is available for goods/services for construction of immovable property on their own account. Even if such goods/services are used in the course of furtherance of business, ITC will not be available (Sec.17(5)(c).

Suggestion: In this Covid epidemic period, if the Government allows ITC for the above building owners, *the corporate and high net worth concerns having surplus funds will come out with new constructions* which will give additional cash inflow to the system. It will give benefit to the real contributors to the society. The ITC set off period may be restricted to 3 to 5 years to arrest the extra revenue loss to the exchequer. Though the exchequer may loose small amount of tax revenue, the real contribution to the society will be multifold.

VI. REVERSAL OF ITC FOR NON PAYMENT OF COSIDERATION WITHIN 180 DAYS - ISSUE

Present Law: Second and third provision to Section 16(2)(d) of the CGST Act, 2017 and Rule 37 of CGST Rules, 2017 provides for reversal and reavailment of ITC on account of non payment of consideration to the supplier within 180 days.

As everyone is aware about the current pandemic situation, which is continuing since March 2020, when lockdown was declared in India. A number of relief measures were proposed by Government of India through Atam Nirbhar Bharat Packages over a period of time. Inspite of all Positive efforts by Government of India, Contractors are still struggling for working Capital needs and sometimes unable to make all ends meet. Looking at the current economic situation we request you to increased the time limit of 180 days to 365 days for a limited period of time, so as to relieve the aggrieved industry.

Suggestion: In this hard financial crisis situation, the 180 days norms to be removed or increased to 365 days. This provision is to be suitably modified and make the comforts to the buyers and suppliers to fix the payment terms mutually.

VII. TIME OF SUPPLY- GST ON ADVANCES

Issue: Section 13 of the CGST Act indicates the provisions for determining the time of supply in respect of services.

As per the recommendation made by the GST Council in its 23rd meeting, exemption have been granted on payment of GST on advance receipt of goods, however, in case of services, the same is still continued and GST is payable on receipt of advances.

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In case of long term advances of contracts, where mobilization advance is paid to the contractors and the recovery of such advances is also done proportionately from the invoices being raised this provision results in blockage of working capital.

Suggestion: We request you to exempt service providers from the liability of paying tax on receipt of advances.

VIII. REGISTRATION

1. Registration of Works Contract services – Interstate Supply

Issue: Works Contractors, having a principal place of business in one State may undertake execution of works across India in many States. The registration provisions require the works contractor to obtain registration in each such State even though he has no place of business in those States. If the strict interpretation is taken then, mere installation works also attract registration requirement and they may have to take multiple registrations.

Suggestion: Kindly issue a clarification that a works contractor based on one State can execute works contract in any State by way of IGST billing without separately registering in all other States with suitable adjustment of ITC.

2. Additional Registration

Issue: As per Recent Amendment in Rule 9 of CGST Rules, 2017, time limit is increased for grant of GST registration from 3 to 7 working days. Presently we are struggling up to start transportation of machineries and preliminary site materials to newly awarded projects in other States until issue of registration by GST official which normally takes 15 days.

Suggestion: If the application with Aadhar Authentication of Authorised Signatory is submitted, the provisional registration and e-Way Bill facilities should be allowed immediately to enables us to start the initial site preparation related works at the earliest in the newly awarded projects in any State.

IX. PAYMENT OF TAXES AND REFUNDS

1. Refunds of excess credit available for contractors

Issue: Works contract is a deemed service under GST. Works contract include both material and service portion. Majority of Government works contract are chargeable to tax at 12%, whereas the purchase of approximate all construction materials is at 18% and Cement is 28%. In addition all the services utilized in such contracts are also taxable at 18%. Therefore in many contract cases there is always a possibility of GST input is much more than the GST output and the excess input credit is increasing month on month.

A refund mechanism in place as per Section 54 is not sufficient for the contractors, because it bars the refund of Input Services and Capital Goods as well. Therefore calculation mechanism debars the contractors from claiming refund of Excess Input tax credit.

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Secondly, in present scenario a contractor has to register in each state where he wants to execute any work. So, the registration is for limited period and continues till project is in execution. It is normal in construction industry that a reasonable expenditure is incurred after the completion of project as part of Operation and maintenance activity inbuilt in project. Because of which credit gets accumulated as outward supply for the same has already been done in past. In such cases too, refund provisions should be extended to the contractor.

Suggestion: Contractors to be allowed to claim refund in case of excess taxes available on account of ITC of Input Services and Inputs both.

2. Refund out of Cash Ledger

Presently, owing to excess credits and further deduction of TDS (which is credited to electronic cash ledger), contractor have to file refund of electronic Cash ledger. The revenue departments take a long time to process the same and a lot of documents are asked by the department like GSTR - 7, balance sheet, 3B returns, GSTR 1 Returns, Verification of clients etc. These verifications cause unnecessary delay and some time takes 3 to 6 months in processing the refund of cash ledger.

We request that a clarification is required to be issued specifically mentioning what details are required and such refunds should be administered authomatically without intervention of administrative officers. There is no risk to department also because all deductors are Governemnts or Government entities and while filling refund the contractor is debiting his Electronic Cash Ledger with similar amount.

X. TDS ISSUES

1. Deduction of TDS under Section 51

Issue: TDS at the rate of 2% is required to be deducted from payments made to contractors by Government employers. The credit of TDS deducted will be available to the contractor in its electronic credit ledger.

Most of the works contract services provided to the Government is taxed at the rate of 12%. Tax on inputs may range from 5% to 28%. In this scenario, the credits available is more than the output tax liability.

Therefore, the Government contractors will have excess input tax credits and by deduction of TDS, contractors will also have balance in their electronic cash ledger. This will lead to blockage of working capital.

Suggestion: We humbly request that the Government may come up with a "No Deduction Certificate" through online for such cases.

2. TDS deduction @ 2% on JV Infra projects is leading to accumulation of credit

Issue: Government departments requires to deduct GST-TDS (CGST @ 1% & SGST @ 1%) as per Section 51 of the CGST Act, 2017. Works Contract business formed under Joint Ventures (JVs) and Special Purpose Vehicles (SPVs) are to be exempted from GST-TDS because these types of entities Page 13 of 18 actually not carryingbusiness directly and no GST liabilities are going to arise (Output GST & Input GST will be set off) and the GST-TDS which is deducted by Government clients are accumulated in Cash Ledger.

Generally, Joint Ventures (JV) execute big infrastructure projects as they posses requisite qualifications and upon awarding the Contract, works are executed by JV Partners at their end. The margin in the hands of JV is miniscule, insignificant which is primarily to meet the administrative cost.

Since there is miniscule value addition in the hands of JV, the TDS deducted by Government @ 2% (which represents a huge amount) and is getting accumulated leading to additional fund blockage, that too in the background of non-availability of input tax credit refund in such situation.

Suggestion: This affects the cash flow and getting refunds are also delayed. We request you that rate of TDS on infra projects should be considered for: a) reduction from existing 2% to 0.1% (0.05% CGST+0.05% SGST); b) allowing to passing of TDS credit to the subcontractors.

3. Delay in remittance of TDS by Government Departments

Issue: The Government departments deduct the TDS on the bills passed and pay the GST TDS in the month in which they make the payment. TDS deducted is not properly remitted to the departments within the time frame but the amount is recovered in our bills and lying with the departments. We are forced to make the payment to comply the law by filing the returns within due date. Otherwise, we are forced to pay interest. The time gab between Government payment and contractor payment leads to working capital block in GST payment.

Suggestion: Clear instruction may be issue for payment of tax of TDS in the month of receipt of invoice from the contractors. Further the filling of TDS claim by deductee should be allowed on invoice wise and not on monthly basis.

4. Non deduction of TDS on works contract advances:

Issue: GST is payable on mobilisation advances received from Government. If the same contract is subcontracted and mobilisation advances are paid to subcontractors, GST is again charged by such subcontractors and it is not available as credit till the time it is adjusted from the advance.

In infrastructure projects, there is huge time gap between receipt of mobilization advance and adjustment of such advances.

Suggestion: Due to various practical issues faced by the contractors, TDS deduction may be deferred for all kind of advances to contractors.

XI. ADVANCE RULING

Advance Ruling Time Limit (Sec. 98 (6)

Section 98 (6) of CGST Act, 2017 says "The Authority shall pronounce its advance ruling in writing within <u>ninety days</u> from the date of receipt of application."

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Practically no advance ruling orders issued withing 90 days. It takes more than one year to get advanceruling orders. It leads to unable to correct filing of GST Returns, additional cash outflow impacts, creating issues with departments, etc.

If the order passed within the time limit as per the Act, it helps to resolve critical issues at the earliest.

XII. E-INVOICES

Many of the assesses do not have software facilitiess to generate e-Invoices and it has many complicates issues to generate json files. Everyone depends on software providers and also requires to adopt services from GST Suvidha provider. It is more burden for the assesses.

The government should provide an application (Form Based) to generate e-invoices easily which enables to easy generation of e-Invoice and reduce the dependency on Software providers.

 $\rm E-$ Invoice generation specifically in case of Government Contractors should be allowed 15 days time from the date of Tax Invoices. As per the contract condition monthly RA bills to be submitted at the end of each month and it takes some time to prepare the same. Further, it is a regular practice to submit Tax invoice with contractee and then on verification of this sometimes amendments are marked by contractee and payment is processed. In such scenarios, now contractor has to issue $\rm E-$ Invoice then corresponding Debit or Credit note for the same invoice after some time for partial amount. If $\rm E-$ Invoice facility is allowed upto 15 days of tax invoice, then this anomaly can be very well brought in control.

XIII. IMMUNITY SCHEME

New taxation immunity scheme to be announced

Keeping the enormous practical difficulties during transition to GST mechanism in to consideration, new taxation Immunity scheme will be announced suitably. The genuine regular tax payers should be convinced properly.

1. It may be proposed an one time measure for suitably waiving interest, penalties for all returns including GSTR 9, 9A, 9B and 9C filed for FY 2017-18 to 2019-20.

2. Also liberal view shall be taken for Time limit for taking input tax credit (ITC) pertaining to FY 17-18 to FY 2019-20 be allowed with extended due date of filing of the corresponding Annual Return and Audit Report.

3. Further time limit for amending transactions of 2017-18 to 2019-20 in GSTR 1 shall be allowed as it facilitates reflection of such amended details in GSTR 2A of the recipient.

XIV. DIESEL AND PETROL UNDER GST NET

Present Law: The taxability of Diesel and petrol are under VAT regime. In Construction industry Diesel is the major consumption item, which ranges around 6%-10% of Gross Work done. Currently it is taxed under VAT regime and no ITC is allowed to construction industry of the taxes paid on

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GST.

Suggestion: These are required to be brought under GST regime for accelerating the construction industry on growth path. Input Tax credit may be allowed suitably.

XV. OTHER MISCELLANEOUS ISSUES

Retrospective amendment should be done for deleting the GST liability on reverse charge mechanism (RCM) basis in case of procurement of goods or services or both from unregistered persons (Section 9(4) of CGST etc.,).

Necessary amendments should be made to Schedule I of CGST Act 2017 so as to exclude the administrative and other activities provided by the corporate office or head office to its branches.

XVI. BUILDERS AND DEVELOPERS ISSUES

1. Developer is required to maintain Project-wise record of purchase from Registered and Unregistered person. This will have a significant impact on compliance cost. Hence this requirement should be removed in the provision of the GST Act.

2. Developer is presently liable to pay tax @ 18% even in the case of Purchase of goods or services from Unregistered Person (URP) which may be otherwise taxable at lower rate of tax. E.g. – Sand, Bricks, etc. Hence this Section is required to be amended to provide that tax is payable only at the respective rate of goods.

3. Provision is silent on implications on purchase of exempted supply from Unregistered Person (URP). However, in FAQs (Part II), it was clarified by CBIC that the same is to be included in the calculation of the threshold limit. This will further increase the cost of Project, as no ITC of the same is available.

4. Further, provision is also silent on the offset of purchase from a Registered person exceeding prescribed threshold in a given Financial Year against shortfall in subsequent Financial Year(s). **Suggestion:** This provision requires clarification and amendment.

5. Deemed valuation of land:

The reduced rate of 1% without input credit on construction of Affordable housing and 5% on construction of other than Affordable housing is the effective rate after considering 33% deemed deduction for the value of the land.

This one third deemed deduction on account of transfer of Land or Undivided Share of land is irrespective of the actual value of the land transferred. However, the said deemed deduction is not available when there is no transfer of land or undivided share of land.

The critical issue here is that in Metros, the value of the land exceeds the cost of construction. In such a scenario, only 1/3rd deemed deduction isnot justified.

This provision requires amendment and the additional option to adopt for actual transfer value of

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land is to be allowed instead of 1/3rd deemed deduction.

6. Credit note within 6 months from end of Financial Year

Under GST regime, the taxpayer can adjust his tax liability if he declares the details of Credit Note in the Return filed latest by the month of September Return following the end of the Financial Year in which such supply was made, or the date of furnishing of the relevant Annual Return, whichever is earlier.

However, in Real Estate sector, construction service is a 'continuous supply of service' requiring 3 to 5 years for completion. Significantly, due to this stipulation of time limit of September Return, Developers' get only six months after end of the Year to issue Credit Notes. The aforesaid provision remains a practical and unworkable challenge for Builders / Developers to avail the benefit of reduction of tax liability on account of Credit Note issued after 6 months from the end of Financial Year.

In view of the above, the GST paid on flat(s) cancelled is either required to be borne by the Developer or the Buyer. <u>Hence the time period stipulated needs to be liberalized /extended considering the peculiar nature of this Industry / Sector.</u>

7. Developer transfers certain percentage of developed area to Land owner as a consideration against transfer of Development Rights. Developer is required to discharge tax at applicable rate i.e. either at effective rate of 1%(Affordable housing), 5% (Residential) or 12% (Commercial), depending upon the nature of the premises so transferred. However, tax is required to be discharged on total amount charged to Independent buyers for similar premises which is nearest to the date of transfer of TDR / FSI, after deduction of value of land i.e. 1/3rd of total consideration.

The value of construction service provided by developer to the land owner should be either equal to the value of land or the construction cost incurred. Also, the value for individual flats to the buyer may not be compared with value of flats given in bulk to the land owner.

In the case of a JDA, the Developer's role is like a Works Contractor for the land owner and hence, GST, if any shall be leviable only on the cost of construction and not on the total amount charged to Independent buyers for similar premises which are nearest to the date of transfer. <u>The provision in the GST Act is required to be amended.</u>

8. In case of Residential premises, due to liability on unsold premises after the cut-off date, it is imposing additional cost burden on the Developer, which is difficult to foresee at the time of commencement of construction. Further, no clarity has been provided as to whether the Developer is required to consider all unsold flats in a Project, (including those which have been transferred to Land owner) or only those unsold flats which belong to him. Though, logically Developer should be liable to pay Tax only on those unsold flats which remained unsold with him. This requires clarification from the Government to avoid possible future litigation.

9. There should be no GST on Land Development Rights. Development rights are nothing but a form of land. Land is State Subject and liable for stamp duty. <u>GST on Land development rights should be removed.</u>

10. The condition of 80% is not practical and it should be removed or should be capped at 50% and if in a year purchase in excess of prescribed limit (Presently 80%) should be given set off in next year – which is presently not available. More clarification is also required regarding <u>Interest</u> Cost, Water Charges and other charges by Municipal Corporation and the like.

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11. The rate of 5% on Non Affordable Housing will increase the burden of an effective GST (As ITC Not Allowed) and will defeat the purpose of Housing for all. <u>The rate of Non Affordable</u> Housing should be capped at 3% or less.

12. The rate on Commercial Projects is presently fixed @ 12% The concept of Affordable housing should be extended to Affordable Commercial Sector also. The Carpet area up to 340 Sq. ft. (Value of Rs.45 Lacs) should be treated as "Affordable Commercial".

13. Looking at the rising cost of land as also the cost of construction, the value for Affordable housing should be enhanced to Rs.75 lacs. <u>The definition of "Affordable Housing" also needs to be revised and threshold for Affordable houses should also be enhanced.</u>

14. In Income tax if the finished apartments is held as stock in trade and itis not sold for the period up to two years from the end of the financial year in which the certificate of completion of construction obtained then the annual value shall be taken as nil. <u>The period of two years to be increased to five years.</u>

15. When the builder provide construction service to the Land owner, the clarification is required, whether GST is chargeable at 18% or 5%.

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CPWD Matters

To,

Shri Hardeep Singh Puri Ji, Hon'ble Minister of State (Independent Charge), Ministry of Housing and Urban Affairs Room No. 104 - C, Nirman Bhawan, Maulana Azad Road, New Delhi - 110011

Shri Rajiv Gauba Ji Cabinet Secretary, Rashtrapati Bhawan New Delhi - 110 004

The Director General Central Public Works Department (CPWD), Nirman Bhawan, Maulana Azad Road, New Delhi, 110001 Ref: 45/2021-2022 dated 12th April, 2021

Dr. Jitendra Singh Hon'ble Minister of State of Public Grievance & Pension, 5th Floor, Sardar Patel Bhawan, Parliament Street, New Delhi, 110001 Email- mos-pp@nic.in

Shri Durga Shanker Mishra Ji, Secretary, Ministry of Housing and Urban Affairs Room No. 122- C, Nirman Bhawan, Maulana Azad Road, New Delhi - 110011

Shri Sanjay Kothari Ji, Central Vigilance Commissioner Satarkta Bhavan, Block-A, GPO Complex, INA New Delhi - 110 023

Sub.: Regarding Relaxation for upcoming works of Central Vista.

Respected Sir,

Builders Association of India (BAI) established in 1941, is the apex body of Indian Construction Industry having about 20,000 construction companies as its members, with 200 centres (Chapters) spread throughout the country. BAI acts as a bridge between the Government and construction industry on policy advocacy of the Government and Contribute to the Country's economic development.

Sir, BAI being the apex body of various infrastructure companies across the country, it is our endeavor to take up the issues faced by them, particularly on the issue of contract conditions and tenders, to your good self, so that the same would be addressed and resolved at your esteemed office itself . Sir, in this regard, it is our humble submission, we wish to state that in regard to upcoming work of Central Vista, our number of contractors are very keen to participate and willing to execute the work on competitive pricing ensuring Quality. This pertains to our seriousness & willingness to be associated with this visionary project.

Sir we are grateful that the Circular No. DG/SOP/ 17 Dated 22/02/2021 has been relaxed keeping in view the competitive and healthy competition of the project. Sir, we would also like to kindly request your good self to allow joint venture and split the tender into packages. We also would like to submit that the criteria of 80, 60, 40 should be further relaxed. The criteria of work done experience of 7 years should be increased to 10 years.

Keeping in view of the current circumstances of the country, where there is financial crunch, particularly due to COVID, competitive rate & healthy competition will relax the financial burden of the Government.

It is our foremost request that a circular pertaining to our above requests should be notified.

Also it is our earnest request that the upcoming tender for the Central Vista should ensure the above amendments in the tender.

Thanking You,

Yours faithfully,



R. N. Gupta President Builders' Association of India

Ref: 65/A/2021-2022 dated 27th April, 2021

Shri Ashok Kumar Gupta Chairperson, Competition Commission of India Hudco Vishala, 14, B -Wing, Bhikaji Cama Place, Near Hayyat, New Delhi 110066

Ms. Sangeeta Verma Member, Competition Commission of India, Hudco Vishala, 14, B -Wing, Bhikaji Cama Place, Near Hayyat, New Delhi 110066

Dr. Atul Verma Director General, Competition Commission of India Hudco Vishala, 14, B -Wing, Bhikaji Cama Place, Near Hayyat, New Delhi 110066

Shri Vinit Kumar Jayaswal Director General, Central Public Works Department (CPWD), Room No. 101- Wing- A, Nirman Bhawan, New Delhi 110011 Dr. Atul Verma Director General, Competition Commission of India Hudco Vishala, 14, B -Wing, Bhikaji Cama Place, Near Hayyat, New Delhi 110066

Shri Bhagwant Singh Bishnoi Member, Competition Commission of India Hudco Vishala, 14, B -Wing, Bhikaji Cama Place, Near Hayyat, New Delhi 110066

Shri Durga Shankar Mishra Secretary, Ministry of Housing & Urban Affairs, Room No. 122, Wing -C, Nirman Bhawan, New Delhi -110011

Shri P.S Chauhan Add. Director General (ADG), Central Public Works Department (CPWD), A- Wing, Nirman Bhawan, New Delhi 110011

Reg.Restrictive Tender Conditions

Respected Sir,

The Builders Association of India (BAI) is the apex All-India body of engineering construction contractors and real estate companies founded in the year 1941 with more than 20,000 business entities as its members through nearly 200 chapters across the country and overseas.

We wish to bring to your immediate and kind attention the project of Central Secretariat for Central Vista tender published on 20/4/21 on CPWD portal.

Sir we would like to request your good self that because of certain conditions we have found tender to be restrictive, against the principal of open tender and which would increase the cost of the projects thus causing loss to exchequer. Our observations are as follows:

- 1. The tender conditions have been laid down in a manner only to qualify 3 to 4 big companies which practice cartelisation and pool of tender.
- 2. As per Rules for Enlistment of Contractors in CPWD 2020, highest class for Building Category

is Class1 (Super) and according to which the tendering limit is Rs. 650.00 Cr wherein the enlisted contractor can bid up to Rs. 650 cr. without pre qualification or eligibility bid. As per these rules, for the eligibility of Class 1 (Super) to bid up to Rs. 650.00 cr., the work experience requires 3 completed works of 20%, 2 works of 30% and 1 work of 60%. Therefore, the same procedure is to be used for eligibility for this tendered work for central secretariat and also, any other condition mentioned in the said tender which is contrary to guidelines given in the enlistment rules should be relaxed.

3. Further the restriction on bidding capacity and the monthly turnover etc. should be removed to invite healthy competition. The contractor would be submitting performance security and would as it is face penal charges should he fails. The conditions of this tender of Central Secretariat seems to be avoiding competition & favoring only certain companies to qualify in the tender.

- 4. We would also request your good self to allow joint venture and split the tender into packages to get more competition. The present tender is a composite one for construction of 3 building which should be split into 3 separate tenders for each individual building. We once again request that the eligibility criteria of 3 completed works of 20%, 2 works of 30% and 1 work of 60% as mentioned above should be strictly followed.
- 5. The criteria of work done experience of 7 years should be increased to 10 years.

This present approach of CPWD will not only allow the few big companies to pool the tender but also put huge loss to exchequer as this will not allow competition.

We therefore request department to make changes in condition which are restricting competition and allow other companies also to give competitive bids. It is our foremost request that a circular pertaining to our above requests should be notified. Also, the tender for the Central Vista should ensure the above amendments in the tender so there is fair competition avoiding restriction of competition.

Thanks & Regards,

Your faithfully,

R.N. Gupta

President, Builders' Association of India (Mob: 9810011139)



Ref: 92/M/2021-2022 dated 20th May, 2021

The Director General Central Public Works Department (CPWD), "A" Wing, Nirman Bhawan, New Delhi -110011

Dear Sir

Sub: Second Wave of Covid 19- Disruption in Construction Activity- Reg.

Due to your honest, pragmatic and ethical approach which is manifesting in the huge improvement in the conceptualisation to the completion of work in CPWD, we are compelled to now approach you knowing that you would look into our just and earnest request.

The Builders Association of India (BAI) is the apex All-India body of engineering construction contractors and real estate companies founded in the year 1941 with more than 20,000 business entities as its members through nearly 200 chapters across the country.

As you are aware, second wave beginning in March 2021 of Covid 19 has been much stronger and larger than the first, with shortages of vaccines, hospital beds, oxygen cylinders and other medicines in various parts of the country. In the absence of a nationwide lockdown and with Covid-19 cases on a steady rise, a number of states in India have imposed complete lockdowns to reduce the spread of the corona virus virus amid a deadly second wave. Even the states that have not opted for state-wide lockdowns have induced lockdown-like strict curbs on the movement of people.

Hence, the construction activities have been disrupted and even though there is no ban as such on construction works, the works have suffered and have, therefore, either stopped or working with hardly any activity. The various reasons are:

- Lack of Migrant Labour: The fear of Corona is making migrant labour leave and go back to their hometown. The contractors have tried making all efforts like financial help, arrangement of medical facilities, hygienic accommodation observing the social distancing norms and wholesome diets to make them comfortable. All these efforts have been in vain as the fear of Corona has pushed these labours in going back to their hometown.
- 2) Lack of Construction Material: Due to lockdowns in the various states, the manufacturing is thus impacted and the transportation of the material is also faced a huge impact due to shortage of drivers as again they have left for their hometown due to fear of lockdown. Moreover since the construction material does not come under the essential commodities, it is not being allowed to be transported. Due to the absence of construction material, migrant labour is also leaving as there is no work. Even if any manufacturer/ supplier is ready to send the goods, they are unable to reach the site.

....P2....

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B.A.I. Centres at:

Adlabed, Agra, Agra Cantt, Ahmedabad, Ahmedabad, Ahmednagar, Aligath, Allahabed, Alegry, Ahux, Amaxveth, Amaxveth, Andaman & Noobar, Angamali, Aurangebad, Avadi, Baghpat, Bangalore, Barameti, Bareelly, Baroda, Bharudi, Bihopal Biaspur, Buthori, Calicut, Chandigath, Changanadherry, Chengai, Chennai, Chetmadu, Chittadurga, Coimbatre, Dahi, Dehi Dehi Sorth, Dehi Sorth, Dehi West Dhanbad, Dharaguram, Dhuke, Dindigul, Durgepur, Durg-Bhillai, Eroda, Ethumanoo, Faridabad, Goutam Buddha, Nagar, Gandhinagar, Ghaniabad, Gou, Greater Hyderabad, Greater Hyderabad, Greater Hyderabad, Greater Hyderabad, Greater Hyderabad, Branzeddy, Kanchupuram, Yankia, Arnya, Kanchupuram, Yankia, Annya, Kanchupuram, Kanchur, Kanpur, Kanpur-Souh, Konyakumari, Kanakus, Kannaragar, Karnak, Kamarada, Kanakurada, Kadhurandhakam, Kadhurandhakam, Nadinuri, Mahakootnagar, Matoya Mangalora, Maylakdumira, Mataki, Mahakootnagar, Mandya, Mangalora, Maylakdumir, Makati, Matakuradhakam, Maduradi, Maradabad, Kanakurada, Kanduranda, Kanakurada, Matakurada, Kanakurada, Matakurada, Kanakurada, Kanakurada, Mangalora, Maradabad, Mandurbar, Matik, Matakurada, Kanakurada, Chagda, Panipat, Farbani, Pata, Perambalur, Phaltin, Pink Chy Jaiyu, Pendicharry, Penneni, Peonamalae, Por-Ramangandi, Puduketta, Puna, Raidur, Raigad, Raiyur, Sajatha, Sainda, Ranoda, Ranga Reddy, Ravalapalem, Saingannas, Sangli Sakar, Shakada, Shinoga, Shidar, Shayada, Sarat, Tanbaram, Tankur, Tankura, Tarimu, Transhad, Shinyaya, Saya, Sarat, Tambaram, Tankur, Tankar 3) Lack of Staff at Work Site: The staff at various sites have fallen prey to Corona and the attendance has been very erratic. Because of one incident of Corona, other are also being placed under quarantine thus effecting the entire progress of the work.

-2-

- 4) Lack of Client's Staff: Even the officers from the monitoring client side are not coming to site because of fear of Corona. Some have either caught the disease and others are taking precautions.
- 5) Lack of Staff of Third Party/ Consultant- The staff of the third party / consultant are unable to attend to the requirements of the site thus impacting the progress at site
- 6) Lack of Hired Construction Machinery: Again the scarcity of the drivers, the hired construction machines are idle.

Therefore it can be clearly seen that construction industry is going thru a very difficult time and you would also agree that the second wave is causing more damages than the first one we saw in 2020.

Due to these disruptions, the milestones to be achieved as per the given schedule are getting affected at various construction sites. These factors, as explained above, due to which the delays are taking place, are beyond the control of the contractors. The contractors are incurring considerable financial losses as the expenditure on the enormous infrastructure has to be maintained even if the work has been stopped.

Instead of being sympathetic to the plight of the contractors, penalties are being imposed on the contractors by CPWD, for not meeting the milestone, fully knowing the ground realties.

Sir, we have tried explaining the current realistic situation but we are not getting much response and no one is giving a sympathetic audience.

Looking at the problems which apart from financial stress are also causing other duress to the CPWD contractors, you are sincerely requested to direct your officers to make suitable modifications to the milestones keeping in mind the ground realties which we have tried to bring to your kind attention.

We also seek an urgent audience with your good self to explain these personally and bring to your kind attention the other problems being faced by CPWD contractors.

With Thanks & Regards,

Yours faithfully,

R.N Gupta President Builders Association of India Mobile.98100 11139



(All India Association of Engineering Construction Contractors and Builders) G-1/G-20, 7th Floor, Commerce Centre, J. Dadajee Road, Tardeo, Mumbai - 400034 Tel: (91-22) 23514802, 23520507,23521328 Website: www.baionline.in, E-mail : baihq.mumbai@gmail.com I @BAINational I http://youtube.com/user/baihqmumbai

Ref: 215/M/2021-22 dated 7th June, 2021

The Director General Central Public Works Department (CPWD), Room No. 101- Wing- A, Maulana Azad Road, Nirman Bhawan, New Delhi 110011

Respected Sir,

Sub: Change in Enlistment- Change to Unlimited Tendering Limit- Reg.

We have time again recognised and much appreciated the fact that due to your honest, pragmatic and ethical approach, one can see huge improvement in the conceptualisation to the completion of work in CPWD.

As aware, the Builders Association of India (BAI) is the apex All-India body of engineering construction contractors and real estate companies founded in the year 1941 with more than 20,000 business entities as its members through nearly 200 chapters across the country.

Most of our contractors members are attached with your department and have executed several prestigious contracts. Also you would appreciate that our contractor members are playing a very vital role and are an integral part of the success of CPWD in the timely execution of the prestigious projects thus bringing laurel to the department.

CPWD is the project developer of the highly prestigious Central Vista Projects. Our contractors members are very keen to be part of these projects. However as per the Rules for Enlistment of Contractors in CPWD 2020, highest class for Building Category is Class1 (Super) and according to which the tendering limit is Rs. 650.00 Cr wherein the enlisted contractor can bid up to Rs. 650 Cr. without pre-qualification or eligibility bid.

This imposition of the tendering limit is not letting our contractor member to participate in the tendering process for central vista projects as most of the tenders are above 650 Cr. This imposition of the tendering limit of 650 Cr for the highest class is not fair and not following the procedure being followed by other premier organisations in India. We are bringing to your kind attention few enlistment procedure being followed so that you may see the gross injustice being done to the contractor members in imposing this tendering limit of 650 Cr.

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el. Agra, Agra Cantt, Ahmedabad, Ahmednagar, Aligarh, Allahabad, Alleypy, Alura, Amiavath, Andaman & Madaman & Managarah, Antargathad, Avadi, Baghpat Sen, Thiatudo, Bhoyd, Bilanyur, Puthvin, Calinet, Cuandigath, Changanachurity, Chengal, Channard, Chithadurg, Colinaturg, Colandatos, Dath, Delhi Sarti, Shabatha, Dabh Nirth, Al, Dharapuzan, Dinila, Dindigit, Durgapuz, Durg-Ballia, Eroda, Brumanoer, Fantabad, Gontan Budha, Nigar, Gantiabad, Oos, Gravier Hyderabad, Greeten Iegu m, Giavahad, Halias, Mayu, Hasin, Hyderabad, Eshabaranji, Indone, Jebalpuz, Jagdalpuz, Japat, Janinet, Jaminet, Jaminet, Jaminet, Jaminet, Asilianishad, Gentan Budha, Magar, Gantiabad, Oos, Gravier Hyderabad, Greeten Iegu r, Starburghan, Halias, Mayur, Masher, Hyderabad, Karimagar, Karnak, Karavath, Namanan, Kodai, Nodakaraal, Nodungata, Kalibaratha, Nathuratha, Kathyara, Manaleed, Janinet, Kangara, Manakara, Kathyara, Kathara, Kathyara, Kathyara, Kathyara, Manakara, Manakara, Mataratha, Kathyara, Kathyara, Kathyara, Kathyara, Kathyara, Kathyara, Kathyara, Kathyara, Janinet, Jani Karaikal, Karimmagar, Karnal, Karpar, Jagustput, Jaiput, Jalpam, Jainshedp, oofmagar, Malagam, Handya, Mangalaw, Meyiladhutan, Medakiasal, Kodungaliko and Karaikan, Karaikan Menakaka, Sanded, Nandurbar, Neak, Nelline, Neyvei, S masilae, Pro-Ramangami, Joudakista, Yama, Kachun, Kagad, Raguu, Rajohrundry, Sichas, Stapuz, Stapuz, Sutat, Tambaram, Tanuku, Tenian, Tanun, Te-raki, Tanuna, Tanuku, Sanaka, Tanukan, Tanuku, Tenian, Tanun, Kagad, Raguu, Rajohrundry, Yaki, Tanuna, Tanuku, Sanaka, Kanakan, Kanuku, Tenian, Tanun, Kagad, Raguu, Kajohrundry, Yaki, Tanuna, Tanuku, Sanakan, Kanakan, Kanuku, Tenian, Tanuna, Kagad, Kanakan, eta, Poissen, Molinega, Meredalvad, Jonezenna, ad, Ongole, Parlipat, Parlhani, Patria, Persantrasin adhapuzan, Bandui, Panga Reddy, Berulagaler melhapuzan, Bandui, Thirerada, Jineresinaanalad, D melhinaapoondi, Thirerada, Jineresinaanalad, D rent, Silipiti Stamabad Rajahmundry, Rajint, Ramanaba Januar, Dana, Dhingsana amagar Yan, failt-unentha Mutaflernagat, Mysime, Na ut, Pondicherry, Poneset, Pr right, Safara, Shahda, Shimog 3.51 Japrus, Prmdiches ina Silbar or Viterswads Vikershad Vill nat. Tarachirapalli, Tar ern 177 Flactrical Yad us Theory allow Thirty area. That rin. Uitumi dougt COhamawar, Vello abrall. Tirup

1) Military Engineer Services (MES)

1.3 Classification of Contractors

The Classification, value of Standing Security Deposit, Competent Enlisting Authority and Registering Authority shall be as under :

NO. CONTRACTOR	COLUMN ST	
Class	Tende	ipper tring limit (Rs.)
(1)		(2)
SS	N	o limit

2) PWD, Odisha

Class of Contractor	Amount on O.M10627 dt.9.9.2014	Revised Amount on O.M12905 dt.23.8.
		2018
1- Super Class	Unlimited	Unlimited

3) <u>DRDO</u>

Class/Category/ Jurisdiction/ Enlistment Authority	Tendering Limit (in Rs.) (Up to)
1/2/3	4
CLASS-1 (Super) Composite category All over India DCW&E NewDelhi	Unlimited

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-3-

4) PWD, Haryana

There shall be following classes of contractors:-

C	lass	Category	Tendering Limit
I	A	Buildings	No limit
	B	Roads and Bridges	No limit

5) PWD, Rajasthan

S. No.	Class of contractors	Extent upto which qualified to tender for any work
1	2	3
1.	'AA' Class.	¹ [Any amount.

Therefore, it very clear that most of the premier organisation have not imposed any tendering limit for their highest class of contractors.

Secondly and very pertinently, the works of "Building Works" is very elaborate involving more than hundreds of different items and need close coordination with several other agencies executing various services. This requires considerable infrastructure and office staff covering various streams

However the works of "Road Works" has much less items for execution and mainly dependent on machineries. It does not require as much coordination with other agencies and also does not require such elaborate infrastructure and office staff.

The contractor for **"Building Works"** has enough financial resources to satisfactorily demonstrate the capability of mobilising the machinery required before the start of the work and the same can be easily enforced.

Hence the tender limit for building works and road works should be similar and there should not so much disparity.

Sir, we are an integral part of CPWD and wish to participate in all the prestigious tenders thus increasing the number of participants in a bid and hence arriving at the best price to execute the said work.

....P4...

However this tendering limit restrict the participation of the contractors who are otherwise very capable and have the necessary infrastructure to execute such contracts. Before 2005, there was no tendering limit for the highest class and one wonder as to why there has been a deviation.

Therefore we request that you please change this tendering limit to "unlimited" and also make the tendering limit same for building and road works so that more contractors get an opportunity to participate in the tendering process thus increasing the fair competition and hence arriving at the best price to execute the said work

Your pragmatic, honest and ethical approach has been helping CPWD and we are very sure that now we you would correct this glaring anomaly, also.

We also seek an urgent audience with your good self to explain these personally and bring to your kind attention the other problems being faced by CPWD contractors.

Thanking you,

Yours faithfully,

R.N Gupta President, Builders Association of India Mobile.98100 11139

BUILDERS' ASSOCIATION OF INDIA



(All India Association of Engineering Construction Contractors and Builders) G-1/G-20, 7th Floor, Commerce Centre, J. Dadajee Road, Tardeo, Mumbai - 400034 Tel: (91-22) 23514802, 23520507,23521328 Website: www. baionline.in, E-mail : baihq.mumbai@gmail.com @BAINational http://youtube.com/user/baihqmumbai

Ref: 230 /J/2021-22 dated 29" June, 2021

The Director General Central Public Works Department (CPWD), Room No. 101- Wing- A, Maulana Azad Road, Nirman Bhawan, New Delhi 110011

Dear Sir,

Sub: Issue of Impact of GST & Labour Cess- Reg.

The Builders Association of India (BAI) is the apex All-India body of engineering construction contractors and real estate companies founded in the year 1941 with more than 20,000 business entities as its members through nearly 200 chapters across the country.

We have observed that in DAR 2019 in sub head " Carriage of Materials" the impact of GST and Labour Cess is not considered in the Analysis of Rates (AOR). However the impact of GST and Labour Cess has been considered in all the other sub heads mentioned in DAR 2019.

Further, in RA bills/ Final bills the necessary deduction towards GST and Labour cess is made even on the item of " Carriage of Materials" which is incorrect.

It is therefore sincerely requested that either the impact of GST and Labour Cess is included in the AOR for the sub head " Carriage of Materials"

OR

the deductions towards GST and Labour Cess should be made from RA bills/ Final bills after removing the amount towards sub head "Carriage of Materials"

Thanking you in positive anticipation.

Yours faithfully,

R. N. Gupta President **Builders' Association of India** Mobile : 98110011139

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Ref: 231 /J/2021-22 dated 29" June, 2021

The Director General Central Public Works Department (CPWD), Room No. 101- Wing- A, Maulana Azad Road, Nirman Bhawan. New Delhi 110011

Dear Sir.

Sub: CPWD Office Memorandum No. DG/ CON/ 312 dated 17.02.2021- Reg.

The Builders Association of India (BAI) is the apex All-India body of engineering construction contractors and real estate companies founded in the year 1941 with more than 20,000 business entities as its members through nearly 200 chapters across the country.

BAI has received widespread representation from our members all over India in reference to the above mentioned OM.

By this referred OM, the following modifications have been made in the GCC for construction works:

- 1) Clause 12.2 on Deviations, extra Items and Pricing, it has been now inserted that the rate(s) of extra items so determined by the Engineer-in-charge shall be final and binding in the contractor and shall not be arbitrable.
- 2) In the same Clause 12.2 on contract items, substituted items which exceed the limits laid down in schedule F, it has been now inserted that the rate(s) so determined by the Engineerin-charge shall be final and binding in the contractor and shall not be arbitrable.
- 3) In Clause 12.3 on decrease in rates of items on contract items, substituted items which exceed the limits laid down in schedule F it has been now inserted that the rate(s) so determined by the Engineer-in-charge shall be final and binding in the contractor and shall not be arbitrable.

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Sir, you would appreciate that the clauses of the agreements should be fair, reasonable and applicable to both parties equally. The clauses of the agreements shall not be a favour for one person and disfavour to another person. If there is a position like this it would amount to 'unfair trade practice.

Therefore, it is the opinion of most of our members, the changes in the GCC by incorporating the phrase "<u>shall not be arbitrable</u>" is against the spirt of the Clause 25 which deals with settlement of Disputes & Arbitration. Moreover Clause 12 also does not mention that rates so fixed shall not be subject to arbitration.

It is therefore sincerely requested to delete the said insertion "<u>shall not be arbitrable</u>" from <u>all</u> the clause mentioned above and issue necessary modifications in the above-mentioned Office Memorandum No. DG/ CON/ 312 dated 17.02.2021.

Thanking you in positive anticipation.

Yours faithfully,

R. N. Gupta President Builders' Association of India Mobile : 98110011139

केन्द्रीय लोक निर्माण विभाग

कार्यालय ज्ञापन

No. DG/CON/312

ISSUED BY THE AUTHORITY OF DIRECTOR GENERAL, CPWD

Nirman Bhawan, New Delhi

Dated: 17.02.2021

Subject: Modification in Clause 12 of GCC 2020 for Construction Works.

The following	modifications are	made in the GCC	for Construction Works.
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Existing Provision	Modified Provision	
Clause 12	Clause 12	
Deviations/Variations Extent and Pricing The Engineer-in-Charge shall have power (i) to make alteration in, omissions from, additions to, or substitutions for the original specifications, drawings, designs and instructions that may appear to him to be necessary or advisable during the progress of the work, and (ii) to omit a part of the works in case of non-availability of a portion of the site or for any other reasons and the contractor shall be bound to carry out the works in accordance with any instructions given to him in writing signed by the Engineer-in-Charge and such alterations, omissions, additions or substitutions shall form part of the contract as if originally provided therein and any altered, additional or substituted work which the contractor may be directed to do in the manner specified above as part of the works, shall be carried out by the contractor on the same conditions in all respects including price on which he agreed to do the main work except as hereafter provided. 12.1 The time for completion of the works	Deviations/Variations Extent and Pricing No Change	
 shall, in the event of any deviations resulting in additional cost over the tendered value sum being ordered, be extended, if requested by the contractor, as follows: (i) In the proportion which the additional cost of the altered, additional or substituted work, bears to the original tendered value plus (ii) 25% of the time calculated in (i) above or such further additional time as may be considered reasonable by the Engineer-in-Charge. 	No Change	

12.2 Deviation, Extra Items and Pricing	12.2 Deviation, Extra Items and Pricing
In the case of extra item(s) (items that are completely new, and are in addition to the items contained in the contract), the contractor may within fifteen days of receipt of order or occurrence of the item(s) submit market rate claim rates, supported by proper analysis which shall include invoices, vouchers etc. and Manufacturer's specification for the work failing which the rate approved later by the Engineer- in- Charge shall be binding and the Engineer- in- Charge shall within prescribed time limit of the receipt of the claims supported by analysis, after giving consideration to the analysis of the rates submitted by the contractor, determine the rates on the basis of the market rates and the contractor shall be paid in accordance with the rates so determined, failing which it will be deemed to have been approved.	In the case of extra item(s) (items which are not available in the contract), the contractor may within fifteen days of the receipt of order or occurrence of the item(s), submit claim for market rate(s), supported with proper analysis of rate and manufacturer's specification for the work, invoices, vouchers, etc. (as applicable), failing which the rate(s) approved later by the Engineer-in-Charge shall be final and binding. Where the contractor submits claim for market rate(s) in the manner prescribed above, the Engineer-in-Charge shall, within 45 days of the receipt of the claims, after giving consideration to the analysis of rates and other documents submitted by the contractor, determine the rates on the basis of the market rates and the contractor shall be paid in accordance with the rates so determined. The rate(s) of extra items so determined by the Engineer-in-Charge shall be final and binding on the contractor, and shall not be arbitrable.
 In the case of substituted items (items that are taken up with partial substitution or in lieu of items of work in the contract), the rate for the agreement item (to be substituted) and substituted item shall also be determined in the manner as mentioned in the following para. a) If the market rate for the substituted item so determined is more than the market rate of the agreement item (to be substituted), the rate payable to the contractor for the substituted item shall be the rate for the agreement item (to be substituted) so increased to the extent of the difference between the market rates of substituted item and the agreement 	Deleted
 item (to be substituted). b) If the market rate for the substituted item so determined is less than the market rate of the agreement item (to be substituted), the rate payable to the contractor for the substituted item shall be the rate for the agreement item (to be substituted) so decreased to the extent of the difference between the market rates of substituted item and the agreement item (to be substituted). 	Deleted

Deviation, deviated Quantities, Pricing	Deviation, deviated quantities, Pricing
In the case of contract items, substituted	In the case of contract items which exceed the
items, contract cum substituted items, which	limit laid down in Schedule F, the contractor
exceed the limits laid down in schedule F, the	may within fifteen days of the receipt of order
contractor may within fifteen days of receipt	or occurrence of the excess, claim revision of
of order or occurrence of the excess, claim	the rates, supported with proper analysis of
revision of the rates, supported by proper	rate and invoices, vouchers, etc. (as applicable),
analysis for the work in excess of the above-	for the quantity in excess of the above-
mentioned limits,	mentioned limit. The Engineer-in-Charge shall
and the contractor shall be paid in	within 45 days of receipt of the claims, after
accordance with the rates so determined.	giving consideration to the analysis of rates and other documents submitted by the contractor,
The prescribed time limit for finalizing rates	determine the rates on the basis of the market
for Extra Item(s), Substitute Item(s) and	rates and the contractor shall be paid in
Deviated Quantities of contract items is	accordance with the rates so determined.
within 45 days after submission of proposal	The rate(s) so determined by the Engineer-in-
	Charge shall be final and binding on the
by the contractor without observation of the	contractor, and shall not be arbitrable.
Engineer-in-Charge.	12.3 In the case of contract items which exceed
12.3 The provisions of the preceding	the limit laid down in Schedule F, the Engineer-
paragraph shall also apply to the decrease in	
the rates of items for the work in excess of	in-Charge shall after giving notice to the
the limits laid down in Schedule F, and the	contractor within 30 days of submission of that
Engineer-in-Charge shall after giving notice to	bill by the contractor which contains such
the contractor within one month of	item(s), and after taking into consideration any
occurrence of the excess and after taking into	reply received from the contractor within 15
consideration any reply received from him	days of the issue of such notice, reduce the
within fifteen days of the receipt of the	rate for quantity in excess of the above-
notice, revise the rates for the work in	mentioned limiton the basis of market rates
question within one month of the expiry of	within 30 days of the expiry of the said period
the said period of fifteen days having regard	of 15 days, and the contractor shall be paid ir
to the market rates.	accordance with the rates so determined.
	The rate(s) so determined by the Engineer-in-
10 ⁻	Charge shall be final and binding on the
	contractor, and shall not be arbitrable.
12.4 For the purpose of operation of	
Schedule "F", the following works shall be	
treated as works relating to foundation	
unless & otherwise defined in the contract:	
(i) For Buildings: All works up to 1.2 metres	
above ground level or up to floor 1 level	
whichever is lower.	
(ii) For abutments, piers and well staining:	
All works up to 1.2 m above the bed	Deleted
level.	190.0 Here (1977) Statistical (1997)
(iii) For retaining walls, wing walls,	
compound walls, chimneys, overhead	
reservoirs/ tanks and other elevated	
structures: All works up to 1.2 metres	
the the the the the the the the the	
above the ground level.	

 (iv) For reservoirs/tanks (other than overhead reservoirs/tanks): All works up to 1.2 metres above the ground level. (v) For basement: All works up to 1.2 m above ground level or up to floor 1 level whichever is lower. (vi) For Roads, all items of excavation and filling including treatment of sub base. 	Deleted
12.5 Any operation incidental to or necessarily has to be in contemplation of tenderer while quoting tender, or necessary for proper execution of the item included in the Schedule of quantities or in the schedule of rates mentioned above, whether or not, specifically indicated in the description of the item and the relevant specifications, shall be deemed to be included in the rates quoted by the tenderer or the rate given in the said schedule of rates, as the case may be. Nothing extra shall be admissible for such operations.	12.5 The cost of any operation necessarily in contemplation of tenderer while quoting tender or necessary or incidental to proper execution of an item of work included in the Schedule of Quantities or in the Schedule of Rates mentioned in Schedule F, whether or not specifically indicated in the description of the item and the relevant specifications, shall be deemed to be included in the rates quoted by the tenderer or the rate given in the said Schedule of Rates, as the case may be. Nothing extra shall be admissible for such operations.

This issues with the approval of competent authority.

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अधीक्षण अभियंता(सी0एंड एम0)

Issued from file No.CSQ/CM/17(1)/2020 e-file no. 9104203

प्रतिलिपिः सभी केलोनिवि तथा लोनिवि दिल्ली के अधिकारियों को आवश्यक सूचना एवं कार्यवाही हेतु। (केलोनिवि वेबसाईट के माध्यम से)

अधीक्षण अभियंता(सी०एंड एम०)



(All India Association of Engineering Construction Contractors and Builders) G-1/G-20, 7th Floor, Commerce Centre, J. Dadajee Road, Tardeo, Mumbai - 400034 Tel: (91-22) 23514802, 23520507,23521328 Website: www. baionline.in, E-mail : <u>baihq.mumbai@gmail.com</u> Main a main a main a second a

Ref: 232 /J/2021-22 dated 29th June, 2021

The Director General Central Public Works Department (CPWD), Room No. 101- Wing- A, Maulana Azad Road, Nirman Bhawan, New Delhi 110011

Dear Sir.

Sub: CPWD Office Memorandum No. DG/ CON/ 313 dated 17.02.2021- Reg.

The Builders Association of India (BAI) is the apex All-India body of engineering construction contractors and real estate companies founded in the year 1941 with more than 20,000 business entities as its members through nearly 200 chapters across the country. Quite a large number of our BAI members are also associated with your esteemed department.

BAI has received widespread representation from our members all over India in reference to the above mentioned OM.

By this referred OM, the following modifications have been made in the GCC for maintenance works:

- 1) In Clause 12.2 on Deviations/ Variations Extent & Pricing, it has been now inserted that the completion cost of any agreement for maintenance works including works of upgradation, aesthetic, special repair, addition/ alteration should not exceed two time the contract amount and that the contractor shall carry out these deviated quantities on the same conditions under the same agreement in all respect including price on which he agreed to the main work.
- 2) In Clause 12.2 on Deviations, Extra Items & Pricing it has been now inserted that the rate(s) of extra items so determined by the Engineer-in-charge shall be final and binding on the contractor and shall not be arbitrable.

It is the opinion of the members of BAI that:

I) As per new insertion in Clause 12.2, the contractors will be now forced to carry out deviation up to two times the contract amount at the same rate as he agreed to the main work. This is not fair especially in the abnormal circumstances of Corona Pandemic due to which the contractors are badly

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B.A.I. Centres at:

B.A.I. Centres at: Adilabad. Agra Agra Cantt. Ahmedabad. Ahmednagar. Aligarh. Allahabad. Alleppy. Alus. Amuravati. Amaravath. Andaman & Nicobar. Angamali. Aurangabad. Avadi. Baghpat. Bangalore. Barameti. Bareilly. Baroda. Bharuch. Bhopal. Bilaspur. Butbori. Calicut. Chandigarh. Allahabad. Alleppy. Alus. Amuravati. Amaravath. Andaman & Nicobar. Angamali. Aurangabad. Avadi. Baghpat. Bangalore. Barameti. Bareilly. Baroda. Bharuch. Bhopal. Bilaspur. Butbori. Calicut. Chandigarh. Changanacherry. Chengai. Chennai. Chetinadu. Chitradurga. Coimbatore. Delhi. Delhi East Shahadra. Delhu North. Delhi Sust. Delhi. West. Dhanbad. Dharapuram. Dhule. Dindigal. Durgapur. Durg-Bhullai. Erode. Ettumancor. Farldabad. Gautam Buddha Nagar. Gandhinagar. Joharibad. Gautam Euddha. Nagar. Gawahati. Halda. Hapur. Hasan. Hyderabad. Ghakarani. Indore. Jabalpur. Jagadhur. Jaipad. Jur. Jaigadhur. Jaipad. Sust. Kollas. Kokar. Kollasur. Kokata. Kollasur. Kokata. Kollasur. Kokata. Kontum. Kohaya Mundi Latur. Lori, Lucinow. Madhuranthakam. Madurai. Mahadarobangar. Mangkal. Karnavati. Phanmanam, Kochi, Kodalan. Mcdahadu. Mestau. Kollasur. Kokata. Kollasur. Motakas. Konzur. Kotaya m. Kumbakonam. Kundi Latur. Lori, Lucinow. Madhuranthakam. Madurai. Mahadarobangar. Mangkal. Karnavati. Phanmanam. Kochi, Kodalan. Medakal. Mestau. Kollasur. Kokata. Kollasur. Kokata M. Kundi Latur. Lori, Lucinow. Madhuranthakam. Madurai. Mahadaran. Nagonda. Namakkal. Namded. Nandurbar. Navik. Nellore. Neyveli. Niligiti. Nizamabad. Orgole. Anipat. Parbhada. Handahar. Pintu. Phin. Chipapur. Pondicherry. Ponnet, Poonamallee. Por-Ramangamdi. Pudukkottai. Pune Raichur. Raigad Raipur. Raight. Salam. Salam. Sangan. Sanga. Salam. Sangai. Salam. Sangai. Salam. Sangai. Salam. Salapur. Suichar. Sithara. Sithara. Sithara. Sithara. Sithara. Sithara. Sithara. Sithara. Shahada. Shumaga. Muradamatara. Nicagai. Salam. Salam. Salam. Sangai. Salam. Salam. Sangai. Salam. Salam. Sangai. Salam. Salam

suffering and are struggling to even survive. Due to the pandemic no work could be done for extended period due to lockdowns etc whereas the contractor kept on incurring the cost on idle labour, idle infrastructure bank interest and other miscellaneous cost. Therefore forcing him to now execute up to two times of contract amount would be imposing more financial pressure especially when all the cost of work have gone up considerably thus forcing him towards bankruptcy. Therefore it proposed that the deviation under the same agreement and at the same price should be restricted to deviation up to 100% in the excavation quantities and 30% in the balance quantities.

II) By inserting the phrase "<u>shall not be arbitrable</u>" is against the spirt of the Clause 25 which deals with settlement of Disputes & Arbitration. The clauses of the agreements should be fair, reasonable and applicable to both parties equally. The clauses of the agreements shall not be a favour for one person and disfavour to another person. It is therefore sincerely requested to delete the said insertion "shall not be arbitrable" from clause 12.2.

We look forward to necessary modifications in the above referred OM and we thank you in positive anticipation.

Yours faithfully,

R. N. Gupta President Builders' Association of India Mobile : 98110011139

केन्द्रीय लोक निर्माण विभाग

कार्यालय ज्ञापन

No. DG/ CON/313

ISSUED BY AUTHORITY OF DIRECTOR GENERAL, CPWD

NIRMAN BHAWAN, NEW DELHI

DATED: 17.02.2021

Subject: Modification in Clause 12 of GCC 2020 for Maintenance Works.

The following modifications are made in the GCC for Maintenance works.

Existing Provision	Modified Provision
Clause 12 Deviations/Variations Extent and Pricing The Engineer-in-Charge shall have power (i) to make alteration in, omissions from, additions to, or substitutions for the original specifications, drawings, designs and instructions that may appear to him to be necessary or advisable during the progress of the work, and (ii) to omit a part of the works in case of non-availability of a portion of the site or for any other reasons and the contractor shall be bound to carry out the works in accordance with any instructions given to him in writing signed by the Engineer-in-Charge and such alterations, omissions, additions or substitutions shall form part of the contract as if originally provided therein and any altered, additional or substituted work which the contractor may be directed to do in the manner specified above as part of the works, shall be carried out by the contractor on the same conditions in all respects including price on which he agreed to do the main work except as hereafter provided. The completion cost of any agreement for Maintenance works including works of upgradation, aesthetic, special repair, addition/ alteration should not exceed 1.25 times of Tendered amount. Any further deviation beyond this limit upto 1.5 times of tendered amount shall be approved by the authority mentioned in schedule 'F' with recorded reason and in exceptional case, ADG shall have full power to approve the deviation beyond 1.50 times of tendered amount with recorded reason and take suitable corrective action.	Clause 12 Deviations/Variations, Extent and Pricing The Engineer-in-Charge shall have power (i) to make alteration in, omissions from, additions toor substitutions for the original specifications, drawings, designs and instructions that may appear to him to be necessary or advisable during the progress of the work, and (ii) to omit a part of the works in case of non-availability of a portion of the site or for other reasons and the contractor shall be bound to carry out the works in accordance with any instruction given to him in writing signed by the Engineer-in-Charge and such alterations, omissions, additions or substitutions shall form part of the contract as if originally provided therein and any altered, additional or substituted work which the contractor may be directed to do in the manner specified above as part of the works, shall be carried out by the contractor on the same conditions in all respects including price on which he agreed to do the main work except as hereafter provided. The completion cost of any agreement for maintenance works including works of upgradation, aesthetic, special repair, addition/ alteration should not exceed two times the contract amount. Deviation upto 1.25 times of contract amount shall be approved by Engineer- in-Charge with recorded reasons. Deviation beyond 1.25 times upto 1.50 times of contract amount shall be approved by SE/CE (as applicable) with recorded reasons. In exceptiona case, ADG/SDG (as applicable) shall have power to approve the deviation beyond 1.50 times upto 2.0 times of contract amount with recorded reasons and take suitable corrective action.
12.1The time for completion of the works shall, in the event of any deviations resulting in additional	12.1 The time for completion of the work shall, in the event of any deviations resulting in additional

extended, if requested by the contractor, as follows:	requested by the contractor, as follows:
 In the proportion which the additional cost of the altered, additional or substituted work, bears to the original tendered value plus 	 (i) In the proportion which the additional cost of the altered, additional or substituted work, bears to the original tendered value plus
(ii) 25% of the time calculated in (i) above or such further additional time as may be considered reasonable by the Engineer-in-Charge	 (ii) 25% of the time calculated in (i) above or such further additional time as may be considered reasonable by the Engineer-in-Charge
12.2 Deviation, Extra Items and Pricing	12.2 Deviation, Extra Items and Pricing
In the case of Extra Item(s) being the schedule items (Delhi Schedule of Rates items), these shall be paid	Extra items are those which are not available in the contract.
as per the schedule of Kates items), these shall be paid as per the schedule rate plus cost index (at the time of tender) plus/minus percentage above/ below quoted <u>contract amount</u> . Payment of Extra items in case of non-schedule items (Non-DSR items) shall be made as per the prevailing market rate.	For percentage rate tenders, the extra item(s) which are available in the standard schedule of rates specified in Schedule F, shall be paid as per the said schedule rate plus cost index (considered in the estimated cost put to tender) plus/minus percentage above/ below quoted on estimated cost put to tender.
	For item rate tenders, the extra item(s) which are available in the standard schedule of rates specified in Schedule F, shall be paid as per the said schedule rate plus cost index (considered in the estimated cost put to tender) plus/minus percentage above/ below worked out on the basis of overall contract amount and estimated cost of the work put to tender.
	In the case of extra item(s) which are not available in the standard schedule of rates specified in Schedule F, the contractor may within fifteen days of the receipt of order or occurrence of the item(s), submit claim for market rate(s), supported with proper analysis of rate and manufacturer's specification for the work, invoices, vouchers, etc. (as applicable), failing which the rate(s) approved later by the Engineer-
	in-Charge shall be final and binding. Where the contractor submits claim for market rate(s) in the manner prescribed above, the Engineer-in-Charge shall, within 45 days of the receipt of the claims, after giving consideration to the analysis of rates and other documents submitted by the contractor, determine the rates on the basis of the market rates and the contractor shall be paid in accordance with the rates so determined. The rate(s) of extra items so determined by the Engineer-in-Charge shall be final and binding on
	the contractor, and shall not be arbitrable.
12.3 Deviation, deviated Quantities, Pricing In the case of Substitute Item(s) being the schedule	12.3 Deviation, Deviated Quantities, Pricing All the deviated quantities shall be paid at

case of non-schedule items (Non-DSR items) shall be made as per the prevailing market rate. In the case of contract items, which exceed the limits laid down in schedule F, the contractor shall be paid rates at Agreement rate/Market rate whichever is lower. In case of decrease in the rates prevailing in the market of items for the work in excess of the limits laid down in Schedule F, the Engineer-in-Charge shall after giving notice to the contractor	
In the case of contract items, which exceed the limits laid down in schedule F, the contractor shall be paid rates at Agreement rate/Market rate whichever is lower. In case of decrease in the rates prevailing in the market of items for the work in excess of the limits laid down in Schedule F, the Engineer-in-Charge shall after giving notice to the contractor	
In case of decrease in the rates prevailing in the market of items for the work in excess of the limits laid down in Schedule F, the Engineer-in-Charge shall after giving notice to the contractor	
 the following works shall be treated as works relating to foundation unless & otherwise defined in the contract: (i) For Buildings: All works up to 1.2 metres above ground level or up to floor 1 level whichever is lower. (ii) For abutments, piers and well staining: All works up to 1.2 m above the bed level. (iii)	
 the following works shall be treated as works relating to foundation unless & otherwise defined in the contract: (i) For Buildings: All works up to 1.2 metres above ground level or up to floor 1 level whichever is lower. (ii) For abutments, piers and well staining: All works up to 1.2 m above the bed level. (iii)	
lower. (ii) For abutments, piers and well staining: All works up to 1.2 m above the bed level. (iii)	
 (iii)	
(vi) For Roads, all items of excavation and filling including treatment of sub base.	
12.5 The cost of any operation needs to be in contemplation of tenderer while quoting filing tender, or necessary for proper execution of the item included in the Schedule of quantities or in the schedule of quantities or in the schedule of rates mentioned above, whether or not, specifically indicated in the description of the item and the relevant specifications, shall be deemed to be included in the rates quoted by the tenderer or the rate given in the said schedule of rates, as the case may be. Nothing extra shall be admissible for such operations.	ting tender xecution of chedule of mentioned specifically em and the med to be tenderer or ates, as the
This issues with the approval of competent authority. (वी०प अधीक्षण अभियंता(सी०ए	म्पील गेठ साहु) रंड एम०)
Issued from file No.CSQ/CM/17(1)/2020 e-file no. 9104203	
प्रतिलिपिः सभी केलोनिवि तथा लोनिवि दिल्ली के अधिकारियों को आवश्यक सूच कार्यवाही हेतु। (केलोनिवि वेबसाईट के माध्यम से) अधीक्षण अभियंता(सी०ए	



(All India Association of Engineering Construction Contractors and Builders) G-1/G-20, 7th Floor, Commerce Centre, J. Dadajee Road, Tardeo, Mumbai - 400034 Tel: (91-22) 23514802, 23520507,23521328 Website: www. baionline.in, E-mail : baihg.mumbai@gmail.com @BAINational much http://youtube.com/user/baihqmumbai

Ret: 239 /J/2021-22 dated 14" July, 2021

The Director General

Central Public Works Department (CPWD), Room No. 101, Nirman Bhawan, New Delhi-110011

Dear Sir,

Sub: Denial of Earnest Request for a Meeting- Reg

Ref: 1) Our letter 41/2021-2022 dated 12.04.2021, letter 71/A/2021-2022 dated 27.04.2021, letter 80/A/2021-2022 dated 30.04.2021, letter 92/M/2021-2022 dated 20.05.2021, letter dated 03.06.2021, letter 215/M/2021-2022 dated 07.06.2021, letter BAI/DC/03/2021/34, letter 230/J/2021-22 dated 29.06.2021, letter 231/2021-22 dated 29.06.2021 & letter 232/2021-22 dated 29.06.2021

2) Our E mail dated 29.06.21, 22.06.21 & 12.04.21.

This is in reference to our above referred e mails wherein we have requested your good self for a personal meeting to discuss in person the issues which have been brought to your kind attention by our above referred letters.

We regret to state that even though we have been trying to seek an audience neither you have granted time to meet us nor even acknowledged our sincere request.

You would appreciate that to achieve the objectives of CPWD, our contractor members have to play a very vital role and have to be an integral part of the supply chain. Therefore any genuine grievances/ feedback need to be taken on board and a logical solution arrived at which safeguards the interest of all stakeholders.

As aware Builders Association of India (BAI), is the apex All-India body of engineering construction contractors and real estate companies founded in the year 1941 with more than 20,000 business entities as its members through nearly 200 chapters across the country.

Therefore, any suggestion coming from BAI is to be taken as coming from all the contractors working for CPWD.

Hence we request that you acknowledge our sincere feedbacks/ grievances and give us an urgent time to hear them personally. As a family we should resolve all our issues within ourselves as otherwise being aggrieved party, we would be compelled to approach higher authorities at Ministry of Housing and Urban Affairs for a just resolution.

We look forward to an urgent meeting and we thank you in positive anticipation for the same.

Thanking you,

Yours faithfully,

R.N Gupta President. **Builders' Association of India** Mobile.98100 11139

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B.A.I. Centres at: Adilabad, Agra, Agra Cantt, Ahmedabad, Ahmednagar, Aligarh, Allahabad, Alleppr, Aluva, Amazavath, Amazavathi, Andaman & Nicobar, Angamali, Aurangabad, Avadi, Baghpat, Bangalore, Baramati, Barenily Beroda, Bharuch, Bhopal, Blaspur, Butbori, Calicut, Chandigath, Changanacherry, Chengai, Chennai, Chefmadu, Chitzadurga, Ccimbetore, Delhi, Delhi Lett Shahada, Delhi Noth, Delhi South, Delhi West Dhanbad, Dharapuram, Dhule, Dindigui, Durgspur, Durg-Bhillia, Eroche, Ethumanoer, Fardabad, Gautam Buddha Nagar, Ganzibada, Goa, Greaster Hyderabad, Greater Isipu, Greater Neida, Cantur Gurgaon, Guwahati, Haldia, Hapur, Hasan, Hyderabad, Ichalkaranj, Indore, Jabahyu, Jaipur, Jaipan, Jaialamr, Jamhedpur, Johdpur, Kalpakkam, Kallakurichi, Kamareddy, Kanchiyuzan, Kannuz, Kanpur, Kanpur, Sothu, Karajutamar, Karaika, Karani, Karanavati, Shammam, Kodu, Kodika, Kolama, Kotkiata, Kolama, Kotkiata, Kolama, Kotkiata, Kolama, Kotkiata, Kolama, Kandiyatam, Lucknow, Madhuranbakam, Madurai, Mahaboohnagar, Maiegaon, Mandya, Mangalore, Maryiladuburai, Medachal, Medak, Meerul, Meerul, Cantt, Modinagar, Moradabad, Meradabad Nor, Riy, Jambad, Minrathyuzhak, Masaffarangar, Myroen, Nagarithum, Nagaru, Naganda, Namakkal, Nanded, Nandukur, Natik, Andlere, Meyrul, Nilgiri, Nizamahad, Ongole, Pampat, Parhuhan, Panhar, Perambalan, Phalam Pink City Japur, Pendicherry, Penneri, Peonamalies, Per-Kamangamdi, Padukiotai, Pune, Raichur, Raigat, Rain, Manga, Subat, Shingan, Shata, Shingan, Silanga, Shinda, Shingan, Silanga, Shinda, Shingan, Shina, Shi



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Ref: 241 /J/2021-22 dated 17th July, 2021

The Director General Central Public Works Department (CPWD), Room No. 101- Wing- A, Maulana Azad Road, Nirman Bhawan, New Delhi 110011

Dear Sir,

Sub: Rules for Enlistment of Contractors in CPWD, 2021- Reg.

This is reference to the Rules for Enlistment of Contractors in CPWD, 2021(hereinafter called Enlistment Rules, 2021) to be effective from 12th July 2021.

As aware **Builders Association of India (BAI)**, is the apex All-India body of engineering construction contractors and real estate companies founded in the year 1941 with more than 20,000 business entities as its members through nearly 200 chapters across the country.

The last Enlistment Rules 2020 were released in August 2020 and came into force from 17 August 2020. Therefore in a period of around 11 months the rules have been changed without actually asking for suggestions from the important stakeholders like us. What was the urgency is beyond the logical comprehension.

However comparing the Enlistment Rules 2020 and Enlistment Rules 2021, at the outset we have to praise the positive changes made in the Enlistment Rules 2021 which are :-

- Clubbing the enlistment under composite, road, building, infrastructure category and making the new category as Building & Road.
- Decreasing the requirement of magnitude of work experience and deleting the requirement of ongoing work for work experience.
- 3) Reducing the requirements of financial soundness
- 4) Requirement of Average Annual Turnover has been clarified.
- 5) Reduction in Enlistment fees
- 6) Online submission and processing of fees.

However the shortcomings which we have been representing for quite some time have not been incorporated. They are :-

1) In clause 5.3 in the new Enlistment Rules, 2021 on tendering limit, the upper limit for Class I (Super) has not been changed to "Unlimited". Please refer to our letter with no. 215/ M/ 2021-22 dated 7th June 2021 in which we have submitted the various enlistment rules being followed by the other premier organisations in India which do not have any limit for the Class 1 (super). This has not been taken into consideration in spite of BAI giving several examples. Therefore it is requested that for the highest class i.e Class I (Super) the tendering limit should be mentioned as "Unlimited" OR a new Class may be formed for the "Unlimited" category using the same parameters for work experience and financial soundness.

....P2....

Delhi Office: D1/203, Aushirwad Complex, Green Park, New Delhi-110016 Ph: 011-26568763, 40612800, 9555448763 E-mail: baidelhi16@gmail.com B.A.I. Centres at:

Adilabad, Agra, Agra Cantt, Ahmedabad, Ahmedangar, Aligarh, Aliahabad, Alioppy, Alava, Amravadi, Amaravathi, Andaman & Nicobar, Angamali, Aurangabad, Avadi, Baghpat, Bangabay, Baramadi, Bareily, Barada, Bharach, Bhupat, Bilaspur, Buthari, Calkar, Chandgarh, Changanabi, Aurangabad, Avadi, Baghpat, Bangabay, Baramadi, Bareily, Barada, Bharach, Bhupat, Bilaspur, Buthari, Calkar, Chandgarh, Changanabi, Aurangabad, Avadi, Baghpat, Bangabay, Baramadi, Bareily, Barada, Bhorach, Bhupat, Bilaspur, Buthari, Calkar, Chandgarh, Changanabi, Aurangabad, Avadi, Baghpat, Bangabay, Baramadi, Bareily, Barada, Bordi, Bothi Yao, Bulil South, Bolil West, Ghaviabad, Gon, Greater Hyderabad, Greater Jaipur, Greater Nolda, Guntur, Curgaen, Guwahati, Haldin, Hapur, Basan, Byderabad, Ghaviabad, Gon, Greater Hyderabad, Greater Jaipur, Greater Nolda, Guntur, Curgaen, Guwahati, Haldin, Hapur, Basan, Byderabad, Kanchipuraum, Kankor, Kannar, Kanpur, Sanpur-Santh, Kanyakamari, Karaikal, Karimangar, Karaik, Karanawati, Kanaranam, Kachi, Walahabad, Non, Biy, Mundud, Muvatimuzha, Macaffaringar, Nysare, Nagapatinana, Nalgonda, Naraikad, Nandada, Nandari, Maranana, Madambad, Masaka, Mesiak, Meerut, Meroy, Cant, Mudinagar, Mandana, Mandaro, Magaladi, Karimangar, Karaikad, Sanakad, Nanoled, Nandarba, Mandabadi, Non, Biy, Mundud, Muvatimuzha, Macaffaringar, Nysare, Nagapatinana, Nagpur, Nalgonda, Namakad, Nanoled, Nandurba, Nanka Sharaika, Dankada, Muvatimuzha, Macaffaringar, Ayanha, Patin, Perambiliu, Phatika, Pink Cant, Mudinagar, Mandara, Sanakad, Sanakad, Sanakad, Nanoled, Nandurba, Sanamadise, Dos Ramangandi, Butakhati, Pune, Raishar, Kalapat, Kalapin, Kalabanda, Sanakad, Nanoled, Nandurba, Sanamadise, Dos Ramangandi, Butakhati, Pune, Raishar, Kalapin, Kalaban, Kalapin, Badao, & Tamahabapino, Nagaba, Kanga 14, 25 Changanaba, Nanya Lu, Wanangan, Ukashara, Tutkoris, Lalpin, Kalaban, Vellore, Yiayawada, Vikarabad, Yilupuran, Daanayara, Chen, Nagawada, Kanga Mandara, Banga, Kalapin, Kalaban, Kalabar, Kakaba, Kamanaba, Kanashi, Kanga 14, 25 Changanaba

- 2) In the same clause the tendering limit of Class 1 (A) has been revised to Rs 75 cr. from Rs. 65 Cr in Enlistment rules 2020 (an increase of 15.38%). Similarly the tendering limit in Class 1 has been revised to Rs. 50 Cr from Rs. 40 Cr in the Enlistment Rules 2020 (an increase of 25%). Therefore taking the minimum hike, the tendering limit should be revised by at least 15% for all Classes.
- 3) In Clause 6.2, the value of works executed during the last 7 years shall be brought to current value by enhancing the actual cost of work at simple rate of 7% from annum from 6.5% in Enlistment Rules 2020. Considering the high inflationary cost this should been revised to 10% to bring actual parity.
- 4) Net Worth should be adjusted in line with the changed annual turnover.
- 5) Completed works with TOR (Time Over Run) more than 1 should also be considered, but to delete the sentence "in case levy of compensation is not decided, extended time period without levy of compensation shall be NIL". This sentence (proposed sentence to be deleted) should be written afresh in the larger interest of the Contractors.

Further, it is requested that in case of any Contractor the one particular work, the EOT Case was decided with levy of compensation. Such cases should not be rejected out-rightly, because, in the case of any such Contractor, there may be some tough times for him, which may be beyond his control. In such situation he may qualified provisionally and may be given a chance to him to prove his worth by executive another given work, in time bond manner.

6) The concept of revalidation has been re-introduced by the department is appreciable, but the process needs changes. Because, in any given category of Contractors, the number of works for which tenders are invited and the number of Contractors winning these works is far less than the number of Contractors available (Registered) in that category.

In order to resolve this issue, it is proposed that any registered Contractor, in any category, who participates in tendering process at least in three cases in complete period of registration irrespective of being the lowest Contractor should be eligible for re-validation of registration in the same category of registration of Contractors, where already registered.

If, the above suggestions are taken on board, the Enlistment Rules will become fair, just and in line with what is being followed by other premier organisations. Also as previously being followed, representatives from BAI should be included in the technical committee of CPWD which is formulating and issuing such Enlistment Rules. This way all feedback from stakeholders like us would be duly considered by this technical committee.

We, therefore request CPWD to make these changes as well.

We look forward to an urgent meeting to discuss these and thank you in positive anticipation for the same.

Thanking you,

Yours faithfully,

R.N. Gupta President Builders Association of India Mobile 98100 11139

81st Annual Report and Accounts - 2021-2022



(All India Association of Engineering Construction Contractors and Builders) G-1/G-20, 7th Floor, Commerce Centre, J. Dadajee Road, Tardeo, Mumbai - 400034 Tel: (91-22) 23514802, 23520507,23521328 Website: www. baionline.in, E-mail : baihq.mumbai@gmail.com @BAINational white://youtube.com/user/baihqmumbai



Achievement

Achievemen

To,

Ref: 242 /J/2021-22 dated 23rd July, 2021

All MCGC Members, Special Invitees, Committee Chairman, Co-Chairman and Members of BAI,

Dear Friends,

Sub.: Revised Rate of Price Variation Reimbursement by CPWD under clause 10CA and 10CC.

Please refer my various communications with CPWD, detailing about various serious issues faced by the contractors while executing the projects under the Covid inflicted lockdown. I have also sought relief from the Department and particularly requested for reimbursing the abnormal price increase of construction materials by providing adequate reimbursement under clause 10CA and 10CC. Our Delhi Team lead by the undersigned also was following up the matter vigorously with the Director General and other Senior Officials of CPWD.

Now through this letter, I am pleased to inform you that the, CPWD vide Circulars No. DG/10CA/58 & DG/10CC/82 dated 20.07.2021 of the revised coefficient rate, relying on the revised 'Base Prices and Cost Indices of Clause 10CA', which will help a lot of contractors to receive compensation of abnormal price increase. This will be applicable to all contractors working with CPWD/PWD.

This is for kind information and record.

Thanking you,

Yours faithfully,

R.N. Gupta President, **Builders' Association of India**

Encl:- As above.

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20 5 दिनांक 2.0.072021 wholesale Price Index base 2011-12=100 to base संपूर्ण भारत थोक मूल्य सूचकांक आधार 2011–12 =100 को 2004-05 =100 पर बदलने के लिए लिकिंग / मल्टीप्लाइग Linking / Multiplying Factor to change All India Note:- The Calculation of wholesale price index is based on bare rate of material without GST as intimated by Economic Advisor, M/o कार्यपालक अभियन्ता (टास–I) कार्यपालक अभियन्ता (टास-दिनांक: 2.0 /07/2021 सवाल प्रतिलिपिः सूचनार्थ एव आवश्यक कार्यवाही हेतु केठलो0नि0वि० की बेबसाइट http:/cpwd.gov.in द्वारा सभी विशेष महानिदेशक / सभी अपर महानिदेशक, सभी मुख्य Item No. 6 (ii) एस.एन, जा 1.466 एस.एन. 2004-05=100 महानिदेशक, केठलोठनिठवि० द्वारा प्रदत्त अधिकारों से जारी किया गया फैक्टर केन्द्रीय लोक निर्माण विमाग All India Wholesale Price Index डीजी/10सी0सी0/82 संपूर्ण भारत थोक मूल्य सूचकांक April-2021 TICE HADE 146.27 (आधार 2011-12 =100) (Base 2011-12=100) Sub: 10CC indices for the month of March-2021 & April-2021 March-2021 सं0 23/ सी0एस0क्यू0/31031मि0 (टास)/10 सी0सी0/2021/ 216 - टि॰ अभियन्ता/अधीवआभि0/कार्यव्यभिव, कंवलोवनिवविव एवं लोवनिवविव, नई दिल्ली । 146.90 विषयः मार्च -2021 और अप्रैल-2021 का 10 सी0सी सुचकांक । नेमांण कार्य सामग्री के लिए सिविल घटक Particulars of 10 CC Indices 10 सी०सी० सूचकांक का विवरण **Construction materials Civil Components of** Commerce & Industry. निर्माण भवन, नई दिल्ली 40H SI. No. -

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				डापन MEMORANDUM	NDUM		
SI.No.	Material	Unit	Base	Base Price for the month of	ionth of	All India Price index (B the m	All India Price index (Base Oct.2012 = 100) for the month of
			Oct-2012	May-2021	June-2021	May-2021 (B)/(A)*100	June-2021 (C)/(A)*100
			(A)	(8)	(C)	(0)	(E)
1	2	3	4	S	9	7	8
1	Cement						
	a) Cement (OPC)	MT	3978.00	4766	4688	119.81	117.85
	b) Cement (PPC)	MT	3711.00	4297	4359	115.79	117.46
2	Reinforcement bars TMT Fe500 D -12 mm						
	a) Primary Producers	MT	45133.00	52246	50500	115.76	111.89
m	Structural steel	MT	41529.00	52625	52625	126.72	126.72
4	P.O.L. (Diesel)	Litre	46.95	81.73	86.28	174.08	183.77

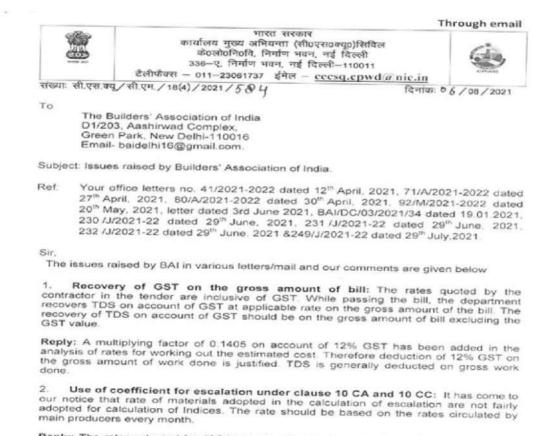
NOTE:- 1. Base price & indices for Cement , TMT bars & Structural steel w.e.f. July 2017 onwards are without GST and for P.O.L (Diesel), it is with VAT. 2. These base prices are applicable for Delhi, Faridabad, Gurgaon, Ghaziabad and NOIDA only .	(cm. cr-f-innertaice) 2-01 Front andruces siftar-cn (cres)	sio 137/अमीक(टास)/ 10मीक्एo/2021/ 2 3ー원・ ւतितिपिः 1 कंoलोoनिoविo की वेबसाइट http:/cpwd.gov.in द्वारा सभी विशेष महानिदेशक / अपर महानिदेशक / मुख्य अभियत्ता/अधीoअमिo/कार्यoअमिo. कंoलोoनिoविo एव लोoनिoविo नई दिल्ली ।	and under shirt and	

To,

The Director General CPWD New Delhi

Dear Sir,

Sub: No Response on Representation- Reg.



Reply: The rates adopted for 10CA are already based on vouchers of cement and steel procured by contractors in ongoing works. Efforts are also made to collect rates from steel manufacturers directly also. There is variation in rates of steel manufacturer at various sites. Therefore, lowest rates received are adopted for issue of indices and since this formula is followed consistently and thus shows the reasonable market trend of variation in rates. Further 10CC indices are issued based on whole sale price index of other construction material issued by Economic Advisor, Ministry of Finance.

3. **Provision of escalation clause in the contract:** It is seen that escalation clause is not made applicable in all the contracts. It is requested that escalation clause should be applicable in all the contracts irrespective of their value and time for construction. This will compensate the increase in the market to all category of contractors.

Reply: Provision of escalation is generally applicable for long term contracts. Escalation provision in CPWD contracts is applicable for contracts with stipulated period of completion more than 12 months. However, escalation under 10C is applicable for contracts with stipulated period of completion of less than 12 months.

4. **Revalidation of contractors enlistment:** As per new enlistment rules 2020. The revalidation of the enlistment has been abolished. This will create a lot of difficulties to the CPWD contractors. It is humbly requested to restore the system of revalidation of the enlistment.

Reply

Our Comments: The system of revalidation is reintroduced in "Rules for Enlistment of Contractors in CPWD 2021".

5. **Recovery of labor cess on escalation bill:** The labor cess is also recovered on the escalation bill whereas the same is not added in the payment of escalation as being done in case of DSR item and extra item etc. It is requested that labor cess may be added in the escalation amount for which necessary order may kindly be issued.

Reply: The work done include the component of labour cess and escalation is payable on work done. Hence deduction of labour cess is reasonable.

6. **Payment in case of EPC contracts:** Presently in the EPC contracts the payment is released on the basis of slabs fixed in the schedule of payment. It is requested that payment on pro-rata basis of the work done of each slab fixed in payment schedule may be allowed to ease the financial hardship of the contractors.

Reply: Payment of part rates is allowed in contracts. Hence, the issue of payment of part rates may be taken up with NIT approving authority.

7. Delay in payment of running account bills: Generally it is seen that due to shortage of funds/procedural delay the payments are abnormally delayed. The GST liability could not be paid timely due to non-payment of bills. In such cases the GST department levy penalties and charge interest if the payments to the creditors and the vendors is not made on time. It is therefore requested that time schedule for making payment should be part of the contract. In case of delay the interest should be paid at market rate of 18% per annum.

Reply: There is already provision for payment of monthly running account bills in contracts. There is also provision for payment of simple interest @ 5% per annum for delayed payment. The interest rates have reduced substantially in market now a day.

8. Approval of local bodies in case of EPC contracts: (a) In the EPC contracts the number of approvals approximately from 17 various departments is required which takes lot of time. Generally 3 months time allowed for these approvals in the tendered document whereas practically 6-9 months time is taken for this process. The completion time of the EPC projects is also very short keeping in view the quantum of work and approvals required. It is therefore suggested that time schedule should be reasonable keeping in mind the time taken for approvals. Alternately the time of execution should be considered after receipt of all the approvals. (b) In case of EPC contracts wherein the engineering is already done by the department and tenders are only for procurement and construction, in such cases before inviting tenders all the necessary approvals should be taken by the department to avoid delay and cost escalation.

Reply: (a) The time period for execution of EPC contracts is kept based on requirement of works by the NIT approving authority. However, there is provision for extension of time for delay beyond the control of the department.

(b) In EPC mode -3 tenders, tenders are generally invited after necessary approvals only.

9. Levy of compensation on the contractors by CPWD, for not meeting the milestone, fully knowing the ground realities relating to Corona Pandemic.

Reply: In view of COVID pandemic the following OMs have been issued by this office in view of Ministry guidelines.

- (a) Invocation of force majeure Clause (FMC) DG/CON/Misc./10 dated 02.07.2020.
- (b) Relaxation of earnest money DG/CON/Misc./13 dated 23.11.2020.
- (c) Reduction in performance guarantee DG/CON/Misc./14 dated 23.11.2020.

The concerned designated authority as per contract conditions is authorized to modify milestones considering hindrances beyond the control of contractor. BAI has made general statement. BAI is requested to take up matter with NIT approving authority for genuine grievances related to administration of contract.

10. BAI has suggested that necessary modification to the effect that "in lieu of before a First Class Magistrate", the substitution of the following words "an affidavit executed before the Magistrate not below the rank of Executive Magistrate or Notary Public" may be considered as envisaged against 1 (a) under Annexure II of ER 2020: an affidavit executed before the Magistrate not below the rank of Executive Magistrate that the applicant is the sole proprietor of the firm'.

Reply: Executive Magistrate has been included in ER-2021.

11. BAI has requested for creation of help desks at all Levels of registering authorities in CPWD to cater to the needs of the contractors for understanding the rules, regulations and uploading their documents for registration / revalidations in CPWD.

Reply: Help desk and help line (Both mail ids and phone numbers) are available on CPWD portal.

12. BAI has suggested the TOR in the Enlistment rules may be considered as under:

Actual time taken in completion of work / actual period of completion of work as accepted by the department without levy of compensation.

Reply: Time overrun has been modified as per above suggestions in ER-2021.

13. BAI has requested for extension of validity of existing contractors upto Mar-2023.

Reply: ER-2021 has been made easy and relaxation has been given for gross amount of work experience. In view there appears no necessity for further extension of validity.

14. BAI has objected to the modification in clause 12 of GCC for construction works regarding rates determined for deviation and extra items being final and shall not be arbitrable.

Reply: Only the rates determined by the Engineer-in-Charge for deviation and extra items have been made final and binding to contractor and not arbitrable. However, in case of default in sanctioning rates within time, the contractor can always apply for arbitration.

15. BAI has objected to the modification in clause 12 of GCC for modification regarding rates determined for extra items being final and shall not be arbitrable. They have further objected to allow deviation upto two times the contract amount at quoted rates.

Reply: Only the rates determined by the Engineer-in-Charge for extra items have been made final and binding to contractor and not arbitrable. However, in case of default in sanctioning rates within time, the contractor can always apply for arbitration. Further, the deviations is allowed only upto 1.25 times the contract amount and only in exceptional circumstances, deviations are allowed upto two times the contract amount.

16. BAI has objected to use of indices issued by Economic Advisor, GoI in both civil and electrical works:

Reply: The monthly indices for clause 10CC is issued for other construction materials of Civil component (excluding materials covered under clause 10CA) is worked out on the basis of All India wholesale price index for the period under consideration as published by Economic Advisor to Government of India are being adopted. Working out indices by CPWD will always be questionable as CPWD does not maintain any data bank of actual inflation in market for civil construction works. The contractors are required to take all such risk factor while quoting his rates. Escalation is only a tool to compensate the contractor for variation in rates.

17. BAI has requested for inclusion of new item of structural steel work in frames made from steel plates for plate girder/beams, columns etc similar to item no. 10.2 of SH: steel work of DSR for multi-storeyed steel building contracts

Reply: Data from field units executing steel structures shall be obtained for incorporating new item, if required.

18. Inclusion of effect of GST and labour cess for SH: "Carriage of Material"

Reply: The inclusion of effect of GST and labour cess has already been accounted for in sub head "Carriage of Materials" and necessary amendment issued vide OM No. 133/SE(TAS)/DAR/DSR/2020/201 dated 15.04.2020. The reply of BAI letter dated 29.06.2021 has already been sent to BAI vide SE (TAS) unit letter No. 133/SE(TAS)/DSR/DAR/2021/203-H dated 13.07.2021.

19. Restrictive tender condition in Central Vista tenders

Reply: letter regarding restrictive tender condition in Central Vista Project has already been replied vide letter No. CSQ/CM/16(1)/2021/ 364 dated 11.5.2021. However, since NIT approving authority is competent to add any condition in NIT as per requirement of work, any issue in this regard may be taken up with ADG(PRND).

In case of any suggestions, it is requested to intimate so that further action can be taken.

This issues with the approval of DG CPWD.

भवदीय. अधीक्षण अभियंता(सी.एंड एम.) 05.8.2021 EEM

Ref: 318/N/2021-22 dated 11th November, 2021

The Dire	ctor Gener	al		The Special Director General (PR)
Central (CPWD), Room No	Public	Works g- A,	Department	Central Public Works Department, 1 st Floor, "G" Wing, RajajiBhavan, 3 rd Avenue, Besant Nagar, CHENNAI – 600 090
NirmanBl	nawan,			
New Dell	i 110011			

Subject:Non-implementation of the rules as enunciated in DG's O.M. No.DG/Enlist.Rules/56,dated the 13th July, 2021 regarding "Enlistment of contractors in CPWD, 2021 under Southern Region – Seeking your august intervention and initiation of ameliorative action- Requested.

Respected Sir,

Before venturing to encroach upon your most precious and invaluable time, we, sincerely and honestly, in the absolute sense of these parlances, seek your benign apology for drawing your benign attention to the callous / recalcitrant attitudes of the enlistment authorities under Southern Region in sharp contrast to the rules, governing the enlistment of contractors in India's Premier Construction Agency by conveniently throwing all the well acclaimed, pampered conceptualization of collective, cohesive and well-knitted system of CPWD. We hasten to record our sincere gratitude to you as the slew of Office Memoranda periodically issued by the Headquarters office pertaining to enlistment of contractors in CPWD more specifically so taking serious cognizance of the impending expiry of the validity of the contractors' existing registration in Central Public Works Department, are so commodious / accommodative as to encourage the registered non-CPWD / fresh contractors to get themselves registered / enlisted in CPWD not to speak of the revalidation of the existing contractors' continuance existence /registration in CPWD in the sense that the Headquarters Office have left no stone unturned to scrupulously set at naught all the element of ambiguities / tentacles with regard to interpretation / applicability or otherwise of the relevant clauses of the Rules, governing the enlistment of contractors in CPWD. We, perforce, bring to your benign notice that notwithstanding the positive and concerted ameliorative efforts initiated by the Headquarters, the requests of the contractors, seeking registration / revalidation in CPWD under Southern Region are slogging for years together.

Your benevolent attention is drawn to **Para 6.1.6 'Opportunity to unemployed Engineers and Architects'** of "Rules for enlistment of contractors in CPWD 2021". Relevant excerpt of the same as culled out from CPWD official website is reproduced below for your benign and easy perusal:

Unemployed graduates in any stream of engineering / architecture from a recognized Institution or University can directly apply as individual for enlistment in Class V Buildings & Roads category. The work experience criterion and financial

soundness shall not be applicable for them if they are seeking enlistment for the first time.

We asseverate that "n" number of "unemployed graduates", having graduated themselves from various streams / faculties of engineering have applied for registration in India's Premier Construction Agency i.e. CPWD under Southern Region (Region Chennai), Chennai after fuilly satisfying themselves all the eligibility criteria i.e. submission of **GST** Registration Certificate in the name of "individual", **PAN / AADHAAR cards**; an **affidavit**, sworn in before a Notary Public on a non-judicial stamp paper, conclusively substantiating therein that they are **not** employed in any engineering Department of the Government of India / State Government / Central and State Public Sector Undertakings; down-loaded copies of **Form 26AS** for the preceding three financial / assessment years, exhibiting therein the amount stated to have been received by the applicants during these financial years; authenticated copies of **Income Tax Returns** filed with the Income Tax Department for the previous three years; enlistment fee plus fee towards authentication of the Degree certificate issued by the concerned Universities/Deemed Universities etc.etc.

A cursory glance, leave alone an inquisitive / in-depth perusal of the CPWD official website of Southern Region, in sharp contrast to other Regions of CPWD viz. Headquarters, Delhi Region, Northern Region, Eastern Region, North Eastern Region, Western Region crystal clearly exhibits that for more than one and half-a-year no order, registering / revalidating contractors in CPWD under various Classes and categories in the Southern Region has been issued by the Southern Region enlistment authorities i.e. SDG(PR) & ADG(RC) more specifically so when the Headquarters' office at New Delhi have been consistently simplifying/ streamlining rather rationalizing / easing the procedure for enlistment / revalidation of contractors in India's Premier Construction Agency i.e. CPWD with a view to accommodate sufficient / more number of fresh contractors in CPWD to effectively ensure a better and healthy competition among the intending participants in CPWD tenders of various magnitudes.

We are constrained to apprise you that the graduate engineers' persistent requests / enquires as to the status of their otherwise eligible requests have miserably failed to yield / evoke any response from the Southern Region authorities and the applicants, seeking registration afresh in CPWD are, perforce, pinning hope on the efficacious system of CPWD and its 167 years of existence as they are nurturing unflinching fealty to the rule of law. We asseverate that the enlistment authorities under Southern Region at Chennai for the reasons yet to be recorded in writing have been keeping the graduate Engineers' otherwise eligible requests for registration under Class V (B&R) category pending for years togetherespecially when specific time limits have been stipulated / enunciated in the above referred to "rules for enlistment of contractors" at each and every stage of the processing of the requests of the contractors, desiring registration / revalidation in CPWD. The contents of the pertinent Para '5.0 Scrutinyof cases' against Column "GUIDELINES FOR DEPARTMENTAL OFFICERS FOR ENLISTMENT OF CONTRACTORS" on Page.56 of DGW's Office Memorandum No.DG/SE/ CM/ENLIST.RULES/53, dated the 11th November, 2020 enjoin upon the enlistment authority that "the enlistment process shall be completed maximum within two months of the receipt of application". The above pertinent clause further readsthat it will be obligatory on the part of inspecting officer to send the inspection report to enlistment authority immediately, but not later than 21 days of the request received from the enlistment authority. After 21 days it will be deemed that the work is inspected and evaluation shall be done on full marks basis. The inspecting officers shall be liable for disciplinary action for delay. The wanton inordinate delay in the finalization of the otherwise eligible requests of the

unemployed graduate engineers for fresh registration in CPWD makes a mockery of entire CPWD system. It is a blatant manifestation of the enlistment authorities' callous attitudes.

Your benevolent attention is also drawn to **Paras 2.1 and 2.2 of** "Rules for enlistment of contractors in CPWD 2021 and the pertinent points as envisaged therein have also been copied and pasted below for your kind and benign perusal:

2.1 "building" means a residential or non-residential structure consisting of foundation, walls, floors, roofs, and finishing, civil and electrical services, executed under a single contract.

2.2 "building work" means construction of a residential or non-residential structure, consisting of foundation, walls, floors, roofs, finishing, civil and electrical services, complete, executed under a single contract with E&M component. in addition, building work shall also include boundary wall, repair and maintenance, additions, alterations, renovations, up-gradations, electrical installations, electrical and mechanical services of buildings but excluding standalone works of supply of materials, housekeeping, sweeping, care taking, watch & ward, operation and maintenance of electrical and mechanical services through original equipment manufacturers and any other works involving labour component only.

Your kind attention is also drawn to Note under Table 4 - Nature and magnitude of "work experience" for category building Class I to Class V category of **Para 6.2.2** of "Rules for enlistment of contractors in CPWD, 2020. It reads as below:

- 1. For Class I and II, the applicant must have experience of one building either as the eligible work or as part of some other work under different agreement.
- 2. No work experience is required for enlistment in Class V for diploma engineer with experience of 3 years or post graduate or graduate engineer or architect (excluding those employed with Central or State Government Organizations or PSUs or Institutions) of any engineering or architectural stream from a recognized Institution or University. Similarly, no work experience is required for enlistment in class V for retired Central Government engineers or architects.

An "in between" reading of the relevant Clause as reproduced in the foregoing paragraphs reveals in an unambiguous terminology that for Class III to V (Buildings & Roads) category registration / revalidation, the execution of one building work as an eligible work or part of some other work under different agreement has not been insisted upon. Contrary to this, the enlistment authority under Region Chennai has been harping on an unsustainable proposition of execution of one building work for considering the applicant's request for fresh registration / revalidation in CPWD, leaving the applicants in lurch more specifically so when the number of composite tenders invited by CPWD under Chennai Region at lower level i.e. Class III to Class V categories were significantly less. We are constrained to apprise you that the contractors, desiring registration / revalidation have been trying to reason with the enlistment authority under Southern Region, Chennai but in vain. The arguments preferred by the Additional Director General (Region Chennai); the SE (Works cum TLQA), Chennai and the personnel dealing with the registration / revalidation requests of contractors under Southern Region are not only untenablebut also speaks volumes of their malfeasance

We also asseverate that the validity of the ninety percent of the existing "active" contractors of various Classes in CPWD not to speak of "in-active and dormant

contractors" who have been uninterruptedly associating themselves with CPWD and have been scrupulously catering to the construction requirements of India's Premier Construction agency r and also successfully executed works of their respective categories upto their enhanced tendering limits under CPWD, State Government Departments, and Public Sector Undertakings etc. for decades together, is expiring by 31st December, 2021 in the sense that the "due date" of expiry of their existing registration is hanging like a "Damocles sword" and it is likely to fall on them at any time. It may not be irrelevant to bring to your benign notice that due to stressed pandemic conditions arising out of COVID- 2019 and the subsequent continuous, uninterrupted lock-downs clamped by the Government, aggravated by extra-ordinary circumstances and events, sky-rocketing prices of fuel, dearth of labour due to migration / exodus of labour, three-fourth of the existing "active" contractors are not fulfilling the eligibility criteria for applying for revalidation of their existing registration though they did vehemently try to grab works of requisite nature and magnitudes even at an abysmally minusrates for the mere sake of complying with the eligibility criteria for getting their existing registration revalidated and as an aftermath of this bizarre / piquant situation, the Department will verily face a dearth of eligible contractors even if their requests for revalidation under one or two Classes below their existing level is acceded to by the respective enlistment authorities under Southern Region. It is also recorded here that the holocaust caused by deadly virus is not yet completely over and recently it is again raising its detrimental devastating effect in one form or the other in and around Karnataka, Kerala; Andhra Pradesh, Telangana State.

We request you, Sir, to benignly look into the foregoing genuine and impregnable facts and initiate an ameliorative action **lest** the transgressions nonchalantly perpetrated by the enlistment authorities under Southern Region, in consonant with the prevailing rules for enlistment of contractors in CPWD, should **jeopardize** the wherewithal of many an existing active contractors, the members of their dependent families, the lakhs of skilled, semi-skilled, unskilled, organized, un-organized labourers working under them and their dependent families numbering lakhs nay crores of people. Your immediate action is very much solicited to put an end to this quagmire.

Thanking you, Yours faithfully,

R. N. Gupta President Builders' Association of India Mobile : 98110011139

Ref: 326/N/2021-22 dated 30thNovember, 2021

The Director General Central Public Works Department 1st Floor, A-Wing, NirmanBhawan, Maulana Azad Road, New Delhi-110011.

Subject : Regarding appointment for BAI Delegation.

Sir,

We may like to bring to kind office that members of Builders' Association of India (BAI) have approached us to take up various pressing issues, as per list attached, which are being faced by them in execution of the projects of CPWD with you for finding their solutions.

We, therefore, request you to kindly grant us appointment, at your convenient time and date, to enable us to discuss these matters / issues in details for finding of workable solutions. It will be highly appreciated if an advance intimation of atleast two to three days for the meeting is given so that the members can be informed to participate.

Thanking you with the request for an early appointment.

With Regards,

Yours faithfully,

R N Gupta President Builders' Association of India

Encl. As above

AGENDA POINTS FOR DISCUSSION WITH DIRECTOR GENERAL - C P W D

- 1. Regarding 10CC and Cost Index of Construction Materials
- (a) All materials pertaining to construction are in short supply, especially cement and steel, which constitute 40% of the project cost. Not only these materials are in short supply, its prices are increasing on daily basis and long term supply commitment is not being entertained by the distributors/dealers.
- (b) Cost Index of Steel & Cement should be on the basis of reasonable Market Rates.
- (c) 10CC should be applicable in all Contracts irrespective of time.
- (d) Cost Indices of Building Material should be issued on rates prevailing Markets and Component of Materials should be Material used in the General Agreement and Cost Indices should be issued on monthly basis because rates are so vary, day by day.
- (e) Escalation clause is to provided in all the tenders as the big hike is faced even monthly / weekly, may be Steel, Cement, Aluminum, PVC Glass, Paints, Bricks, Fuel Price, and other connected items, Cartages etc. Not only the indices of essential construction material i.e. cement and steel, the indices of other materials also do not reflect the true/correct price increase and contractor has to bear the loss. The payment for escalation under 10CA / 10CC should be paid monthly along with the running bill, and not quarterly, as this rule &

system was adopted when the market and rates for materials / labour were normal. Even otherwise if the payment is made on monthly basis, there is no loss to the Department

- 2. The condition for renewal of registration of the contractors, work completed in 5 years may be relaxed, as all the contractors are not able to compete the tenders / procure /qualify for the work due to abnormal competition. Validation of Registration of all categories should be extended from December 2021 to December 2023 due to Covid-19 period from March 2020 to November 2021 (around 20 months)
- 3. Running payments for the work done during the month is not paid in a reasonable time, with the plea that the funds from client have not been received which results in cash flow problem to the contractor and progress of the work gets slowed down. 7.5% interest for delayed payments, as now allowed by the department is not the solution
- 4. The frequent closing of the work due to pollution / lockdown or restrictions or sealing of borders results in slow progress of the work. Once the work is temporarily closed due to any reason, the daily wage workers go to their respective villages and take some work / jobs, there, and hesitate to come back to the work sites, particularly in the NCR. And if the contractor stops them from leaving the work site, they are required to be paid for sitting idle. It is difficult for the contractor to manage the progress of work. CPWD being the Government Department, the matter should be taken up with the local government for putting ban on construction activities such as excavation or dismantling work only.
- 5. The mile stone already committed cannot be achieved. It is, therefore, suggested that mile stone may be automatically revised. Instructions may be issued by the concerned Chief Engineer. The appointment of an Arbitrator by the Chief Engineer (being authorized officer) may be made within the prescribed time maximum 60 days to be followed rigidly as per Act & manual 30 days. Arbitration cases, as awarded by the appointed Ld. Arbitrator chosen by the mutual consent of the parties should not be unnecessarily challenged in the courts in the various Courts up to certain amount say Rs. Two Crores. The losing party has to pay heavy interest, without any reason, for prolongation of the cases for years. Standing instructions regarding nothing to be withheld or deduced for non-achievement of Mile Stones for next 6 months (minimum) need to be issued forthwith.
- 6. In tender conditions, approvals from various authorities, before and after, are required to be taken. It has become a practice that such approvals are not taken and the work is awarded. After award of the work, the agency is asked to do the needful, which delays the work. All such conditions / approvals, cutting of trees etc. may be taken by the department before acceptance of tenders.
- 7. Clause 1A- states that 80% of performance security may be released after completion of the work. We suggest that full Performance Guarantee should be released after recorded of the completion.
- 8. The Reserve Bank of India has reduced the REPO Rates and the Banks have been asked to comply with reduction of rates. In this background the Interest on Mobilization Advance ought to have been reduced long back keeping in view the developments pursuant to instructions of the RBI to the Banks. Better late than never, the CPWD should reduce the Interest of Mobilization Advance from 10% to 6% per annum with effect from 01 April, 2020.

- 9. The use of Generator for power is not now allowed by the pollution control department, and demand for electricity is also generally refused by the electricity supply agencies in Delhi. In these circumstances it is difficult for the contractor to execute the work.
- 10. The CPWD and sister departments have started constructing Steel Buildings very recently but the Delhi Schedule of Rates has not kept pace with this development. The item of Steel Work is still based on Tubular / other Steel Trusses. This needs to be addressed on most immediate priority. View of stake holders e.g. The Department (Executive Engineer, Superintending Engineer, Chief Engineer and Higher Levels), Construction Agencies, Association and the Industry may be invited at the earliest. Based on the recommendations appropriate items need to be framed, immediately and circulated to all concerned for preparation of DPR. Technical Sanction, Call of Tenders and Award of Work.

A	Item No.4
NUME AN	भारत सरकार महानिदेशालय, के0लो0नि0वि0, स0 वि0 एवं गु0 संगठन, संविदा एण्ड मैनुअल इकाई. 335–ए, निर्माण भवन, नई दिल्ली–110011
सं०ः सी०	टैलीफ़ैक्स — 011—23061397, 23063126, 23061838 स्पीड पोस्ट ईमेल — <u>secm@nic.in</u> एसक्यू/सी0एम0/18(4)/2021/ 00 दिनांक: 08.12.2021
	बैठक सूचना
Subject: Ref:-	 Discussion with Builders' Association of India Builders' Association of India letter no. 326/N/2021-22 dated 30.11.2021
A m Hall, Roo	neeting shall be held on 13.12.2021 at 4.00 PM with BAI delegate, in DGs Conference om No. 101, Nirman Bhawan to discuss the issues raised in their above referred letter.
All a	re requested to make it convenient to attend the meeting.
Сору to:-	& Baly
v. CE(i v. CE(i vi. CE(i vi. SE(T vii. SE(T viii. Sh. Com to 5	to DG CPWD, Nirman Bhawan New Delhi G(HQ) CPWD, Nirman Bhawan New Delhi G(Tech.) CPWD, Nirman Bhawan New Delhi G(Works) CPWD, Nirman Bhawan New Delhi CSQ)Elect. CPWD, Nirman Bhawan New Delhi TAS) CPWD, Nirman Bhawan New Delhi R. N. Gupta, President of Builders' Association of India, D1/203, Aashirwad nplex, Green Park, New Delhi – 110 016. It is requested to limit the member (4 b) to attend the meeting. The names of the members may be intimated in ance by 10.12.2021 on email <u>secm@nic.in</u> .

ADDITIONAL LIST OF AGENDA POINTS FOR DISCUSSION IN THE DG, CPWD MEETING TO BE HELD ON MONDAY, THE 13TH DECEMBER 2021 AT 4.00 P.M.

1) No payment up to 1% of tendered amount for extra items, substituted items and deviations

The Clause 12.2 (ii) mentions that nothing extra shall be payable to the contractor on account extra items, substituted items and deviated items if the additional cost these items is up to 1 % (one percent) of the accepted tendered amount: This Clause should be removed as it is not a fair clause as it is one sided and gives CPWD a tool to pressurize contractor in executing work at no additional cost.

2) Approval of Agencies for specialised work

Contractors already enlisted with CPWD have the capability and competency for executing the work up to the amount for which they are enlisted for. The enlistment is of composite nature. Therefore again insisting on approval of individual agency especially in MEP is leading to wastage of time and arm twisting. The whole rationale of enlisting a contractor is a particular category mean that he is a capable of executing such work on composite basis. Moreover such persistence in selection of these specialised agency is putting the contractor to the mercy of such specialised agency as contractor is losing control on the timeline and cost and instead becomes dependent on them. EPC contractor is responsible for delivery of the project and hence the flexibility and discretion of which sub-contractor to choose should be on the EPC contractor only.

3) Approved Make -Registered Vendors/ Make In India/ Discretion with EPC Contractorreg.

Firstly, The vendors who have been approved by CPWD should be allowed to supply to any work being executed under the monitoring of CPWD pan India. This list of approved vendors of CPWD should be made common. This would bring the cost down as the contractor would then has his team of people on whom he can depend on quality and delivery.

Secondly Once the list of approved makes/ vendors are given, the contactors should be free to use anyone form the given makes/ vendors at his discretion. No approval should be required before such material is brough to site.

Thirdly, Vendors who do not even have any manufacturing units in India are getting themselves approved under the approved make. Such vendors/ manufacturers should not be allowed as the delivery and cost is at their mercy. It has been seen that in Covid like situation where the import restrictions are still there, the delivery of these material is highly unreliable. Therefore only such material should be approved who have manufacturing facility in India.

4) Only approved Technology to be used

The CPWD specifications have been made after many years of research and establishment of the efficacy of time proven technology. No new methodology or way of working is to be allowed which has not been tried by the research team of CPWD and then updated in the specification e.g, especially in the specialised work of water proofing, allowing some new technology never tried before in CPWD works (EPDM membranes etc.) This should not be allowed as how can a contractor give a 10 year bond for which there is no precedence and proven capability for 10 years.

5) Drawing and Delivery of the Project

Only a period of 3 months is given for approval of design and drawings and the balance 21 months for execution in a typical EPC contract. It is not possible of preparation and approval of all drawings in the 3 month period as the conceptual/ tender drawings themselves have flaws. The design and drawing is a critical activity and hence it should be given at least 6 months period. Moreover, since EPC way of working is new to CPWD and the contractors, at least 24 months of execution time should be allowed thus making the total project time period of 30 months.

6) Items in Finishing Schedule

CPWD monitoring EPC contracts for autonomous government clients is allowing lot of interference and deviation from set norms of CPWD methodology/ specification by CPWD's Clients. For example tiles sample colours are being chosen form a supplier/ manufacturer which are in deviation from the given code. This is leading to arm twisting by the chosen vendor in term of cost and delivery. As per CVC guideline, at least 3 vendors should be chosen. Therefore it is suggested that in sample selection in finishing schedule at least 3 samples should be chosen should be chosen should in case there is a deviation from NIT.

7) Influence of Vendors with Architects

It is seen that the vendors are lobbying with private architects chosen by autonomous bodies (CPWD Clients) and getting their products inserted in the approved makes without going thru CPWD which conflict with CPWD time proven specifications. Such practices should be barred.

8) Specifications in MEP Works

Specifications are being used in MEP works which are at variance from other CPWD works of similar nature. To bring equality in delivery of quality, specifications for CPWD MEP works should be made standard and should not allow influence of vendors. For example, Grooved Fitting are being promoted in place of welded joints without due research being done by CPWD team.

9) Minor Change in Scope- Rate Reg.

If CPWD is changing minor scope of work, how would be the new rate decided in an EPC contract- Will it be based on market rate of the defined work? No much clarity in this.

10) Measurement for Billing Purpose.

In EPC contracts, the payment is against milestone well defined in the tender. Therefore there is no need for measurements to be done at the time of submission of RA bill as this, apart from being redundant, is also wasting huge time. The Measurement of the work done therefore, should be limited only to those items where the cost escalation e.g. 10CA needs to be worked out.

11) Incorrect Methodology been adopted in measurement of Excavation for lead more than 50 mts.

The items no.2.6.1 of DAR 2021 gives the cost of excavation by mechanical means with lead up to 50 mts. The given rate is Rs. 205.45 per CUM.

However for items where in the lead is say 5 KM, the item no. 2.25.1 shows the working as follows.

ITEM 2.25.1

1) excavation by mech	anical means with lead up to 50 mts-	Rs. 205.45/ CUM
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- 2) Deduct cost of 50 mts lead (manual)
- 3) Add Carriage of 5 KM

(+) Rs. 271.45/ CUM

(-) Rs. 234.05 / CUM

Total

Rs. 242.85/ CUM

This needs to corrected as the deduction of 50 mts lead from the item 2.25.1 should be of "bymechanical means" and not by "manual means". This is leading to incorrect AOR as if one is to deduct the element of 50 mts lead from the item 2.6.1, the net cost of excavation up to 1.5 mts height comes to Rs. (-) 28.6/ CUM (Rs. 205.45-Rs. 234.05)

R. N. Gupta President Builders' Association of India Mobile : 98110011139



भारत सरकार महानिदेशालय, के0लो0नि0वि0, स0 वि0 एवं गु0 संगठन, संविदा एण्ड मैनुअल इकाई, 335–ए, निर्माण भवन, नई दिल्ली–110011 टैलीफैक्स – 011–23061838ईमेल –secm@nic.in



सं0 : सीएसक्यू/सीएम/18(4)/बी.ए.आई./2021/1134

दिनांक 20.12.2021

Subject:- Additional issues referred to Committee constituted to review General Conditions of Contract for EPC Projects.

A meeting was held with Builders' Association of India (BAI) on 13.12.2021 and the following issues raised by BAI are referred to the Committee for deliberations and submitting their recommendations:

1. 10CC and cost of Construction material

(i) BAI during the meeting explained that price indices issued by CPWD for steel and cement was based on lowest price voucher received from the field units and is not true representation of actual price inflation in the market. They requested for obtaining prices directly from the list of main approved makes by CPWD instead of relying on actual purchase vouchers since they are based on various factors like quantity ordered, advance payment made to the company etc.

CE, CSQ suggested for adopting Wholesale Price Index (WPI) for cement & steel of nearest similar material issued by the office of the Economic Adviser, Ministry of Commerce & Industry.

Accordingly the issue is referred to the Committee to consider both the request of BAI regarding averaging out the prices while issuing price index for cement and steel and also the suggestion of CE, CSQ for considering adopting WPI.

(ii) Other issue raised by BAI regarding applicability of escalation clause in all contracts irrespective of time period is also referred to the committee for submitting recommendation.

2. Increase in interest being paid on delayed payments for the work done

BAI during the meeting had requested that the interest on delayed payment may be paid as per rates of interest for mobilization advance.

The above issue is referred to the committee for submitting their recommendations.

3. Reducing the interest charged on Mobilization advance

BAI during the meeting had requested to reduce interest rate from 10% to 6% on mobilization advance.

The above issue is referred to the committee for submitting their recommendations. This issues with the approval of DG CPWD.

अधीक्षण अभियंता (सी.एंड एम.)

अपर महानिदेशक(PRD) केलोनिवि दिल्ली तथा review committee for GCC of EPC Projects के सभी सदस्यों को आवश्यक सूचना एवं कार्यवाही हेतू।

Brief Report of BAI Delegation Meeting with Director General – CPWD in his Office at NirmanBhawan, New Delhi on Monday, the 13th December 2021

A team of BAI Officials, lead by Shri Ram Niwas Gupta, President-Builders' Association of India met Shri Shailendra Sharma, Director General – Central Public Works Department in his office at "A" – Wing, First Floor, NirmanBhawan, New Delhi on Monday, the 13th December 2021 at 4.00 PM to discuss various issues being confronted by the contractors, particularly BAI members. A representation was sent to DG-CPWD vide BAI Letter No.326//N/20-21 dated 30th November 2021alongwith list of Agenda Items to be discussed with DG. Later on Additional Agenda Points as well as representation received of Shri R Sivakumar, State Chairman – Tamilnadu / Puducherry /Andaman & Nicobar Islands were also sent, bringing out the difficulties being faced by contractors in executing of contracts for his kind consideration and finding out remedial measures.

Following senior officials from CPWD were present in the meeting:-

- 1. Shri Sahilendra Sharma Director General
- 2. Shri B BMakkar Special Director General (C)
- 3. Shri D C Goel Additional Director General (TD)

Other senior officers from the Department were also present in the meeting.

The BAI Delegation consists of the following members / officials:-

- 1. Shri Ram Niwas Gupta President
- 2. Shri VedKhurana State Chairman Delhi State
- 3. Shri Kunal Jain Chairman Kundli Centre (Haryana)
- 4. Shri L C Ralhan GC Member Delhi Centre
- 5. Shri Satnam Singh Arora Executive Officer-Delhi Office

Shri Shailendra Sharma, DG-CPWD, with his team of officers welcomed the BAI delegation in the Committee Room. Shri R N Gupta ji introduced the BAI team to DG and his team of officers. Shri Gupta also thanked DG - CPWD for the meeting and requested Shri L C Ralhan to start the proceeding of presentation with main issue of the representation i.e. unprecedented rise in the cost of building materials, particularly the cement & steel and publication of price indices issued by the DG-CPWD Office for the purpose of compensation.

One by one, other points of the Agenda were also discussed and the difficulties of the members were explained in details on each point. On each point, contractors gave their point of view which was heard very patiently and the teams of officials gave their point of view so that a mid way could be found and both the parties. The highlights of the discussion in the meeting was price rise of construction materials, issues of price indices of DG office, achievement / shifting of mile stone and non-withholding of the payments linked with milestone etc., timely grant of EOT, rate of interest on Mobilization Advance as well as interest on delay in payment of running bills of the contractors, extension of validation of contractors keeping in view the Covid-19 Pandemic situation in the country since March 2020. The meeting continued for more than two hours and all the agenda points could not be discussed due to paucity of time as lot of deliberations on each point of the agenda of meeting sent to the Department.

DG-CPWD while thanking the BAI members in bringing the difficulties of the members which also helps the Department in taking corrective measures for the smooth execution of the works which not help the Department in establishing the CPWD as a premier Government Department in construction of Marvel Buildings and setting the standard of construction for other to follow. He also assured the members that this cannot be achieved without the support of the contractors and extending the helping hand for contractors by removing their difficulties prompt them in quality work and timely completion of the projects. He also stated that the day is not far when each action of the supervisor staff of the Department as well as the contractors will be recorded on day to day basis and both the parties will have to change its working style to adopt new working environment. He further stated that the trends in construction are changing very fast and what CPWD is looking for is the contractors who can change the working style by adopting technology / machinery with the requirement of time.

He requested to the delegation to meet the senior officials of the Department later, at their conveniences to discuss the remaining items of the agenda. He assured the delegation the full support of the department in removing the difficulties of the contractors. The meeting ending with vote of thanks to the Chair as well as sparing his valuable time for holding the meeting in a friendly atmosphere.

Ref: 385/D/2021-22 dated 30th December, 2021

ACHIEVEMENT ACHIEVEMENT ACHIEVEMENT

To,

All the Members of Builders' Association of India,

Dear Friends,

Sub.: BAI Achievements - Extension of validity of Enlisted Contractors (upto 30.06.2022) by CPWD & Extension of Performance Security (upto 31.03.2023) by Ministry of Finance.

Please refer my communications with CPWD about various pressing issues of the contractors and other Government Departments regarding the matter of GST, Performance Security etc. A delegation led by me also met the senior officials of CPWD on 13th December 2021 and had detailed discussions on almost all the agenda points sent to the Department.

We are happy to inform our members that:-

- CPWD has been very kind enough to agree to our request for extension of validity of contractors beyond 31st December 2021. CPWD, vide their Office Memorandum DG/SE/ENLIST.RULES/63 dated 30th December 2021 have extended the validity of all CPWD enlisted contractors, whose validity expiring on 30.12.2021 have extended upto 30.06.2022. This extension of validity will help many contractors to apply for revalidation of their Registration. BAI also expects positive outcome of issues referred to the Committee.
- 2) Ministry of Finance, Department of Expenditure Procurement Policy Division, New Delhi Vide their Office Memorandum No.F.9/4/2020-PPD dated 12th November 2020 regarding reduced Performance Security from existing 5-10% to 3% of the value of the contract for all existing contract. BAI have been pursuing with the Ministry of Finance to extend the date of applicability further. With our sincere efforts, Ministry of Finance vide

केन्द्रीय लोक निर्माण विभाग कार्यालय ज्ञापन DG/SE/CM/ENLIST.RULES/63 ISSUED BY AUTHORITY OF DIRECTOR GENERAL, CPWD

Nirman Bhawan, New Delhi

Dated: 30.12.2021

Subject:- Extension of validity of Enlisted B & R and Horticulture Category contractors.

1. References have been received from various CPWD Contractors' Associations for extending the validity of Enlisted Contractors on account of unprecedented pandemic COVID 19 situation. The request has been considered sympathetically and validity of all CPWD enlisted contractors, whose validity is expiring on 31.12.2021, stands extended upto 30.06.2022 as a last time measure.

2. The validity of erstwhile Furniture category CPWD contractors, which was merged to building category (now B & R category) vide OM No. DG/SE/CM/Enlist. Rules/52 dated 17.08.2020 has been already extended upto 31.08.2025 vide OM No. DG/SE/CM/Enlist. Rules/60 dated 29.11.2021.

3. Rule 14 of "Rules for Enlistment of Contractors in CPWD, 2021" stipulates – "the enlisted contractor may apply for re-validation at any time but not after the expiry of the current enlistment. Enlisted contractors are advised to apply for re-validation in Annexure I with works executed by them, six months prior to expiry of their enlistment order."

4. Now, as a special last time measure, all such enlisted contractors whose enlistment is extended up to 30.06.2022 on account of this ORDER, are advised to apply for re-validation immediately but not later than 31.03.2022.

This issues with the approval of DG CPWD.

अधीक्षण अभियंता (सी.एंड एम.)

Issued from file No. CSQ/CM/18(4)/ER/2021

केलोनिवि तथा लोनिवि दिल्ली के सभी अधिकारियों को आवश्यक सूचना एवं कार्यवाही हेतु।(केलोनिवि वेबसाईट के माध्यम से)

Ref.: 400/J/2021-2022 dated 10th January, 2022

The Director General Central Public Works Department (CPWD), NirmanBhawan New Delhi-110011

Sub: Earnest request for Upgrade in the Enlistment Class-Rules for Enlistment of Contractors in CPWD, 2021- Reg.

Dear Sir,

At the outset, BAI is thankful to your good self for giving patient hearing to all the issues being faced by the contractors of CPWD which is helping to increase the cost competitiveness, timely execution and the increase in quality of all the works done under your kind leadership in CPWD.

As aware **Builders Association of India (BAI)**, is the apex All-India body of engineering construction contractors and real estate companies founded in the year 1941 with more than 20,000 business entities as its members through nearly 200 chapters across the country.

We now wish to bring to your kind attention to the Rules for Enlistment of Contractors in CPWD, 2021wherein the highest category in Building & Roads is given as Class I(Super) with a tendering limit for 650 Cr. However, as you are aware a lot of projects which are being put to tenders now are more than 650 Cr and hence the CPWD contractors who are enlisted even in Class 1((Super) – which being the highest category- are not able to participate. The contractors enlisted in CWPD treat CPWD as an extension of their family and hence need to be encouraged and provided motivation.

Therefore it is BAI's sincere request that a new category is to be created with tendering limit of Rs. 1000 Cr. This new category may be called as Class 1 (Unlimited) / Class 1 (Premium).

The requirements towards the magnitude of Work Experience and Financial Soundness may be increased on pro rata basis in comparison to the present requirements of Class I (Super) for this new proposed category.

By doing this, CPWD will help its contractors to gain rich experience in the work of high magnitude and also bring greater competition to ultimately help the Government in realising the true cost of the projects.

We also request you to kindly give us a personal hearing to take this forward to a conclusion.

Thanking you in positive anticipation.

Yours faithfully,

R.N. Gupta President Builders' Association of India Mob:- 9810011139

Ref.: 412/J/2021-22 dated 25^{th} January, 2022

To,

The Director General, Central Public Works Department (CPWD), A-Wing, NirmanBhawan, New Delhi-110011

Sub: Seeking Clarification on Change of GST Rate vide Notification 15/2021 Central tax (Rate) dated 18th November 2021.

Respected Sir,

With reference to the above circular wherein GST rate on works contract has been changed from 12% to 18 % for work awarded by Governmental Authority or Government Entity, whereas GST rate for work awarded by Central Government, State Government, Union Territory and Local Authority has been kept as same i.e. at 12%.

Therefore, we seek an urgent clarification, whether CPWD would be covered under the definition of Central Government or Governmental Authority or Government Entity and whether GST rate on work awarded by CPWD would be chargeable at 12% or 18% by the contractors.

Kindly note that should the clarification from CPWD states that the GST chargeable would be now revised to 18% from 12%, this extra burden of 6% on the contractors would be borne by CPWD.

Therefore, you would appreciate that this clarification which is being sought as above requires urgent resolution.

Thanking you in positive anticipation of an urgent reply

Yours faithfully,

R. N. Gupta President Builders' Association of India

MSME Matters



Item No. 6 (i) **BUILDERS' ASSOCIATION OF INDIA**

(All India Association of Engineering Construction Contractors and Builders) G-1/G-20, 7th Floor, Commerce Centre, J. Dadajee Road, Tardeo, Mumbai - 400034 Tel: (91-22) 23514802, 23520507,23521328 Website: www.baionline.in, E-mail : baihq.mumbai@gmail.com 🍠 @BAINational 🖬 http://youtube.com/user/baihqmumbai

Ref: 142/M/2021-2022 dated 27th May, 2021

Shri Najeeb Mannel State Chairman, Kerala Mannel Cottage, Edakkulangara P.O., Karunagapally, Kollam- 690 544

Dear Shri Najeeb Mannel Ji,

Sub. Intervening Application to be filed at the Supreme Court on the MSME Matter.

We are in receipt of your above mail with attaching the legal opinion supporting to file the intervening application.

In this regard, please be informed that the matter has been discussed with the President, in detail.

The President has directed the undersigned to inform you to proceed with the legal course, if you feel it is a solution to the issues mentioned, at your cost and consequences.

This is for your kind information and record.

We hope the matter will be closed with this communication.

Thanking you,

Yours faithfully,

Pradeep Nagawekar Hon. General Secretary, **Builders' Association of India**

Delhi Office: D1/203, Aashirwad Complex, Green Park, New Delhi-110016 Ph: 011-26568763, 40612800, 9555448763 E-mail: baidelhi16@gmail.com

B.A.I. Centres at:

DARAL OCHICOS BELL ad Agra Agra Cantt. Ahmedabad Ahmedraga: Aligath Allahabad Allappy, Alura Amarat Amarata Amarat Bhavarat Amarata Amarata Amarata Amarata Amarata Bharath, Bhopal, Bilapun, Butbern, Cakut, Chandigath, Changanachery, Chengai Chenna, Chettadurga, Cumbates, Delhi, Delhi Est Sazhadra, Delhi North Delhi Sott ad Dharapunama Dhulo Dindigul, Durgapun, Durg-Bullia, Erdor, Bhumanoor, Farikabad, Gaukum Buddha Nagar, Gandhinagar, Chanalta Mada Saingar, Angranaki, Aurangabad, Aradi, Baghpat, Bangalore, Bara ad Dharapunama Dhulo Dindigul, Durgapun, Durg-Bullia, Erdor, Bhumanoor, Farikabad, Gaukum Buddha Nagar, Gandhinagar, Chanthy Mengabad, Grawher Myderabad, Grawher Myderabad, Grawher Myderabad, Grawher Myderabad, Grawher Myderabad, Grawher Myderabad, Chanthy Japur, Fashyar, Fangue Senth, Nagra, Kangue Senth, Nagra, Kangue Senth, Nagra, Mangalora, Kanaka Maridabad, Gaukum Buddhanal, Yodunggulia, Kabagar, Kalaka, Nathawan, Kandi n, Madhurantukam, Mathoronagar, Malagaen, Manya, Manjalora, Marjidothururi, Medahada, Mesert, Garte, Nodinagar, Mosingar, Maradabad, Moradabad, Nore, Nagayatham, Nadinawa, Kanaka Kanaka Kanaka, Kanaka Maradabad, Nareka Materut, Carth, Modinagar, Motingar, Manadabad, Nareka Mariadabad, Nareka Materut, Carth, Modinagar, Motingar, Matadabad Nore, Manadabad, Nareka Maradiana, Macadabad Nore, Pangabata, Panha, Ratha, Beram, Lin, Jainu, Manadabad, Nareka Matadabad, N Faranan Franzisan Kalengari, Mangalore, Mayunduwunan Nasik Mellore, Ney attisan Nagyur Nalgonda, Namadolal Nanded, Nandurbar, Nasik Mellore, Ney amallee, Por Ramangamdi, Pudukkotta, Pune, Radiwar, Raigad, Raipur, Rajahn Kalamur, Surgar Tambaram, Tamiku, Tenkas, Tarpur, Tangurus, Mangarat Ulhanangar Moradahad, Moradahad Nor, Riy., anipat Parbhani, Pabha, Perambaliu Ranchi, Ranga Radity, Ravulapalei di, Thiruvalla, Thiruvannamalai, T Thir min, Udumalpet, Ulhamagar, Vellore, Vijayawada, Vikarah Thripuruthura, Thrianuz, Taruchirapalli, Tarunsilvali, Tarupur, Taruvallur, Tharuvananthapurani, Tuti Win Waraneel Weithern II P. Flectrical. Yadadri ad. Villupuram, Visakhapatnam, Vizag Steel 4049



BUILDERS' ASSOCIATION OF INDIA

(Apex Body of Construction Industry)

G-1/ G-20, 7th Floor, Commerce Centre, J. Dadajee Road, Tardeo, Mumbai - 400 034. Tel. : 91-22- 23520507, 23514134, 23514802 • Fax : 91-22- 23521328 Website : www.baionline.in • E-mail : baihq.mumbai@gmail.com

TO WHOMSOEVER IT MAY CONCERN

Further to our letter Reference number 142/M/2021-2022 dated 27th May 2021, we hereby authorise Builders' Association of India – Kerala State Chairman, Shri Najeeb Mannel, to proceed with 'Intervening application to be filed at the Supreme Court on the MSME Matter'.

In this regard, the authority will be subject to contents of our above referred letter.



PRADEEP NAGAWEKAR HON. GEN. SECRETARY BUILDERS' ASSOCIATION OF INDIA

Delhi Office : D1/203, Aashirwad Complex, Green Park Main, New Delhi - 110 016. 🖀 : 26568763 / 9555448763 E-mail : baidelhi16@gmail.com

B.A.I. Centres at :

Adlabad, Agra, Agra Canti, Ahmedabad, Ahmedagar, Aligarh, Allanazad, Aleppy, Alura, Antravath, Andartan & Nocobar, Angamali, Aurangabad, Barguad, Bangalone, Barganat, Bargalone, Barganat, Bargalone, Sangalone, Bargalone, Sangalone, Kangur, Bargalone, Sangalone, Kangur, Magan, Kangur, Maganda, Namakida, Nandurtar, Nasalek, Nandurtar, Nagan, Kangaran, Barg

BUILDERS' ASSOCIATION OF INDIA

Item No. 6 (i)

3rd August 2021

To,

The President Builders Association of India Mumbai

Dear Sir,

Sub: - APPLICATION SEEKING IMPLEADMENT - regarding MSMED Act.

Ref : Special Leave Petition (C) No 4970 of 2021 in the matter of M/s P L Adke Vs Wardha Municipal Corporation Council.

With reference to the above referred SLP filed in the Hon Supreme Court, and the authorization given to Builders' Association of India - Kerala State Chairman, Shri Najeeb Mannel, to proceed with 'Intervening Application to be filed at the Supreme Court on the MSME matter' by BAI HQ, please find attached here the scanned copy of the "APPLICATION SEEKING IMPLEADMENT AS A PARTY RESPONDENT " which will be submitted in The Supreme Court of India by BAI, Kerala State.

Consultant Advocate - Shri Joseph Markose, M/s Joseph & Kurian, Kochi, Kerala

Advocate on Record - Shri M P Vinod, New Delhi

Sr Counsel - Shri Rajasehara Rao, New Delhi

Case Posted - 5th Aug 2021

This is for your kind information.

We request you Sir, to kindly include the said MSME matter in the Agenda of the 2nd MC/GC Meeting to be held on 28th August, 2021 and allow any of the following BAI Kerala Legal Cell member's Shri M V Antony (Cochin Centre) or Shri John Paul (Kottayam Centre) or Shri Suresh (Trichur Centre) to speak on the subject for a few minutes to brief our Hon Members of the Managing Committee and General Council.

The above is being sent to you, Sir, as authorised by Shri Najeeb Mannel , State Chairman , BAI Kerala , under the aegis of BAI Kerala Legal Cell formed by the State Committee of BAI Kerala held on 11th June 2021

Thanking you,

Yours Sincerely,

John Paul

Member , BAI Kerala Legal Cell Builders' Association Of India, Kerala State Kottayam Mob : 9447058292

MICRO, SMALL AND MEDIUM ENTERPRISES (MSME)

What's MSME

MICRO, SMALL AND MEDIUM ENTERPRISES

MINISTRY OF MICRO, SMALL AND MEDIUM ENTERPRISES - NOTIFICATION

Union Ministry of Micro, Small and Medium Enterprises (M/o MSMEs) has issued Gazette notification to pave way for implementation of the upward revision in the definition and criteria of MSMEs in the country. The new definition and criterion will come into effect from 1st July, 2020.

After 14 years since the MSME Development Act came into existence in 2006, a revision in MSME definition was announced in the Atmnirbhar Bharat package on 13th May, 2020. The existing criterion of definition of MSMEs is based on the MSMED Act, 2006. It was different for manufacturing and services units. It was also very low in terms of financial limits. Since then, the economy has undergone significant changes.

a new composite formula of classification for manufacturing and service units has been notified. Now, there will be no difference between manufacturing and service sectors. Also, a new criterion of turnover is added.

Revised Classification applicable w.e.f 1st July 2020

Composite Criteria: Investment in Plant & Machinery/equipment and Annual Turnover

Classification	Micro	Small	Medium
and Enterprises rendering		Investment in Plant and Machinery or Equipment:	
Services		Not more than Rs.10 crore and Annual Turnover ; not more than Rs. 50 crore	

Following are a few highlighting features of new MSMEs –

- 1. A provision of Collateral Free Loans to MSMEs
- 2. An arrangement of loans to MSMEs worth of Rs. 3 lac crores
- 3. An offer for MSMEs to get a Moratorium period of 12 months
- 4. Consideration of Manufacturing and Service MSMEs as the same entities
- 5. MSM is a granted a repayment Tenure of 48 months
- 6. MSMEs are assured a 100% Credit Guarantee
- 7. Reclassification of MSMEs will benefit approximately 45 Lac units.

Features of MSMEs

Following are some of the essential elements of MSMEs

- 1. MSMEs work for the welfare of the workers and artisans. They help them by giving employment and by providing loans and other services.
- 2. MSMEs provide credit limit or funding support to banks.

- 3. They promote the development of entrepreneurship as well as up-gradation of skills by launching specialized training centers for the same.
- 4. They support the up-grading of developmental technology, infrastructure development, and the modernization of the sector as a whole
- 5. MSMEs are known to provide reasonable assistance for improved access to the domestic as well as export markets.
- 6. They also offer modern testing facilities and quality certification services.
- 7. Following the recent trends, MSMEs now support product development, design innovation, intervention, and packaging.

What is MSME? FAQs:

1. What is an MSME Form?

MSME Form I is a form filed for giving details with the ROC concerning payment, which has been outstanding for more than 45 days towards the services availed from the MSME in question. The filing of the Form in the intervals is as mentioned below: Initial Return; or Regular Half Yearly Returns

2. What does the deemed date of acceptance of goods and services mean?

The deemed date of acceptance means, in case of no objection is made by the buyer in writing as regards a receipt of goods or services within 15 (fifteen) days from the day of the goods delivery or the services rendered.

3. Who can apply online for MSME registration?

Any entrepreneur who has a valid Aadhaar Number can apply for online MSME Registration.

4. Why is a credit rating important for MSMEs?

To facilitate credit flow to the MSME sector and enhance the comfort level of the lending institutions, reputed credit rating agencies do the credit rating of MSME units. This rating should be encouraged. Furthermore, advice to banks is to consider these ratings based on availability and thus make an appropriate structure of interest rates depending on ratings assigned to borrowing MSME units.

MSME Registration is free, paperless and based on self- declaration

- MSME registration process is fully online, paperless and based on self-declaration.
- No documents or proof are required to be uploaded for registering an MSME.
- Only Adhaar Number will be enough for registration.
- PAN & GST linked details on investment and

turnover of enterprises will be taken automatically from Government data bases.

- Online system will be fully integrated with Income Tax and GSTIN systems.
- Having PAN and GSTIN (As per applicability of CGST Act 2017 and as notified by the ministry of MSME vide S.O. 1055(E) dated 05th March 2021) is required for Udyam Registration with effect from 01.04.2021.
- Those who have EM-II or UAM registration or any other registration issued by any authority under the Ministry of MSME, will have to re-register themselves.
- No enterprise shall file more than one Udyam Registration. However, any number of activities including manufacturing or service or both may be specified or added in one Registration.

UDYAM REGISTRATION Process

- Register only on Government Portal http:// udyamregistratiom.gov.in
- Entire process is totally free of cost. No payments to be made to anyone.
- On completion of process, the Registration Certificate will be generated and sent or print from the portal itself.

THE MICRO, SMALL AND MEDIUM ENTERPRISES DEVELOPMENT ACT, 2006

(The extract is taken from the MSMSE ACT 2006, and is for information only. For the MSMS ACT 2006 in detail please visit website www.msme.gov.in)

Section 1.....Short title and commencement.

(1) This Act may be called the Micro, Small and Medium Enterprises Development Act, 2006.

Section 8.....Memorandum of micro, small and medium enterprises. (1) Any person who intends to establish,--

- (a) a micro or small enterprise, may, at his discretion; or
- (b) a medium enterprise engaged in providing or rendering of services may, at his discretion; or
- (c) a medium enterprise engaged in the manufacture or production of goods pertaining to any industry specified in the First Schedule to the Industries (Development and Regulation) Act, 1951 (65 of 1951),

shall file the memorandum of micro, small or, as the case may be, of medium enterprise with such authority as may

be specified by the State Government under sub-section (4) or the Central Government under sub-section (3):

Provided that any person who, before the commencement of this Act, established--

- (a) a small scale industry and obtained a registration certificate, may, at his discretion; and
- (b) an industry engaged in the manufacture or production of goods pertaining to any industry specified in the First Schedule to the Industries (Development and Regulation) Act, 1951 (65 of 1951), having investment in plant and machinery of more than one crore rupees but not exceeding ten crore rupees and, in pursuance of the notification of the Government of India in the erstwhile Ministry of Industry (Department of Industrial Development) number S.O. 477(E), dated the 25th July, 1991 filed an Industrial Entrepreneur's Memorandum, shall within one hundred and eighty days from the

commencement of this Act, file the memorandum, in accordance with the provisions of this Act.

Section 10. Credit facilities.- The policies and practices in respect of credit to the micro, small and mediumenterprises shall be progressive and such as may be specified in the guidelines or instructions issued bythe Reserve Bank, from time to time, to ensure timely and smooth flow of credit tosuch enterprises, minimise the incidence of sickness among and enhance the competitiveness of such enterprises.

Section 11. Procurement preference policy.- For facilitating promotion and development of micro and small enterprises, the Central Government or the State Government may, by order notify from time totime, preference policies in respect of procurement of goods and services, produced and provided bymicro and small enterprises, by its Ministries or departments, as the case may be, or its aided institutions and public sector enterprises.

Section 15 .Liability of buyer to make payment.

Where any supplier supplies any goods or renders any services to any buyer, the buyer shall make payment therefor on or before the date agreed upon between him and the supplier in writing or, where there is no agreement in this behalf, before the appointed day:

Provided that in no case the period agreed upon between the supplier and the buyer in writing shall exceed fortyfive days from the day of acceptance or the day of deemed acceptance.

Section 16 .Date from which and rate at which interest is payable.

Where any buyer fails to make payment of the amount to the supplier, as required under section 15, the buyer shall, notwithstanding anything contained in any agreement between the buyer and the supplier or in any law for the time being in force, be liable to pay compound interest with monthly rests to the supplier on that amount from the appointed day or, as the case may be, from the date immediately following the date agreed upon, at three times of the bank rate notified by the Reserve Bank.

Section 17. Recovery of amount due.

For any goods supplied or services rendered by the supplier, the buyer shall be liable to pay the amount with interest thereon as provided under section 16.

Section 18 .Reference to Micro and small Enterprises Facilitation Council.

 Notwithstanding anything contained in any other law for the time being in force, any party to a dispute may, with regard to any amount due under section 17, make a reference to the Micro and Small Enterprises Facilitation Council.

- (2) On receipt of a reference under sub-section (1), the Council shall either itself conduct conciliation in the matter or seek the assistance of any institution or centre providing alternate dispute resolution services by making a reference to such an institution or centre, for conducting conciliation and the provisions of sections 65 to 81 of the Arbitration and Conciliation Act, 1996 (26 of 1996) shall apply to such a dispute as if the conciliation was initiated under Part III of that Act.
- (3) Where the conciliation initiated under sub-section (2) is not successful and stands terminated without any settlement between the parties, the Council shall either itself take up the dispute for arbitration or refer it toany institution or centre providing alternate dispute resolution services for such arbitration and the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) shall then apply to the dispute as if the arbitration was in pursuance of an arbitration agreement referred to in sub-section(1) of section 7 of that Act.
- (4) Notwithstanding anything contained in any other law for the time being in force, the Micro and Small Enterprises Facilitation Council or the centre providing alternate dispute resolution services shall have jurisdiction to act as an Arbitrator or Conciliator under this section in a dispute between the supplier located within its jurisdiction and a buyer located anywhere in India.
- (5) Every reference made under this section shall be decided within a period of ninety days from the date of making such a reference.

Section 19.Application for setting aside decree, award or order.

No application for setting aside any decree, award or other order made either by the Council itself or by any institution or centre providing alternate dispute resolution services to which a reference is made by the Council, shall be entertained by any court unless the appellant (not being a supplier) has deposited with it seventy-five per cent. of the amount in terms of the decree, award or, as the case may be, the other order in the manner directed by such court:

Provided that pending disposal of the application to set aside the decree, award or order, the court shall order that such percentage of the amount deposited shall be paid to the supplier, as it considers reasonable under the circumstances of the case, subject to such conditions as it deems necessary to impose.

Section 20. .Establishment of Micro and Small Enterprises Facilitation Council.

The State Government shall, by notification, establish one or more Micro and Small Enterprises Facilitation Councils,

at such places, exercising such jurisdiction and for such areas, as may be specified in the notification.

THE CASE in the Hon Supreme Court

Special Leave Petition (SLP) filed by M/s. A.L. Adke, a BAI member based in Nashik, Maharashtra against a counter Affidavit filed by the Wardha Municipal Corporation with Supreme Court under SPL (c) no. 4970 of 2021.

This case is very much important for the construction industry with reference to the MSME act.

In the said case, three hearings of more than 14hrs of arguments were carried out, The panel of Judges were Justice Indira Banerji and Justice Maheshwari.

Adv.Kamath & and Adv. Purathu represented M/s. A.L. Adke, Adv Hematika Whahi & Adv. Kapoor represented Gujarat Chamber of Commerce and Adv. Rajsekhar Rao represented BAI.

All of them presented their arguments well before the judge panel and the judge panel heard the arguments patiently throughout the long hours of hearing.

The main issue of M/s Adke relates to arbitration. But he also raised some questions of law which may affect the construction industry adversely. The "Question of Law" matters raised in the case also vital for the construction industry as a whole.

Now the final hearing was over on 15 th of Feb and is reserved for judgement.

We are confident and can hope that the above case final judgment will be favour to the construction industry and thereby will resolve the technical matters faced by the Industry with regard to the MSME with Govt. entities.

Further, you are also aware that the Government of India is under the process of preparing a new amendment draft for the MSME policy for which they already asked for public opinion. Most of the BAI centres already submitted our suggestion with the central Government.

BAI's proposal already circulated within its members.

BAI Kerala Legal Cell

BAI Kerala Legal Cell was formed in the year 2021-2022, under BAI Kerala State Committee to intervene in issues and policy matters that affects the members of Builders' Association of India with the State Government, Quasi Govt, Public Sector and other Authorities and if required to take up matters that are of importance to the Court of law with the concurrence of BAI Kerala State Committee and BAI HQ.

BAI Kerala Legal Cell consists of a Seven member committeewith the State Chairman for the year as its

Chairman and Six members whose term of office is for a minimum period of three years for continuity and will change by rotation.

Presently the committee consists of BAI Kerala State Chairman Shri Najeeb Mannel , as Chairman and the six members are Shri M V Antony, Shri Alex Perumalil, Shri Paul T Mathew, Shri Sabu Thomas, Shri Suresh P N and Shri John Paul.

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- Register only on Government Portal http:// udyamregistratiom.gov.in
- Entire process is totally free of cost. No payments to be made to anyone.
- On completion of process, the Registration Certificate will be generated and sent or print from the portal itself.



BUILDERS' ASSOCIATION OF INDIA

(All India Association of Engineering Construction Contractors and Builders) G-1/G-20, 7th Floor, Commerce Centre, J. Dadajee Road, Tardeo, Mumbai - 400034 Tel: (91-22) 23514802, 23520507,23521328 Website: www. baionline.in, E-mail : baihq.mumbai@gmail.com 🌒 @BAINational 🖬 http://youtube.com/user/baihqmumbai

Ref: 450/M/2021-22 dated 16th March 2022

Shri Narayan Rane Ji Hon'ble Minister of Micro, Small and Medium Enterprises (MSME), Ministry of MSME, Government of India, Room No. 51, Udyog Bhawan, Rafi Marg, New Delhi-110001

Subject: Issues to be taken up with MSME Ministry.

Respected Sir,

Builders' Association of India (BAI) is an apex All-India body of Engineering Construction Contractors and Real Estate companies founded in the year 1941 with more than 20,000 business entities as its members through nearly 200 chapters across the country. The association is a registered body established with the objective of encouraging trade, industry and profession of construction works and all other ancillary and allied trades and industries amongst others.

. We all know that Micro, Small and Medium Enterprises (MSME) Act 2006 was intended to promote and enhance the competitiveness of MSMEs, both in the Manufacturing and Service Sectors. We appreciated the intention, purpose, approach and spirit of this act. As has been pointed out during the meeting, we earnestly request your kind honour to consider the following submissions sympathetically which will help construction industry in a big way in reviving its resources as well as to come out of losses it suffered because of various restrictions, imposed from time to time, due to Covid-19 Pandemic from March 2020 onwards.

1. Denial of Benefits under MSMED Act. - Contractors are allowed to register with MSME for all construction activities as classified under Service Sector as per the MSMED Act. Accordingly contractors register with UDYAM portal under Section F- Construction.with 39 different sub classes that cover all types of Construction activities like, Buildings, Railways, Roads, Bridges, Plumbing, Electrical, Air-conditioning, Finishing works and all other specialized jobs.

...CondtP2...

Delhi Office: D1/203, Aashirwad Complex, Green Park, New Delhi-110016 Ph: 011-26568763, 40612800, 9555448763 E-mail: baidelhi16@gmail.com

B.A.I. Centres at:

B.A.I. Centres at: Adilabad, Agra, Agra Canti, Ahmednagar, Aligarh, Allahabad, Alleppy, Aluva, Amravath, Amaravathi, Andaman & Nicobar, Angamali, Aurangabad, Avadi, Baghpat, Bangalere, Baramah, Barelly, Baroda, Bharuh, Bhopal, Bilaspur, Buthori, Calicut, Chandigar, Changancherry, Chengai, Chemiad, Chethinadu, Chitradurga, Colimbatore, Deihi, Delhi, Sath Shahdra, Delhi North, Delhi South, Delhi West, Dhanbad, Dharapuram, Dhule, Dindigul, Durgapur, Durg-Bullai, Eroda, Ethimanoor, Faridabad, Gautam Buddha Nagar, Gandhinagar, Ghariabad, Goa, Greater Hyderabad, Greater Jajur, Greater Noida, Guntur, Gurgaon, Guwahati, Haldia, Hapur, Hasan, Hyderabad, Ichaikarani, Indore, Javajur, Jajuan, Jajaan, Jaisalmer, Jamihedpur, Jodhpur, Kalpakkam, Kallakuridi, Kamaredaty, Kandipuram, Kanker, Kamur, Kanpur, South, Kanyakumar, Karaika, Karinakaran, Karani, Karmawari, Khammam, Kochi, Kodukian, Kolitakur, Kolhats, Kollaku, Kollaka, Kolimagar, Meradabad, Moradabad, Nor, Riy, Mumbai, Muvathupuzha, Muzafiarnagar, Mysore, Nagapatham, Naggur, Nalgonda, Namakkal, Nander, Mandurbar, Nasik, Nellore, Nayveli, Nilgiri, Nzamabad, Ongole, Panipat, Parbhani, Paha, Perambalur, Phaltan Pink, City Jaipur, Fondicherry, Ponneni, Poonamilee, Por-Ramangandi, Pudukkotai, Pune, Raichur, Raigad, Rapur, Rajakur, Theni, Thiruporur, Thirushrapali, Thiruwaramalai, Thiruwaranamali, Thiruwaranamali, Thiruwaranamali, Thiruwaranamali, Staras, Shahda, Shimoga, Silchar, Sitapur, Solapur, Suata Tambaram, Tanku, Tenkasi, Tezpur, Tanjavur, Theni, Thirushrapali, Trunahveli, Turunaluu, Thiruwananthapuram, Tuticorin, Udiamagar, Vellore, Vikayawada, Vikarabad, Villapuram, Visag Steel City, Wei Wereneel Westers U.B. Florited Valedri

However, some of the Govt. Departments/PSUs/PWDs. are not considering the Construction Contracts under the "MSME" and deny such benefits to the MSMEs. It is also to mention here that some of the states have also not implemented the benefits available to contractors and denying facilities available under MSME Act. It is, therefore requested that necessary instructions may please be issued to all states to extend the benefits of MSME Act, in letter and spirit, to the construction industry also.

2. "Works Contract" Confusion - Most of the construction activities are listed in Sec F and all of us are getting registration as per the same. However, there are a few instances, where justice and MSME benefits are being denied to many on the ground that Works contract is not covered/ listed in MSME list of services. This probably could be a hangover of the erstwhile VAT and Service tax regime where the phrase "Works Contract" was commonly used. It could also be because of the fact that construction is not pure service, as material transfer is also involved.

Departments are also referring to certain High Court judgements especially one from Delhi High court wherein the court termed a construction activity or a contract as "Works Contract" which according to the Court is not specifically categorized in the MSME list of services.

It is, therefore, requested that in order to avoid confusion, related litigation and also to deliver justice as contemplated in the Act, necessary clarificatory order including Works Contract in the list of services may please be issued from your esteemed office.

3. Dispute resolution trough Micro and Small Enterprises Facilitation Council (MSEFC) - The Council has jurisdiction to act as an Arbitrator or Conciliator under this Act. Any such issue/dispute referred to the 'Council' shall be decided within a period of 45 days. This will avoid the time-consuming and costly legal process through the civil courts. This is an amazing provision. But, truth is not anywhere near. We may like to point out that in reality the time taken is much more than 45 days.

It is requested more MSEFCs may please be created in every state - both at regional as well as State levels having different powers so that the cases are decided at faster pace.

4. Execution of MSEFC orders/awards - We may like to point out that confusion with regard to execution of MSEFC awards still remain. MSEFC says they are not empowered and hence to approach civil courts or HC for execution of orders. We request that MSEFCs are to be empowered to execute the orders by suitable amendment of the Act or by order.

5. Appellate Authority for MSEFCs - We request you to kindly consider the creation of Appellate Authority for MSMEC which will help easy and faster dispute resolution. Approaching a HC or SC will lead to substantial time loss and defeat the purpose and spirit of the Act. Hence the Act is to be amended to create a legal frame work for setting up and functioning of Appellate Authority.

6. MSMED Act implementation monitoring committees – It is requested that Monitoring Committees may please be created at Central and State Levels for proper monitoring of the MSME Act which may include representatives from industry, Financial Institutions plus legal experts and officials like Principal Sec Industries.

...CondtP3...

7. Mandatory registration before entering into a contract for seeking benefits under MSMED Act. - There are instances where the benefits of MSME Act is being denied to organizations which did not have a UDYAM registration prior to entering into a contract, but obtained subsequently. We request that no one shall be penalized on this account. It is further requested that in worst case, they may be made eligible for the benefits under the Act from the date of their registration with the MSME.

It is requested that the issues raised will get sympathetic and favorable considerations from your office and necessary orders / clarifications etc. will be issued at your earliest convenience.

Thanking you in positive anticipation.

Yours faithfully,

R.N. Gupta President Builders' Association of India Mob:- 9810011139

MES MATTER

Ref: 62/A/2021-2022 dated 26th April, 2021

Lt. Gen. Harpal Singh Ji, PVSM, AVSM, VSM Engineer-in-Chief's Military Engineer Services, Kashmir House, Rajaji Marg, New Delhi - 110 011

Maj. Gen. Jagdeep Singh Ishar Ji Director General, DGMAP. Kashmir House, Rajaji Marg, New Delhi - 110 011 Shri Sanjeev Gahlot Ji, DG (Pers), Military Engineer Services Kashmir House, Rajaji Marg, New Delhi - 110 011

Sub: Issues being faced by contractors and Suppliers due to COVID 19 Pandemic in your Department.

Respected Sir,

Builders Association of India (BAI), established in 1941, is the APEX Body of Indian Construction Industry having about 18,000 construction companies as its members with 180 Centres spread throughout the country. BAI acts as bridge between the Government and construction industry on the policy of the Government and contributes to economic development of the country. Quite a large number of our BAI members are also associated with your department.

The entire country is fighting COVID 19 pandemic and our Government supported the construction industry by many notifications, which concern construction business. Based on such relief measures from the Government of India, few departments, namely CPWD, NHAI and Railways have already notified and implemented such reliefs to Contractors' fraternity.

As per memorandum OM No. F18/4/2020 PPD dated 13th May, 2020 from the Finance Ministry, six months delay is anticipated and thus Extension of Time for six months is deemed to have been granted even without such application for EOT. In doing so, Performance Guarantee (PG) on commencement of work and Security Money (deducted from running bills) are likely to released six months later, thus putting extra liquidity crunch on contractors. Intent of the Government is give relief to contractors by releasing both PG and SD, proportionate to

completed work. We therefore seek release of proportionate Performance Guarantees and Security Money to the extent the work has been completed. This will facilitate liquidity and help in re-staring works, which stand suspended due to COVID 19.

Sir, now the challenge before contractors' fraternity is to restart the work, which requires mobilization of workforce and construction material after a Lockdown gap of more than one year. For putting construction activities in motion, we require funds and thus we request you to kindly be gracious and kind in granting the abovementioned reliefs immediately.

It would also be our honour to have an audience with you either online or offline, on any date and time convenient to your good self, to explain more on the plight of construction industry. (Please send your Landline number or Mobile Number to help us to contact you in this regard).

Thanking You,

Yours faithfully, R. N. Gupta President Builders' Association of India



Item No.6 (iii) **BUILDERS' ASSOCIATION OF INDIA**

(All India Association of Engineering Construction Contractors and Builders) G-1/G-20, 7th Floor, Commerce Centre, J. Dadajee Road, Tardeo, Mumbai - 400034 Tel: (91-22) 23514802, 23520507,23521328 Website: www.baionline.in, E-mail : baihq.mumbai@gmail.com @BAINational http://youtube.com/user/baihqmumbai

Ref: 363/D/2021-2022 dated 10th December, 2021

Maj Gen. Jagdeep Singh Ishar Director General-MAP (DG-MAP), Kashmir House, Rajaji Marg New Delhi-110011

Subject - Non Reduction of PBG from 5% to 3% and Un-contractual Demand for Refund / Recovery of Reimbursed GST from Contractors

Reference - BAI Letter No.05/O/2021-22 dated 27th October 2021 regarding issued being faced by Contractors and Suppliers due to COVID-19 Pandemic in executing Contracts under your Department

> Meeting of BAI & MES-BAI Representatives and several contractors of MAP with Director General-MAP and his officials on 27th October 2021

Minutes of the Meeting held on 27th October 2021 issued vide DG-MAP Office vide No.30000/44A/MAP/DG Sectt/91/Minutes Dated 29 Oct 2021

Respected Sir,

Builders' Association of India (BAI) sincerely thanks Director General - MAP for meeting with the delegation, lead by me, of members of BAI, MES-BAI and contractors executing the MAP projects in the country and discussing all the matters pertaining to execution of the works i.e. approvals of Dos, non-release of 4% Retention Money, Non-release of PSD in proportion to progress of work, Non-release of 2% PS, Non issue of completion certificate, Recovery/refund of GST and Service Tax reimbursement, long pendency of Extension of Time case etc. During the deliberations in the meeting, you were kind enough to agreed upon many of the points as well as promptness in taking up the issues relating to issue of completion certificate so that the contractors can be reimbursed the Retention Money, release of 2% Performance Security and sorting out of GST issue. Accordingly the Minutes of the Meeting were issued by your esteemed office.

We regret to inform that position on the ground positions remains the same and things have not moved as promised. It has been informed by the members executing the contract that PBG has not been released / reduced in any of the contracts which imply that all the MAP contractors in default. If all the contractors of a particular organisation are in default, it only reflects against the working of the organization and not against the contractors. What to talk of release of PBG, some contractors have received letter from DG-MAP Office intimating them that the benefit of reduced PBG cannot be given as they have to refund the GST amount that was reimbursed to them in past and your office has raised some non contractual and arbitrary claims.

..../...

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Secondly, as regards the alleged refund of GST amount being demanded by your office, it is submitted that:-

- a) The reimbursement of GST was made to contractors after their full satisfaction and after obtaining all the "Requisite Documents" and the same was also checked by PCDA (Competent Audit Authority) before releasing the payment due under the contract provisions.
- b) Subsequent to reimbursement of GST, on demand from the department, contractors have submitted adequate additional documents and calculations to the respective PMs offices to justify the GST reimbursement made by the department. In some cases, contractors are still entitled to an additional GST reimbursement under the contract provisions, but the same has not been released till date.
- c) Your office has raised a vague demand for refund of GST, without intimating specific contract condition and without specifying any amount. No calculations in support of the demanded amount have been forwarded to contractors. It is relevant to bring out that contract provisions place an obligation on the party demanded the money (from the other party) to completely justify the demanded amount with detailed calculations but no such action has been taken by your office in this regard.
- d) Your office being in commanding position in the contract, final bill payments and Performance Security (in the form of Bank Guarantee) worth Crores of Rupees are withheld arbitrarily, against the contract provisions, as has been explained above.
- e) For the sake of argument, even if the demand of GST refund is considered in order which can be adjusted from the final bill, contractors are still entitled to receive huge net amounts' under the final bill as well as release of Performance Security.

As agreed during the meeting about providing names of CA Persons / Agencies dealing with GST matters between the companies and the GST Department, details (profiles) of two firms namely M/s Raj Girikshit & Associates-CA and M/s Nitin Mittal & Co-CA, have already been forwarded to your office vide my email dated 2nd November 2021 while conveying thanks for the Minutes of Meeting issued by your office on 29th October 2021.

Thirdly, regarding Department's contention that contractors have raised non contractual and arbitrary claims, it is submitted that:-

- a) Claim for payment of Final Bill and release / reduction of Performance Security are already covered under the contract conditions. In some case, contractors are entitled for payment of Final Bill and release / reduction of Performance Security, even without availing the Covid relief announced by the Government of India. However, even contractual rights of the contractors are being denied.
- b) You will kindly appreciate Sir, that where the contractor's final bill and PBG are due for release under the contract provisions, neither there is any need of an undertaking from the contractor nor can the same be denied by the Department citing reasons of non-contractual and arbitrary claims.

-2-

Fourthly, you will recall that during the discussions in the meeting on 27th October 2021, it was impressed by BAI members that grant of EOT is taking too long, even after receiving recommendations from the PM and Station Authorities. Most of the time, the contracts remain in vacuum for several months, before the EOT is granted which creates a serious cash flow problem, due to inability to claim RAR. Another issue the members were facing is the pendency of the EOT cases during the last phase of work and false commitment that EOT will be granted after completion of the contract. It was also mentioned to understand the financial state of the members that the organisation is seized of the problem and that a decision will be given, as the case has been forwarded to higher HQ for the same and the outcome of same will be also taken into account (Refer Minutes). Final decision in the matter is still awaited from your end.

It is relevant to mention here that no stipulation by any authority can take away legal and contractual rights to raise genuine claims. Arbitration clause has been inserted by the Department in all contracts, to take care of such eventualities where disputes cannot be resolved amicably. Whether the claims are non-contractual and arbitrary, are matters to be decided by the Arbitrator, not by any of the parties of the contract.

Keeping in view the position explained above, you are requested to take immediate action for releasing the net amount of final bills and release / reduce the amount the of Performance Security, as the case may be. In case no immediate action is taken, as requested, the matter will be taken up with the higher authorities as well as resort to other options available under the law and the contract.

You are once requested for an early action in the matter please.

Yours faithfully,

R. N. Gupta President Builders' Association of India Mob No. 9810011139

Copy to :

- The Defence Secretary, 101-A, South Block, New Delhi for information and intervention in the matter. The members executing the MAP projects are facing lot many problems as well financial crises. It will be highly if an appointment is granted to discuss the matter in detail.
- The Engineer-in-Chief's Branch, Military Engineer Services, Kashmir House, Rajajji Marg, New Delhi -110011 for information and needful action in the matter.



Item No.6 (iii) **BUILDERS' ASSOCIATION OF INDIA**

(All India Association of Engineering Construction Contractors and Builders) G-1/G-20, 7th Floor, Commerce Centre, J. Dadajee Road, Tardeo, Mumbai - 400034 Tel: (91-22) 23514802, 23520507,23521328 Website: www.baionline.in, E-mail : baihq.mumbai@gmail.com @BAINational http://youtube.com/user/baihqmumbai

Ref: 372/D/2021-2022 dated 22nd December, 2021

LT. GEN HARPAL SINGH, PVSM, AVSM, VSM, ADC Engineer-in-Chief's Military Engineer Services, Kashmir House, Rajaji Marg, New Delhi - 110 011

Sub: Issues being faced by contractors and Suppliers due to COVID 19 Pandemic in **MES Department.**

Respected Sir,

Builders Association of India (BAI), established in 1941, is the Apex Body of Indian Construction Industry having about 20,000 construction companies as its members with 200 Centres spread throughout the country. BAI acts as bridge between the Government and construction industry on the policy of the Government and contributes to economic development of the country. Quite a large number of our BAI members are also associated with your department.

The entire country is fighting COVID 19 pandemic and our Government supported the construction industry by many notifications, which concern construction business. Based on such relief measures from the Government of India, few departments, namely CPWD, NHAI and Railways have already notified and implemented such reliefs to Contractors' fraternity.

As per Ministry of Finance Office Memorandum (OM) No. F18/4/2020 PPD dated 13th May, 2020, six months delay is anticipated and thus Extension of Time for six months is deemed to have been granted even without such application for EOT. In doing so, Performance Guarantee (PG) on commencement of work and Security Money (deducted from running bills) are likely to released six months later, thus putting extra liquidity crunch on contractors. Intent of the Government is give relief to contractors by releasing both PG and SD, proportionate to completed work. We therefore seek release of proportionate Performance Guarantees and Security Money to the extent the work has been completed. This will facilitate liquidity and help in re-staring works, which stand suspended due to COVID 19.

Our members reported that in MES Contract, there is neither Escalation Clause nor Star Rates of essential construction materials i.e. cement and steel and there is tremendous pressure on the middle

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class as well as upper class contractors. The rates of these materials are sky rocketing and the contractors are under tremendous pressure to complete the works in hand. Moreover, the Covid-19 Pandemic conditions had added to fuel to these problems and the contractors are suffering huge losses due to absence of price variation. In the last of 6 months period, the prices of Diesel & Petrol have gone up more than 50% due to which added fuel to the fire and resulted in increase in of other construction material as well. Not only this due to this high inflation, the labour daily wages have also gone up and still rising. It is a humble submission that Star Rates and Escalation Clause may please be inducted/inserted in all the contracts.

Keeping in view the various relief measures announced by the Government of India during the Covid-19 Pandemic Situation, MES may also work out the modalities to extend similar monetary relief for contractors working in MES and whose works have badly suffered to pandemic restrictions / lockdown imposed by Central / State Governments. Contractors are also facing lot many difficulties, particularly in Maharashtra & Kerala states in getting EOT and threatened of imposing Compensation Clause resulting in worst situations to carry out further work without the payments, which is the soul of contract. All these conditions are creating suicidal circumstances for the contractors who have no other way except to request your honour to intervene in the matter and save the contractors for these situations.

Sir, now the challenge before the MES contractors' to restart the work, which requires mobilization of workforce and construction material and restart the stranded works for want of EOT, payments etc. For putting construction activities in motion and come out from hard time, we require funds and thus we request you to kindly be gracious and kind in granting the above mentioned reliefs immediately.

Keeping in view the foregoing, we request your kind honour to intervene into the matter at the earliest and take remedial measures so that the MES Contractors start their work in full swing and complete the works in hand. It will be highly appreciated if an appointment is granted, at your convenient date and time so that the plight of the contractors is explained to you in detail to enable you to know the ground realities.

Looking for a sympathetic and favourable consideration in the matter.

Thanking you,

Yours faithfully,

R. N. Gupta President Builders' Association of India Mob : 9810011139

Item No.6 (iii)

Tele: 011-23019530

Engineer-in-Chief's Branch Military Engineer Services Dte of Contract Management Kashmir House, Rajaji Marg New Delhi – 110 011

No. 66546/P-36/ 76 /E8

06 Jan 2022

All MES Formations (Through MES Website)

APPLICATION OF FORCE MAJEURE CLAUSE (FMC) BETWEEN 15 APR 2021 TO 30 JUNE 2021 IN DEFENCE CONSTRUCTION WORKS CONTRACTS DUE TO COVID-19 MEASURES

1. Refer this HQ letter No. 66546/P-36/193/E8 dated 03 Jul 2020.

2. A copy of Ministry of Defence DMA (Wks-III) letter No. Nil dated 03 Jan 2022 is enclosed herewith for information, guidance and strict compliance please.

(Rajendra Kumar) SE (QS&C) Director (Contracts) for Engineer-in-Chief

Enclosure : (As above)

Copy to :-

1. MoD DMA (Wks-III)

- For information please.

For information please.

For information please.

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- 2. CGDA Ulan Batar Road, Palam, Delhi Cantt
- MES Builders Association of India (Regd) Head Office, 808, Sahyog 58, Nehru Place, New Delhi-110019

Internal :-

TS to E-in-C, TS to DGW, DG MAP, E2W (Army), E2W (Navy), E2W (Air Force), E2W (TC), E2W (PPC).

File No. 66546/Manual/E8

BUILDERS' ASSOCIATION OF INDIA

Ministry of Defence Department of Military Affairs DMA (Works-III)

Room No. 312, D1 Wing, Sena Bhawan New Delhi-110011

Dated 3rd Jan, 2022

To,

The Chief of Army Staff, The Chief of Air Staff, The Chief of Naval Staff The Chief of Integrated Defence Staff

APPLICATION OF FORCE MAJEURE CLAUSE (FMC) BETWEEN 15 APR 2021 TO 30 JUNE 2021 IN DEFENCE CONSTRUCTION WORKS CONTRACTS DUE TO COVID-19 MEASURES

Sir,

I am directed to convey the sanction of the president and to state that considering the Lockdowns due to COVID-19 preventive measures, MoF vide O.M No. F. 18/4/2020-PPD dated 19 Feb 2020 and 13 May 2020 has clarified that disruptions of supply chains due to spread of COVID-19 will be covered under Force Majeure Clause (FMC) of Public Contracts as the situation needs to be considered as a case of natural calamity. The FMC will be involved, wherever considered appropriate, following the due procedure as stated in Para 9.7.7 of the Manual on Procurement of Goods 2017.

2. In view of the lockdown and restrictions on movement of people, material & machinery etc. imposed by various State Governments and UTs during the second wave of COVID-19 the construction activities and services have been severely hampered. The second wave of COVID-19 is one of the recognized Force Majeure events as per "Manual for Procurement of Goods 2017", "Manual for Procurement of Works 2019" and "Manual for Procurement of Consultancy and other Services 2017" issued by Ministry of Finance, Govt. of India. Therefore, after fulfilling due procedure and wherever applicable, parties to the contract which had to be completed on or after 15th April, 2021 may invoke FMC in contracts for all Defence Construction/Works Contracts, Goods & Services Contracts including AMWP, Non- AMWP, Special Projects, LBW, Repair and Maintenance Contracts of Armed Forces" executed by MES and other agencies as under: -

(a) Force Majeure on account of second wave of COVID-19 will be applicable for a period of two and half months i.e. from 15.04.2021 to30.06.2021.

(b) Duration of this Force Majeure(s) will be excluded while calculating the delay in delivery of contracted works/ services and imposition of LD charges.

(c) Interim and Final completion dates of the contract that are affected on account of situation arising out of COVID-19, will stand extended by two and half months on account of second wave of COVID-19, without imposition of any LD Charges.

3. No separate contract specific amendments are required to be made to give effect to this order. The contractors to be intimated about the above mentioned amendment for the concerned contract on account of Force Majeure.

4. It is clarified that invocation of FMC would be held valid only in a situation where the parties to the contract were not in default of contractual obligations as on 14^{th} April, 2021.

5. It is further clarified that invocation of FMC does not absolve all non-performances of a party to the contract but only in respect of such non-performance as is attributable to a lockdown situation or restrictions imposed under any act or executive order of the Government/s on account of COVID-19 global pandemic. It may be noted that subject to the above stated all contractual obligations shall revive on completion of the period mentioned at para 2(a) above.

6. This issues with the concurrence of MoD (Fin/ Works) vide their ID No. 199/F/W-II/21 dated 29.12.2021.

(Amartej Singh) Col Director (Works-II), DMA Ph No: 23014573

Copy to:-

- 1. Dir (Works), QMG's Branch, New Delhi
- 2. Director (Fin/ Works), AFA (Works-III)
- 3. CGDA, Ulan Batar Road, Palam, Delhi Cantt.
- 4. E-in-C's Branch/ E8 Contract, Kashmir House,

Brief Report of Meeting held with Director General – Married Accommodation Projects (DG-MAP) on Wednesday, the 27th October, 2021 at 11.00 AM in Committee Room, Kashmir House, Rajaji Marg, New Delhi-110011

On the request of President – Builders' Association of India Shri R N Gupta ji, a meeting was called by DG-MAP on Wednesday, the 27th October 2021 at 11.00, in Committee Room, Kashmir House, Rajaji Marg, New Delhi-110011 to discuss the various issues, being faced by the Contractors, executing the MAP projects in various parts of the country. The Meeting was chaired by Maj Gen Jagdeep Singh Isher, DG-MAP. Other officials from the MAP Department also participated in the meeting to help the DG in replying to the issues being raised during the meeting. The DG informed all that there were 64 projects under his MAP Directorate, 48 projects have been completed / handed over and works on the remaining 16 projects is in progress.

The BAI delegation was lead by the President and following members/officials from BAI as well as MES BAI attended the meeting:-

1.	Shri R N Gupta	-	President-BAI
2.	Shri Mahendra Kumar Sethi		Member - Membership Dev Committee
3.	Shri P H Menda		Member - MES Committee
4.	Shri Varinder Garg	1.	Past President - MES-BAI
5.	Shri Arun Agarwal	5=6)	M/s NKG Infrastructure Limited
6.	Shri Vinod Sharma	-	MES – BAI
7.	Shri Ishwar Dayal Sharma		M/s Anurag Enterprises - MES-BAI
8.	Shri Sidhartha Sawhney	-	M/s Anurag Enterprises - MES-BAI
9.	Ms. Rachita Laddha Mehta		M/s Godwari Projects - MES-BAI
10	. Shri Satnam Singh Arora	1.5	Executive Officer, BAI-Delhi Office

President-BAI introduced himself and thanked Maj. Gen. Ishar for sparing his valuable time to address the issues raised in the representation, vide BAI Letter No.305/O/2021-22 dated 27th October 2021, and handed over a copy of the representation to the DG-MAP for his kind considerations. After brief introduction of all the members of the delegation, the discussions started on the issues raised in the representation, as detailed below:-

- 1. Non Clearance / very slow pace approval of DOs
- 2. Non Release of 4 % Retention Money in respect of completed phases
- 3. Non Release of Performance Security in proportion to the progress of works
- 4. Non Release of 2 % Performance Security
- 5. Unusually longer time taken in payment of RARs
- 6. Non issue of completion certificates even after completion of contracts Recovery
- 7. Refund of GST and Service tax reimbursement which was made earlier and Non Reimbursement of further amounts -
- 8. Long Pendency of Extension of Time cases

1. As regards the Non Clearance / very slow pace of approval of DOs, it was pleaded that all the completed as well as running contracts, a large number of DOs are pending for formal approval and in the absence of formal approval, either no payments are made by the PM or restricted payments are released in RAR which has been causing huge blockage of funds, adversely affecting the further progress of works. The DG was requested for granting faster approval of the pending DOs so that the contractors are paid their long pending dues.

In reply, DG stated that the contractors are not enclosing / submitting the proper documents in support of their claims and in the absence of proper details / documents, it is very difficult for his office to take the decision. He further stated that his office will issue letter, within 15 days, to the contractors about the requirement of documents against each Dos. Once the contractor submits the required document, the payment will be released.

2. The DG was informed that his office have been releasing 4% Retention Money on completion of individual phases as per the terms of the contract provisions but the practice have been stopped which is causing huge blockage of funds and adversely affecting the further progress of works. He was also requested to pass on the orders for release of Performance Security in proportion to the progress of works and release of 2% Performance Security, as the Ministry of Finance instructions on the subject as well as the policy adopted by other autonomous bodies / departments / PSUs due to the Covid-19 Pandemic situation through the country.

The DG stated that their Directorate has to follow the instructions issued by the Ministry of Defence / Controller of Defence Accounts of the subject. He further stated that he will be issuing the instructions to take the necessary actions where there is no issue of over payment / no recovery and/or the contractor is not contemplating to go for the arbitration on the date of release of such payments keeping in view the instructions from the MOD/CDA on the subject.

3. As per the DG MAP contract, RARs are to be raised within 15 days and the same is required to be paid in a maximum of 15 days i.e. before the next RAR becomes due. However, the time taken in RAR payments is in the range of 2 to 3 months, causing huge blockage of funds, which is adversely affecting the further progress of works. He requested to ensure the timely payment of RARs in the stipulated time.

The DG in his reply admitted that there is delay in release of RARs in certain stations and ensured the delegation that the matter will be taken the Station Commanders to sort out the issues.

4. The DG was informed that the contractors are facing the problem of getting the completion certificates from the concerned officials, even after handing over of the sites etc. which amounts to extending the DLP and it costs heavily to the contractor as well as lead to potential disputes.

The DG replied that his office will be issuing directing, within 10 days, to issue the completion certificates where the physical possession of the sites have been taken from the contraction by the Site Engineers.

5 The DG was informed that the reimbursement of GST and Service Tax was made earlier in a large number of MAP contracts, after due verification of documents and entire satisfaction of PM, DEPMC and PCDA authorities but the same has not only been stopped, but the previously reimbursed amount has also been recovered / deposited back by contractors, due to illegal demand raised by the department. It is requested that the same may please be reimbursed as and when the claims are submitted by the contractor.

The DG replied that there is no clarity on the issue of GST. Some contractors have come up with their expert but have not been able to satisfy the officials dealing the issue. President-BAI suggested that NBCC has the system where they have empanelled 3 CA firms and the contractors are supposed to submit their claims through them. He agreed to the suggestion and requested the President to make available the list CAs / Legal Consultants to enable them to take the necessary approval for appointment of at least one firm.

6. As regards long pendency of the Extension of Time case, he informed that in another two to two and half months time, each project will be evaluated systematically, set up mile-stone etc. for granting of Extension of Time. He further stated that the contractor will be penalised for non-compliance of the mile stone.

The meeting was held in a very friendly atmosphere, continued for almost two hours and all the points raised in the representation were discussed thread bear / in detail and DG heard each contractor patiently. Not only he was aware of the problems as has been raised but also invited few contractors in the coming days with the directions to the staff to invite their Project Manager / Station Commanders so that both are heard and spot decision taken to sort out their issues.

While concluding the discussions, the delegation member requested the DG for adopting sympathetic and favourable considerations while dealing with these issues as rose in the representation submitted. He was also requested to issue the Minutes of the Meeting to enable the officials to take decisions accordingly. The DG directed the officials to note down the contact details of all the delegation members and also send the copy of the Minutes of the Meeting to BAI and MES-BAI offices. The DG assured the delegations of maximum co-operation from the Directorate and will call for another meeting, if felt necessary.

The Meeting concluded with a vote of thanks to the Chair.

[BAI – DELHI OFFICE] 28TH OCTOBER 2021 Ref. No.286/S/2021-22 dated 24th September, 2021

Lt. Gen. Harpal Singh Ji, PVSM, AVSM, VSM Engineer-in-Chief's, Military Engineer Services, Kashmir House, Rajaji Marg, New Delhi - 110 011

Shri SanjeevGahlotJi DG (Pers) Military Engineer Services, Kashmir House, Rajaji Marg, New Delhi - 110 011 **Maj. Gen. Jagdeep Singh IsharJi** Director General, DGMAP, Kashmir House, Rajaji Marg, New Delhi - 110 011

Sub: Request for an appointment.

Respected Sir,

With reference to the above, please find our letter Ref. No. 62/A/2021-22 dated 26th April 2021, seeking your kind audience. (Letter enclosed).

Sir, you are once again requested to kindly grant us an appointment on any date, time and place, convenient to you, so that, we can present a few issues faced by the contractors working in MES Department.

Your earliest response on our request is highly appreciated.

Thanking you,

Yours faithfully,

R.N. Gupta President, Builders' Association of India

Encl.:-As above

REPLY FROM DGMAP

DG MAP

to baihq.mumbai, me

Oct 12, 2021, 10:07 AM

Sub : REQUEST FOR AN APPOINTMENT

Dear Sir,

1. Please refer to your letter no. 286/S/2021-22 dated 24 Sep 2021.

2. It is intimated that the meeting is scheduled to be held on 27 Oct 2021 at 1100 hrs in the office of DG MAP.

Thanks & Regards,

SO to DG MAP

Ref. No. 305/O/2021-22 dated 27th October, 2021

Maj. Gen. Jagdeep Singh Ishar Director General, DGMAP. Kashmir House, Rajaji Marg New Delhi - 110 011

Subject - Issues being faced by contractors and Suppliers due to COVID 19 Pandemic in executing contracts under your Department.

Respected Sir,

Builders Association of India (BAI) is extremely thankful for the appointment to present the problems being faced by the members in executing the projects, particularly MAP Directorate in particular and other MES Departments in general due to the Covid-19 Pandemic situation since March 2020 and the restrictions imposed on construction and other activities since then.

The entire country is fighting COVID 19 pandemic and our Government supported the construction industry by many notifications, which concern construction business. Based on such relief measures from the Government of India, few departments, namely CPWD, NHAI and Railways have already notified and implemented such reliefs to Contractors' fraternity.

Sir, now the challenge before contractors' fraternity is to restart the work, which requires mobilization of workforce and construction material after a Lockdown gap of more than one year. For putting construction activities in motion, we require funds and thus we request you to kindly be gracious and kind in granting the below mentioned reliefs immediately.

We, therefore, request you to kindly consider the agenda points mentioned in the attached sheet sympathetically so that the contractors are in a position to complete the ongoing projects:-

Thanking you,

Yours faithfully,

R.N. Gupta President Builders' Association of India Mob: 9810011139

Encl.: Agenda Points.

AGENDA POINTS FOR DISCUSSION WITH DG MAP ON 27TH OCTOBER 2021

1. <u>Non Clearance / very slow pace approval of DOs</u> - In all the completed as well as running contracts, a large number of DOs are pending for formal approval. In the absence of formal approval, either no payments are made by the PM or restricted payments are released in RAR. This has caused huge blockage of funds, which is adversely affecting the further progress of works.

In case of completed contracts, final bills are also pending due to pendency of DOs. You will appreciate that the final bill can be submitted by the contractor only after formal approval and distribution of all the DOs. Even if one DO is pending, the final bill remains pending.

Once all the DOs are formally approved, then only MBs can be recorded and followed by preparation of Abstracts, to enable compilation of the final bill.

2. <u>Non Release of 4 % Retention Money in respect of completed phases</u> - It is a matter of record that DG MAP has been releasing 4% Retention Money on completion of individual phases and this was in terms of the contract provisions. However, recently a new trend has been started by DG MAP, wherein they have refused to honour this well accepted contract provision and the practice. This has also caused huge blockage of funds, which is adversely affecting the further progress of works.

3. Non Release of Performance Security in proportion to the progress of works - In view of the Covid - 19 pandemic, GOI, MOF vide OM dated 13 May 2020 had directed all

Govt Contracting authorities to reduce Performance Security in proportion to the progress of work. The relief has been granted by all major engineering departments and PSUs of the Govt. (CPWD, railways, NBCC, RVCNL, NHAI, etc), but DG MAP has not given any relief to its contractors.

4. **Non Release of 2 % Performance Security-** In view of the Covid - 19 pandemic, GOI, MOF vide OM dated 12 Nov 2020 had directed all Govt Contracting authorities to reduce Performance Security from 5/10 % to 3 % in all running and new contracts till 31 Dec 2021. The relief has been granted by all major engineering departments and PSUs of the Govt. (CPWD, railways, NBCC, RVCNL, NHAI, etc), but DG MAP has not given any relief to its contractors. This has been concurred by MoD and E-in-C and relief has been granted to all MES contractors. DG MAP contractors are put in a disadvantageous position by non implementation of the policy.

5. <u>Unusually longer time taken in payment of RARs</u> - All DG MAP contracts cater for a frequency of 15 days for raising RARs. This is a clear indication that the RAR will be paid in a maximum of 15 days i.e. before the next RAR becomes due. However, the time taken in RAR payments is in the range of 2 to 3 months, causing huge blockage of funds, which is adversely affecting the further progress of works.

6. <u>Non issue of completion certificates even after completion of contracts</u> - Recently, a new trend has been observed that completion certificates are abnormally delayed / not issued on or the other reasons, like some minor defects pointed out by the Station authorities / Station BOO / MES, non completion of external services by MES contractors, etc. It may be appreciated that each contract has a provision of 24 months DLP and sufficient amount is always available with the department in the form of balance amount of Performance Security, 1 5 Retention money, balance amount in the final bill. Department also has the powers to go for risk and cost, in case some contractors do not respond to defect rectification during DLP. As such, denial of completion certificates on flimsy reasons, even after substantial completion of the contract, is not in order. It amounts to actually extending the DLP, which costs heavily to the contractor and may lead to potential disputes.

7. <u>Recovery / Refund of GST and Service tax reimbursement which was made</u> <u>earlier and Non Reimbursement of further amounts</u> - Reimbursement of GST and Service Tax was made earlier in a large number of MAP contracts, after due verification of documents and entire satisfaction of PM, DEPMC and PCDA authorities. Since about a year back, further reimbursement not only has been stopped, but the previously reimbursed amount has also been recovered / deposited back by contractors, due to illegal demand raised by the department.

Vague observations have been raised to justify illegal demand for refund / recovery, stating that we have to submit "Requisite Documents". The word "Requisite Documents" is a very vague and general term and the same need to be seen in the light of the fact that entire reimbursement made earlier was released only after submission of all the "Requisite Documents", as demanded by PM, DEPMC and PCDA authorities at that point of time. While demanding back the reimbursed amount, DG MAP / PM have not specified what more "Requisite Documents" are required from the contractors.

8. Long Pendency of Extension of Time cases -

The period taken in grant of EOT is too long, even after receiving recommendations from PM and station Authorities. Most of the time, the contracts remain in Vacuum for several months, before the EOT is granted. This creates a serious cash flow problem, due to inability to claim RAR. Another issue we are facing is the pendency of the EOT cases during the last phase of the work and false commitment that EOT will be granted after the completion of the contract. However, EOT is denied after the completion of contract, which is a breach of trust and has put the contractors in limbo, creating a series of failures in meeting the market commitments by the Contractors.

Ref: 310/N/2021-22 dated 1st November, 2021

To,

The Members of the Managing Committee & General Council of Builders' Association of India for 2021-22.

Dear Sir,

Reg.: Meeting with DG MAP on 27th October, 2021.

With reference to the above, please be informed that, a BAI team lead by our President Shri Ramniwas Guptaji, visited the office of Director General, MAP and submitted a detailed representation on the issues faced by MES Contractors.

As BAI Delegation could explain and convince the issues of contractors working with MAP and MES, the Director General, issued Minutes of the meeting agreeing to consider most of our concerns.

For your ready reference, we hereby attached the copy of the representation submitted vide letter Ref. No. 305/O/2021-22 dated 27th October, 2021and copy of the Minutes of the meeting issued by DGMAP office.

This is a major achievement of BAI and send to your for kind information and record.

Thanks & Regards,

Raju John, Executive Secretary

Encl. As above

MINUTES OF MEETING

 A mtg was chaired by Maj Gen J S Ishar. DG MAP and attended by BAI members and DG MAP staff was held at conf Hall on 27 Oct 2021. The meeting was attended by the following.

				a manufact of the
(a)	Brig	Paritosh Shah	+	DDG B
(b)	Sh R K Mishra Sh PKS Sengar			JI DG
(C)				Dir Contract, A1
(d)	Sh Neeraj Agrawal		*	Dir Contract, A2
(e)	Sh S K Jain		×.	Dir Contract, B1
(f)	BAI members			
	(i)	R N Gupta	*	President, BAI
	(11)	S S Arora		Executive Officer, BAI
	(111)	Vinod Sharma		Past President, MES BAI
	(IV)	Varinder Garg (M/s Varidera Cor	- nstr Ltd)	Past President, MES BAI
	(v)	Mahendra Sethi		M/s Rishabh Constr Pvt Ltd, Jaipur
	(vi)	Arun Agarwal	-	M/s NKG Infrastructure Ltd, Delhi
	(vii)	Ishwardyal Sidharth Sahni	*	M/s Anurag Enterprises
	(viii)	Subhash		M/s SGC PL-RVB Pvt Ltd
	(ix)	Rachita Laddha	-	M/s Godavari Project JV, Mumbai
	(x)	Prakash Menda	-	M/s Hindustan Construction

 The mtg was called for to address various issues and problem faced by MAP Contractor as listed out in their Agenda points recd from mail dated 22 Oct 2021, and to arrive at amicable/ workable solutions.

3 The points discussed and decision on them is as under -

(a) <u>Non clearance / very slow pace of approval of DOs</u> After both sides presented their view points and reasons for delay, DG directed that as the staff brought out that delay is mainly due to old vintage, no approvals in principle and incomplete documents by the contractor, a compiled list of all such cases will be prepared and fwd to the affected contractor within 15 days time, in consultation with or through the PM. The list of these DO's will incl the deficiencies / lack of documents which are to be submitted for early finalization of DOs. The list will be work wise and DO wise

(b) Non release of 4% Retention Money in r/o completed phases. It was brought out by BAI members that the retention money as required to be released by DG MAP phase wise has now been stopped and PMs are not issuing completion certificate on physical completion of work of that phase and they are waiting for the work to be handed

over to the users. DG directed that a letter to this effect be issued to all PMs to issue certificate on completion of work as per CA provisions without any delay.

(c) Issues of release of 2% performance security and non release of performance security in proportion to progress of work relate to Gol. OM dt 13 May 2020. The issues were discussed and it was conveyed that the release is subject to the conditions laid by the Gol, OM and MoD letter No. 286/S/2021-22 dated 24 Sep 2021. Any agency, contractor and case that is not in default of any contractual obligation and fulfills these conditions are being / will be given the relief as per the above letters. The conditions are as under:-

(i) Benefit of reduced performance security will not be given in the contracts under dispute, where in arbitration / court proceedings have already been started or are contemplated.

It will not be given to contractors where there are outstanding recoveries (11) against the contractor & the contractor intents to abandon the work. A certificate to this effect shall be rendered by the contractor.

It was further brought out that a letter stating the criteria will be issued again for the contractors/ agencies to comply.

Long time taken for payment of RAR. DG informed the members that this issue (d) is live with him and there are stns where in there are multiple stn cdr's whose signatures are reqd to be obtained, however he directed the staff to prepare and take up case with MoD/DMA within two weeks time.

Completion Certificate not being issued. (e) DG directed that instructions on this be issued to all affected PMs within ten days. (To issue certificate of completion as per CA provns on completion of work).

(f) GST issue. The issue was deliberated at great length and both sides brought out their reasons and understanding. It was agreed by BAI chairman to provide names of CA pers / agencies as BAI representatives in a joint meeting between Govt tax official & HQ DG MAP who are gualified and conversant with the topic. DG also asked the members to provide GST and related documentations approved by taxation authorities and digitally verified where in the GST details are CA specific and authenticated, these will be examined accordingly.

EoT. It was impressed by BAI member with the Chairman to atleast grant EOTs to (q) completed wk. It was also mentioned to understand the financial state of the contractors now and with the aim of completing the work it be granted. DG assured the members that the organization is seized of the problem and that a decision will be given, as the case has been fwd to higher HQ for the same and the outcome of same will be also taken into account .

4. The meeting was concluded with word of thanks from BAI Chairman

Case file : 30000/44A/MAP/DG Sectt/ / Minutes

Dated : & Oct 2021

HQ DG MAP, E-in-C's Branch IHQ of MoD (Army), Rajaji Marg New Delhi – 110 011

Distributions :-

Team 'A' Team 'B' (Hari Kumar J) Lt Col GSO-1 Tech for DG MAP

BUILDERS' ASSOCIATION OF INDIA

RAILWAYS CONTRACTORS MATTER



BUILDERS' ASSOCIATION OF INDIA

Ref: 367/D/2021-22 dated December 20th 2021

The Member Engineering Railway Board, Indian Railways Rail Bhawan, Rafi Marg, New Delhi-110001. Email : me@rb.railnet.gov.in

Subject: Problems being faced by the Contractors in executing Railway Projects due to one sided Contract Conditions.

Dear Sir,

The Builders' Association of India (BAI) is the apex All-India body of engineering construction contractors and real estate companies, founded in the year 1941, with more than 20,000 business entities as its members through nearly 200 chapters across the country. BAI acts as bridge between the Government and construction industry on the policy of the Government and contributes to economic development of the country.

We have been approached by our member contractor companies, who are executing contracts for Railway Department, that they are facing lot of problems in execution of the contracts because of the one sided contracts conditions. These conditions makes the contractors to remain at the receiving end only and has very little or no option to withdraw from the contract when these conditions are operative. Some of the contract conditions have been explained below:-

A. <u>Right of Railway to determine the Contract</u>: Please refer Clause No. 61. (1), 61. (2), 61. (3) of General Conditions of Contract:

61. (1) Right of Railway to Determine the Contract: The Railway shall be entitled to determine and terminate the contract at any time should, in the Railway's opinion, the cessation of work becomes necessary owing to paucity of funds or from any other cause whatever, in which case the value of approved materials at site and of work done to date by the Contractor will be paid for in full at the rate specified in the contract. Notice in writing from the Railway of such determination and the reasons there of shall be conclusive evidence thereof.

61. (2) Payment on Determination of Contract: Should the contract be determined under sub clause (1) of this clause and the Contractor claims payment for expenditure incurred by him in the expectation of completing the whole of the work, the Railways shall admit and consider such claims as are deemed reasonable and are supported by vouchers to the satisfaction of the Engineer. The Railway's decision on the necessity and propriety of such expenditure shall be final and conclusive.

.../....

Delhi Office: D1/203, Aashirwad Complex, Green Park, New Delhi-110016 Ph: 011-26568763, 40612800, 9555448763 E-mail: baidelhi16@gmail.com

B.A.I. Centres at:

Adlabad, Agra, Agra, Cantt., Ahmedubad, Ahmeduagar, Aliganh, Allahabad, Alleppy, Aluva, Amuravati, Amuravati, Amaravati, Andaman & Nicobar, Angamali, Aurongabad, Avadi, Beghpat, Bangalore, Barnati, Barraly, Baroda, Karuod, Biogal, Blaspur, Bulthori, Calicut, Chandigath, Changand-cherry, Chengai, Chennal, Chettandu, Chiradauga, Coimbaters, Dehh, Dah, Dein, Dein, Dehh, Dehh, Weit, Dah, Sotuh, Dehn, Weit, Dah, Sotuh, Dehn, Weit, Dah, Sotuh, Dehn, Weit, Dah, Sotuh, Dehn, Weit, Dehn, Sutar, Bargalore, Barg

-2-

61. (3) The Contractor shall have no claim to any payment of compensation or otherwise, howsoever on account of any profit or advantage which he might have derived from the execution of the work in full but which he did not derive in consequence of determination of contract.

As informed by our members that at times, on one pretext or the other, Railway determine the contract mainly, giving reasons that there is paucity of Fund with the Railway, for any particular project or there is no scope of works left over, this all happened after expiry of stipulated date of completion or some time even thereafter, kept waiting to the contractor for very long considerable time say after 2-3 years, in the meantime neither Railway allows the contractor to remove their establishments, including machineries / manpower etc. with the result that contractor cannot pick-up any new / or other contract in the same Department or in some other Department because of the limited resources at his disposal.

Further, in the above situation & circumstances Railway is not bound to pay / considered any loss compensation, what to say of any interest etc. on contractors overall investment etc. whereas if contractor by any chance failed to perform as per schedule stipulated D.O.C or extended D.O.C, they are subject to face with the penalty clause as per clause no. 62 which are as follows:

62. (1) Determination of Contract owing to Default of Contractor: If the Contractor should:

(i) Becomes bankrupt or insolvent, or

(ii) Make an arrangement for assignment in favour of his creditors, or agree to carry out the contract under a Committee of Inspection of his creditors, or

(iii) Being a Company or Corporation, go into liquidation (other than a voluntary liquidation for the purposes of amalgamation or reconstruction), or

(iv) Have an execution levied on his goods or property on the works, or

(v) Assign the contract or any part thereof otherwise than as provided in Clause 7 of these Conditions, or

(vi) Abandon the contract, or

(vii) Persistently disregard the instructions of the Engineer, or contravene any provision of the contract, or

(viii) Fail to adhere to the agreed programme of work by a margin of 10% of the stipulated period, or

(viii) Fail to execute the contract documents in terms of Clause 8 of the Regulations for Tenders and Contracts.

(ix) Fails to submit the documents pertaining to identity of JV and PAN in terms of Clause 18.11 of Tender Form available in the Regulations for Tenders and Contracts.

.../...

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(x) Fail to remove materials from the site or to pull down and replace work after receiving from the Engineer notice to the effect that the said materials or works have been condemned or rejected under Clause 25 and 27 of these Conditions, or

(xi) Fail to take steps to employ competent or additional staff and labour as required under Clause 26 of the Conditions, or

(xii) Fail to afford the Engineer or Engineer's representative proper facilities for inspecting the works or any part thereof as required under Clause 28 of the Conditions, or

(xiii) Promise, offer or give any bribe, commission, gift or advantage either himself or through his partner, agent or servant to any officer or employee of the Railway or to any person on his or on their behalf in relation to the execution of this or any other contract with this Railway.

(xiv) (A) At any time after the tender relating to the contract, has been signed and submitted by the Contractor, being a partnership firm admit as one of its partners or employee under it or being an incorporated company elect or nominate or allow to act as one of its directors or employee under it in any capacity whatsoever any retired Engineer of the gazetted rank or any other retired gazetted officer working before his retirement, whether in the executive or administrative capacity, or whether holding any pensionable post or not, in the Railways for the time being owned and administered by the President of India before the expiry of one year from the date of retirement from the said service of such Engineer or Officer unless such Engineer or Officer has obtained permission from the President of India or any officer duly authorized by him in this behalf to become a partner or a director or to take employment under the contract as the case may be, or

(B) Fail to give at the time of submitting the said tender:

(a) The correct information as to the date of retirement of such retired Engineer or retired officer from the said service, or as to whether any such retired Engineer or retired officer was under the employment of the Contractor at the time of submitting the said tender, or

(b) The correct information as to such Engineers or officers obtaining permission to take employment under the Contractor, or

(c) Being a partnership firm, the correct information as to, whether any of its partners was such a retired Engineer or a retired officer, or

(d) Being in incorporated company, correct information as to whether any of its directors was such a retired Engineer or a retired officer, or

(e) Being such a retired Engineer or retired officer suppress and not disclose at the time of submitting the said tender the fact of his being such a retired Engineer or a retired officer or make at the time of submitting the said tender a wrong statement in relation to his obtaining permission to take the contract or if the Contractor be a partnership firm or an incorporated company to be a partner or director of such firm or company as the case may be or to seek employment under the Contractor.

.../...

BUILDERS' ASSOCIATION OF INDIA

(f) Submits copy of fake documents / certificates in support of credentials, submitted by the tenderer. Then and in any of the said Clause, the Engineer on behalf of the Railway may serve the Contractor with a notice (Performa at Annexure-IX) in writing to that effect and if the Contractor does not within seven days after the delivery to him of such notice proceed to make

- 4 -

good his default in so far as the same is capable of being made good and carry on the work or comply with such directions as aforesaid of the entire satisfaction of the Engineer, the Railway shall be entitled after giving 48 hours' notice (Performa at Annexure-X or XII, as the case may be) in writing under the hand of the Engineer to rescind the contract as a whole or in part or parts (as may be specified in such notice) and after expiry of 48 hours' notice, a final termination notice (Proforma at Annexure-XI or XIII, as the case may be) should be issued.

Note: Engineer at his discretion may resort to the part termination of contract with notices (**Performa at Annexure- IX, XII and XIII**), only in cases where progress of work is more than or equal to 80% of the original scope of work.

62. (2) Right of Railway after Rescission of Contract owing to Default of Contractor:

In the event of any or several of the courses, referred to in Sub-Clause (1) of this Clause, being adopted:

(a) The Contractor shall have no claim to compensation for any loss sustained by him by reason of his having purchased or procured any materials or entered into any commitments or made any advances on account of or with a view to the execution of the works or the performance of the contract and Contractor shall not be entitled to recover or be paid any sum for any work thereto for actually performed under the contract unless and until the Engineer shall have certified the performance of such work and the value payable in respect thereof and the Contractor shall only be entitled to be paid the value so certified.

(b) In the contract which has been rescinded as a whole, the Security Deposit already with railways under the contract shall be encashed/ forfeited and the Performance Guarantee already submitted for the contract shall be encashed. The balance work shall be got done independently without risk & cost of the failed Contractor. The failed Contractor shall be Indian Railways Standard General Conditions of Contract, November 2018 debarred from participating in the tender for executing the balance work. If the failed Contractor is a JV or a Partnership firm, then every member/partner of such a firm shall be debarred from participating in the tender for the balance work in his/her individual capacity or as a partner of any other JV /partnership firm. Further the authorized representative of failed Contractor cannot be accepted as authorized representative in new contract.

(c) In the contract rescinded in part or parts,

(i) The full Performance Guarantee for the contract shall be recovered. No additional Performance Guarantee shall be required for balance of work being executed through the part terminated contract. The contract value of part terminated contract stands reduced to the balance value of work under the contract.

(ii) The Security Deposit of part terminated contract shall be dealt as per clause 16(2) of GCC.

(iii) The defaulting Contractor shall not be issued any completion certificate for the contract.

(iv) The balance work shall be got done independently without risk & cost of the failed Contractor. The failed Contractor shall be debarred from participating in the tender for executing the balance work. If the failed Contractor is a JV or a Partnership firm, then every member/partner of such a firm shall be debarred from participating in the tender for the balance work in his/her individual capacity or as a partner of any other JV /partnership firm.

(v) Further the authorized representative of failed Contractor will not be accepted as authorized representative in new contract.

(d) The Engineer or the Engineer's Representative shall be entitled to take possession of any materials, tools, implements, machinery and buildings on the works or on the property on which these are being or ought to have been executed, and to retain and employ the same in the further execution of the works

or any part thereof until the completion of the works without the Contractor being entitled to any compensation for the use and employment thereof or for wear and tear or destruction thereof.

(e) The Engineer shall as soon as may be practicable after removal of the Contractor fix and determine ex-parte or by or after reference to the parties or

after such investigation or enquiries as he may consider fit to make or institute and shall certify what amount (if any) had at the time of rescission of the contract been reasonably earned by or would reasonably accrue to the Contractor in respect of the work then actually done by him under the contract and what was the value of any unused, or partially used materials, any constructional plant and any temporary works upon the site. The legitimate amount due to the Contractor after making necessary deductions and certified by the Engineer should be released expeditiously.

Here, it is pointed out that if the Contract is foreclosed on any account by the Railway on their own, Railway shall not be liable to pay any amount towards losses/ damages/ compensation or interest, whereas if by any reason Contract is rescinded on any defaults of the Contractor, firm, they shall be subject to payment of various damages / compensation to the Railway as per provision of the G.C.C under Clause 62 (2), this was purely one sided contract condition, perhaps made out since the British period and are still in operation which must be thrown out in a democratic country like ours, but for that we have to fight with the government at all level.

B. Payment on account of Interest. In railways **prior to 1999** – **G.C.C**, THERE WAS FOLLOWING PROVISIONS UNDER CLAUSE 16 (1) (2)

16. Earnest-money and security deposit – (1) the earnest – money deposited by the contractor with his tender will be retained by the Railway as part of security for the due and faithful fulfilment of the contract by the Contractor, the balance to make up this security deposit which will be 10 per cent of the total value of the contract, unless otherwise specified in the special conditions, if any, may be deposited by the contractor in cash or in the form of Government Securities or may be recovered by percentage deduction from the Contractor's "on account" bills, provided also that in case of a defaulting contractor the Railway may retain any amount due for payment to the contractor on the spending on account bills' so that the amounts so retained may not exceed 10% of the total value of the contract.

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(2). Interest on amounts. – No interest will be payable upon the earnest money or the security deposit or amounts payable to the Contractor under the Contract, but Government Securities deposited in terms of Sub- Clause (1) of this clause will be payable with interest accrued thereon.

Further, since 1999 - Railway has made following provisions in their general condition of contract:

16. (1) Security Deposit: The Earnest Money deposited by the Contractor with his tender will be retained by the Railways as part of security for the due and faithful fulfillment of the contract by the Contractor. The Security Deposit shall be 5% of the contract value. Security Deposit may be deposited by the Contractor before release of first on account bill in cash or

Term Deposit Receipt issued from Scheduled Bank, or may be recovered at the rate of 10% of the bill amount till the full Security Deposit is recovered. Provided also that in case of defaulting Contractor, the Railway may retain any amount due for payment to the Contractor on the pending "on account bills" so that the amounts so retained (including amount Guaranteed through Performance Guarantee) may not exceed 10% of the total value of the contract.

Further, in case of contracts having value equal to or more than Rs.50 crore (Rupees. Fifty crore) the Security Deposit may be deposited as Bank Guarantee Bond also, issued by a scheduled bank after execution of contract documents, but before payment of 1st on account bill. Provided further that the validity of Bank Guarantee Bond shall be extended from time to time, depending upon extension of contract granted in terms of Clause 17 of the Standard General Conditions of Contract.

Further, in case Security Deposit has been submitted as Term Deposit Receipt/Bank Guarantee Bond in full amount, the Earnest Money deposited by the Contractor with his tender will be returned by the Railways.

Note: After the work is physically completed as certified by competent authority, Security Deposit recovered from the running bills of a Contractor can be returned to him, if he so desires, in lieu of Term Deposit Receipt / irrevocable Bank Guarantee for equivalent amount from Scheduled Bank, to be submitted by him.

16. (2) (i) Refund of Security Deposit: Security Deposit mentioned in sub clause (1) above shall be returned to the Contractor after the following:

(a) Final Payment of the Contract as per clause 51. (1) And

(b) Signature of Final Supplementary Agreement or Certification by Engineer that Railway has No Claim on Contractor and

(c) Issue of Maintenance Certificate on expiry of the maintenance period as per clause 50. (1).

16. (2) (ii) Forfeiture of Security Deposit: Whenever the contract is rescinded as a whole under clause 62 (1) of GCC, the Security Deposit already with railways under the contract shall be forfeited. However, in case the contract is rescinded in part or parts under clause 62 (1) of GCC, the Security Deposit shall not be forfeited.

16. (3) No interest shall be payable upon the Earnest Money and Security Deposit or amounts payable to the Contractor under the Contract, but Government Securities deposited in terms of Sub-Clause 16.(4)(b) of this clause will be payable with interest accrued thereon.

64(5) where the arbitral award is for the payment of money, no interest shall be payable on whole or any part of the money for any period till the date on which the AWARD is made:

Here it is pointed out that this also one of the main condition prevailing in the Railway Contract, in case of any disputes if the same are referred to ARBITRATION which takes normally in India -20/25 years' time and in that case as per railway General Condition of Contract clause no. 16 (3) & 64(5) interest shall be payable for past and pendente lite, only future interest shall be payable from the date of AWARD which normally takes -15-20 years, since Railway never wants its conclusion because of the fact in their mind under the above favourable clauses, that railway is not going to lose anything end of the day, since they are not subjected to payment of anything out of Interest etc.

In one of the judgement Mr. (Justice) VALMIKI J. MEHTA of Delhi High Court in the matter of <u>Union of India Vs. M/s N. K. Garg & Co. (O.M.P. No.327/2002)</u>, under para 17, declared and hold above like contract conditions, such reported as – 224 (2015) DLT – 668 in OMP No. 327 of 2002 (Delhi) of the Contract is both IMMORAL and against Public Policy and "illegal" on the part of the Dep't and explained in a very practical / ground reality of approach and concluded that even if there is such type of clauses in the Contract Conditions are existing, interest for delay must be paid to the suffering party, the above decision/ judgement has not been challenged before the APEX Court, to my knowledge, but however in other matters of similar nature some time apex court in their decision also agreed to for payment of interest on other than earnest money & security deposit other shall be payable on whole or any part but sometime other bench reverses the above, finding and order that if there is a pre-condition agreed by the parties not to claim/ any interest whatsoever be the reasons or defaults on the part of the railway, no interest are to be paid to the contractors, latest judgement in the above matter are as follows:

IN THE SUPREME COURT OF INDIA CIVIL APPEAL NO.6216 OF 2021 (Arising out of S.L.P. (C.) No. 16320 of 2018)

GARG BUILDERS VERSUS BHARAT HEAVY ELECTRICALS LIMITED

Here also a similar type conditions under clause 17 existed as are in railways under clause 16(2)(3) & 64(5)

Clause 17: No interest shall be payable by BHEL on Earnest Money Deposit, security deposit or any money due to the contractor (details / judgements / findings are here under enclosed).

Wherein finally Hon'ble Supreme Court holds as follows:

22. Thus, when there is an express statutory permission for the parties to contract out of receiving interest and they have done so without any vitiation of free consent, it is not open for the Arbitrator to grant pendent lite interest. We are of the considered opinion that Clause 17 of the contract is not ultra vires in terms of Section 28 of the Indian Contract Act, 1872.

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23. In the result, the appeal fails and is accordingly dismissed.

As explained above in detail, you will kindly appreciated that the Contract Conditions are one sided only which favour the Railway Department and place them in the commanding position where as the Contractors have been left at the receiving end, whosoever is at fault and the officials at the commanding position can never be questioned about their failures / mistakes / bed decisions etc. You are, therefore, requested to look into the matter to make necessary changes in Contract Conditions, particularly on two points regarding clause 61 of G.C.C, where Right of Railway to determine the Contract are provided but in that situation, No Compensation / Damages / Interest etc. are supposed to be paid by the Railway to the Contractors are given, even if overall faults lies on the Railway Department as also matter of payment of Interest to the Contractor in case, delay lies on the part of Railway Department are proved, the Contractor to be suitably compensated by the Railways.

It will be highly appreciated if an appointment is granted at your convenient time and date to enable us to explain the position and plight of Railway Contractors in details.

Thanks & Regards,

Yours faithfully,

R. N. Gupta President Builders' Association of India Mob: 9810011139

Copy to : Shri Sudhanshu Sharma, Addl. Member (Civil Engineering), Railway Board, Rail Bhawan, Rafi Marg, New Delhi – 110001 Email : <u>amce@rb.railnet.gov.in</u>

Income Tax Matters

Union Budget 2022-23 - BAI's Pre-Budget Memorandum

F.No.334/3/2021-TRU Government of India Ministry of Finance (Department of Revenue) Tax Research Unit ****

> Room No. 156, North Block, New Delhi, the 17th November, 2021

To,

- 1. M/s. National Highway Builders Federation
- 2. M/s. Builders Association of India
- 3. M/s. Construction Federation of India, CFI
- 4. M/s. Confederation of Real Estate Developers Association of India

Subject: Pre-Budget meeting for Union Budget 2022-23

Dear Sir/Madam,

As you are aware, Department of Revenue convenes pre-budget meetings with trade and industry associations every year to discuss suggestions/ recommendations in respect of tax issues pertaining to different sectors. For the forthcoming Budget 2022-23, a combined meeting with your association has been scheduled under the chairpersonship of **Shri J.B.Mohapatra**, **Chairman (CBDT)**, Department of Revenue, Ministry of Finance, Government of India. The meeting will be held at the time and venue given as below:

Date & Time: 03/12/2021 (Friday), 03:00 PM to 04:00 PM Venue: Kalpavriksha, (Room No. 158A) First Floor, North Block, New Delhi.

2. Considering the time constraint, you may like to focus only on core issues and highlight major areas of concern, regarding which you may send a brief presentation (soft copy) to the undersigned on <u>budget-cbec@nic.in</u> three days before the scheduled meeting. Elaboration of all the issues raised may not be necessary since each of the suggestions made in your representation will anyway be carefully examined by the Department. During the meeting, you may like to make a presentation outlining the gist of your recommendations. Further, the duration of the presentation may be so adjusted that sufficient time is available for any questions/clarifications that the Departmental officers may have. It is also requested that the number of representatives may be restricted to **not more than three**.

3. Since a large number of associations have been invited for pre-budget discussions, it may not be possible to accede to any request for change in the date and time of the meeting scheduled for your Association. Your cooperation is solicited in this regard.

Yours sincerely,



(Dibyalok) Budget Officer (TRU)



BUILDERS' ASSOCIATION OF INDIA

Ref: 321/N/2021-22 dated 15th November, 2021

Shri K.C. Varshney, Joint Secretary, Tax Policy and Legislation (TPL-I), Central Board of Direct Taxes (CBDT), NEW DELHI.

Dear Sir,

Sub: Pre-Budget Memorandum, 2022-23 -Direct Taxes.

Builders' Association of India (BAI) is an apex all India body of Engineering Construction Contractors and Real Estate Companies founded in 1941, with more than 20,000 business entities as members through its 200 plus Centres (Branches) throughout the country. Regional Associations Affiliated to BAI form indirect membership of more than 1,00,000. The fundamental aim of the Association is to bring about all round improvements in the construction sector, while striving towards resolution of operational as well as policy level problems faced by the construction industry. This involves making efforts to obtain from policy makers and authorities, the level of attention that the construction industry deserves in view of its tremendous contribution and importance to the economy.

We are thankful for your esteemed Office letter No.334/2/2021-TRU dated 1st November 2021, inviting suggestions from the Industry and Trade Associations for Budget 2022-23 regarding changes in direct and indirect taxes. **BAI** really feel honoured for inviting suggestions and pleased to submit the proposals relating to the Construction Industry.

The industry is gearing up to face the challenges brought up by the second wave of COVID-19 economic condition. It is a privilege to the BAI to submit the Pre-budget Memorandum 2022-23 on Direct Taxes to Government of India.

The Budget Memorandum on Direct Taxes is attached herewith for your kind perusal.

We also appreciate, if you kindly grant us an opportunity to meet you on any date and time at your office to explain more on the Budget Memorandum.

Thanking you,

Yours faithfully,

R.N.GUPTA PRESIDENT BUILDERS' ASSOCIATION OF INDIA MOBILE 98100 11139

Enc.:- As above

Delhi Office: D1/203, Aashirwad Complex, Green Park, New Delhi-110016 Ph: 011-26568763, 40612800, 9555448763 E-mail: baidelhi16@gmail.com

B.A.I. Centres at:

Addlabad, Agra, Agra, Garat, Ahmedabad, Alumednagar, Allagath, Allaqubad, Alleppr, Allava, Amravatli, Amaravatli, Andaman & Nicobar, Angamali, Aurangabed, Avadi, Baghpat, Bangalet, Barandi, Barenily, Baroda, Bikarpur, Butheri, Calicut, Chandigath, Changanscherry, Owngat, Chennai, Cheftingura, Coimbairos, Bolin, Delhi Fast Shahadra, Delhi North, Delhi Delhi Wett Dhanbad, Dharapuram, Dhule, Dindigul, Durgapur, Durg-Bhilla, Erode, Ettumanoor, Faridabad, Cattam Buddha Nagar, Gandhunagar, Ghasiabad, Gos, Greater Hyderabad, Cheale and Changanscherny, Owngat, Chennal, Cheftinguram, Dubi, Est Shahadra, Delhi North, Delhi Delhi Wett Dhanbad, Dharapuram, Dhule, Dindigul, Durgapur, Durg-Bhilla, Erode, Ettumanoor, Faridabad, Cattam Buddha Nagar, Gandhunagar, Ghasiabad, Gos, Greater Hyderabad, Chealerang, Indox, Bashad, Karninagar, Karashad, Karninagar, Karashad, Karninagar, Karashad, Karninagar, Karashad, Karaninagar, Karashad, Karaninagar, Karashad, Karaninagar, Karashad, Karaninagar, Karashad, Karaninagar, Karashad, Karaninagar, Karashad, Kangalore, Manjalore, Manjalore, Mayi Gashud, Modanadhad, Modalawan, Madatashad, Mohado Sharagar, Manjagon, Man

BUILDERS' ASSOCIATION OF INDIA

PRE-BUDGET MEMORANDUM

2022-23

DIRECT TAXES

BUILDERS' ASSOCIATION OF INDIA

MUMBAI



Email : baihq.mumbai@gmail.com

BUILDERS' ASSOCIATION OF INDIA

BUILDERS' ASSOCIATION OF INDIA

PRE BUDGET MEMORANDUM TO FINANCE BILL, 2022

As the common tax issues concerning the business fraternity are being represented by various chambers of commerce and business and the common issues concerning the tax payers are represented by the tax practitioners' associations, therefore, the representation by BAI is being made only in respect of the issues specific to the construction industry and to the builders, developers and contractors.

It will take a long time for the economy to overcome the effects of the pandemic covid-19. To the revival of the economy, support and encouragement to infrastructure and construction industry are considered priority areas.

Government is fully aware that the infrastructure projects and construction industry can provide required fillip to the revival of economy which is its prime economic objective. At the same time both the industries have their own problems and issues. Tax incentives by the Government means that the government forgoes or reduces tax for the time being. The absence of such incentives may also mean the same sacrifice by the government as in the absence of incentives the very income generation may suffer. The multiplier effect of revival of both the industry is quite high as they deploy huge capital and provide huge employment. While the infrastructure industry will create basis for development potential of the economy, the housing industry will satisfy the basic need of the people and will enhance their confidence to contribute to the economy.

At the outset it is therefore suggested that the government should conceive the schemes to give 100% income tax incentive to the all the house building projects and all construction and infra contractors. The scheme should be only for 3 years. That will encourage more and more construction and infra works and will give far higher the contribution from these sectors to the nation. It will also create the basis of future higher income tax collections.

Suggestions to amend the Income Tax Act, 1961 :

1. Section 80-IBA – Affordable housing tax benefit needed for contractors also, stamp valuation is hurdle in urban areas

Section 80-IBA allows 100% deduction of the profits and gains derived from the business of developing and building rental housing project, subject to the fulfilment of specified conditions.

The affordable housing has been one of the successful incentives and working well for the benefit of builders, developers and the home buyers. If the scheme of the affordable housing is further incentivised, it will change the hosing scenario and will provide biggest fillip to the economy.

In the urban areas the restrictive limit of stamp valuation upto Rs. 45 lakhs is not allowing the construction of affordable houses even up to the prescribed area of 60 square meters because the stamp value of 60 square meters constructed house is generally higher than Rs. 45 lakhs. Therefore, it is a good case to remove the ceiling of stamp valuation. With such removal also section 43CA continues to operate so the government is not going to lose any revenue by such removal.

Under this section tax incentive is provided to the builders and developers. But the construction is actually done by the civil construction contractors. There is no tax incentive under this section to the civil construction contractors. They have to pay income tax. There is lot of self redevelopment of housing complex happening in the country by appointments of contractors. If contractors are provided the same incentive, the scheme will reach to its logical culmination that whoever constructs the affordable houses, will get tax incentive.

Further, unlike most other such sections, in this section no monitoring mechanism like prescribed form, certification of correctness of claim per year are provided. This leads to more scrutiny by the department and increase in litigation to the detriment of tax payers and on the other hand there may be revenue leakage to the detriment of the government.

It is therefore suggested that in section 80IBA along with the term developing and building the term constructing be added. It is further suggested that the limitation of stamp valuation up to Rs. 45 lakhs be deleted. It is further suggested that a monitoring mechanism to verity the correctness of the claim of deduction per year be empowered in the Act and be provided in the Rules.

2. Section 43CB : Taxation of retention money of contractors

After the Delhi High Court termed ICDS unconstitutional the government has inserted various provisions of the ICDS into the Act itself to overcome the court judgement and to continue with its views. One of the most objectionable items in the ICDS regarding construction contractors was that ICDS provided that the retention money of the contracts will be taxed even when the conditions of retention were still pending. This was inequitable and illogical because retention money is not an income until and unless the conditions attached to the retention get satisfied.

In this context now section 43CB provides that that the contract revenue shall include retention money. Such an illogical provision against the commerce and against all realities does not go well with the tax payers.. The contractors cannot be expected to pay tax on income which has not even accrued or arisen. The income out of retention money accrues and arises only when the attached conditions get satisfied.

It is therefore suggested that section 43CB be amended deleting that the contract revenue includes retention money.

3. Section 44AD need to provide higher turnover limit for civil construction contractors, LLPs may be allowed the benefit.

Presently benefit of section 44AD is available to eligible business having total turnover or gross receipts upto Rest. 2 crores and such an assessee is not required to maintain books of account provided he declares income from such business at 8% or in case of transactions through banking channels, 6% of the turnover or gross receipts.

In case of civil construction contractors the turnover is generally quite high and such contractors are not so much administratively organised at they are more on the field. It is therefore a fit case in which turnover or gross receipts up to 5 crores are allowed to be covered by this section.

Further, presently the benefit of section is allowable only to to businesses run byresidentIndividual,HUFandfirm excluding LLP. To keep the business risks confined to business only, many contractors like to function as LLP. Since the income tax law treats LLP at par with partnership firm in general, therefore, it will be logical and equitable to grant the benefit of section 44AD to LLP.

It is therefore suggested that section 44AD be amended to provide that turnover or gross receipts in case of civil construction contractors can be up to Rs. 5 crores to be eligible for section 44AD. It is further suggested that the benefit of section 44AD be extended to LLPs also.

4. Section 10(23FB) - Tax exemption for Alternative Investment Funds - Venture Capital Funds

Section 10(23FB) provides exemption as follows :

"any income of a venture capital company or venture capital fund 14 from investment in a venture capital undertaking :..."

The underlined words have placed restrictions to exempt only the income from investment. Venture Capital Funds have been expanding their activities in the context of projects including infra projects. In addition to financing, they provide various types of specialized services including technical, management, decision making, data analysis and financial fields. They have specialised manpower. Supporting such services will support the success of projects. Supporting services to infra projects will support the government's top priority to attract investment in infra projects.

It is therefore suggested that the words " from investments" be deleted or the said words be replaced by "set up to raise funds for investment". In any case the relaxation to the VCs providing services to infra projects must be considered.

5. TDS on JV transactions with JV partners

The civil construction projects, the infra projects, the building and developing projects are huge in size and investments. Joint ventures are the most utilised mode to enter into collaborations as they give required flexibility to JV partners without entailing administrative and legal hurdles. Such JVs are generally structured in a manner that sharing of income and expenses take place at the earliest. Such sharing requires frequent payments which are subjected to TDS. While in reality compared to the quantum of such payments, the profit element is quite less. The JV itself does not even make profit or loss in most cases. Under the circumstances, the TDS on JV transactions with the JV partners should be kept minimum.

It is therefore suggested to provide only minimum TDS rate for the transactions between JV and JV partners.

6. Section 40(ba) – Amendment w.r.t. taxation of consortiums/J Vs/AOPs

Substantial number of transactions take place as joint ventures or AOPs.

In commercial understanding between the JV partners, there is not much difference between a partnership firm and a joint venture. In both cases, it is usual to give remuneration to working partners and interest on capitals introduced by them. But under the Income Act while remuneration and interest to partners are allowable deduction u/s. 40(b) but under section 40(ba) such remuneration, interests to JV partners are not allowable for deduction.

Real estate industry needs encouragement for development and flexibility to deal with complex and varied situations. Providing for deduction of remuneration and interests on the lines of partnership firm will help the industry more comfort and equity. JVs are preferred mode to entering into collaborations for various legal and practical reasons. Therefore, it is necessary that the provisions of section 40(ba) are brought at par with section 40(b).

It is therefore suggested that section 40(ba) be amended to provide for remuneration and interests to JV partners on the lines of section 40(b).

7. Section 2(42A) : To enable the benefits of long term capital taxation on sale of immovable property

being land or building or both by reduced holing period of 24 months, section 2(42A) was amended but consequential amendments yet to be made in sections 54, 54B, 54D and 54F- long standing logical representation

A capital asset may be a short term or a long term capital asset. Section 2(42A) defines a short term capital asset providing that a capital asset held for 36 months or less, subject to specified exceptions,

is regarded as short term capital asset. Implying that a capital asset held for more than 36 months is a long term capital asset. The long term capital asset when transferred give rise to long term capital gain which has many advantages in the income tax law. The Finance Act, 2017 had amended section 2(42A) so as to reduce the period of holding from the existing more than 36 months to more than 24 months in case of immovable property, being land or building or both, to qualify as long-term capital asset. The same is done to promote the real estate sector and to make it more attractive for investment. The same is done to enable an assessee to derive the benefits of long term capital gain taxation.

However, the above amendment has not reached to its logical culmination because while the gain earned on transfer of such immovable property is qualified to be long term but consequential amendments for reducing the holding period of immovable property from 3 to 2 years are not effected in sections 54, 54B, 54D and 54F. At present, these sections restrict transfer of new assets purchased for 3 years.

To remove the dichotomy it is therefore suggested that consequential amendments be made in sections 54, 54B, 54D & 54F so as to enable the holding period of the new asset purchased to be reduced to more than 2 years from more than 3 years in case of land and/or building.

8. Further amendment suggested in section 2(42A)to included rights in immovable property

Presently the benefit of reduced period of holding of 24 months is available under section 2(42A) to immovable property being land or building or both. Whereas commercially good number of transactions are taking place in the immovable properties like leaseholds, tenancies, development rights etc.

Since the purpose of the Government in amending section 2(42A) by the Finance Act, 2017 was to enable transactions in real estate with reduced holding of 24 months, the purpose will get better fructified if the realistic meaning is provided to the term "immovable property" in section 2(42A). There is no logic in saying that if one sells land as owner one gets benefit by holding for more than 24 months but the same benefit will not be allowed on the same land if leasehold rights are sold. Removing the existing limitation will benefit the revenue in terms of more revenue due to increased numerical of transactions and more benefit to the real estate industry and tax payers.

It is therefore suggested to amend section 2(42A) so as to contain the term only "immovable property" in place of "immobile property being land or building or both".

Encouragement to private investment in infra projects is one of the priority objectives of the Government.

9. Support the mobility of employees in infra industry

The infra projects are more often situated far away from the town of the residence of employees. If the employee joins such distant placed infra project, then he may have to travel frequently to his town of residence. The expenditure of such travel is due to the employment at a distant place. The infra project contractor may like to reimburse the employee with such travel expenditure.

It is suggested that to enable the infra project to attract talents from distant areas, such travel allowance paid by the employer to the employees to travel to their town of residence, be exempted under section 10. This will support the mobility of skills for infra projects.

For near distance travel financing of purchase of vehicles by the employees to the employees may also be provided appropriate incentives.

10. Section 23 - Deduction of interest on housing loan paid during construction period

More of housing loans are taken for booking under construction houses. At the same time even after enactment of RERA, the under construction purchases are not so much happening. In this context, section 23 provides that interest paid on such housing loan is allowed but only from the year of completion of construction in five equal installments. This is a discouragement as while on the one hand the buyer suffers when the completion of the project is delayed, on the other hand he does not get deduction on the interest actually paid by him. This is also a discouragement to the development of real estate industry. It is therefore logical and equitable that such interest be allowed in the year of payment and no adverse consequence should follow in the cases of projects not getting completed in time or even not getting completed. Any adverse consequence will add tosuffering of the buyer.

It is therefore suggested that under section 23, interest paid during construction period on a housing loan be allowed as deduction during the year of payment and without any reference to construction completion.

11. Section 23(1)(c) -Income from house property during vacancy period

When a property is given on rent and remains vacant during the intervening time, such property is taxed as deemed let out and a notional income is being attributed to such a property.

This is not equitable as it tantamounts double suffering to the assessee as on the one hand he is unable to earn rental income and on the other hand he has to pay tax. The provision may be amended to pr0vide that only when the property is vacant for the entire previous year, the deemed notional rental income may become taxable.

It is therefore suggested that section 23(1)(c) be amended to provide that a property remaining vacant for part of the previous year will be charged to tax only for the period for which it is actually rented out.

12. Section 23(5) - Tax on unsold properties held as stock in trade is adding to the problems of the industry – read with section 271(3A) restricting set off of loss upto only Rs. 2 lakhs

Real Estate industry has been ailing due to lack of financial support, higher input costs coupled with lowering of prices due to non affordability to the buyers. In the present times, a builder is far willing and eager to sell his constructed properties. Section 23(5) provides that in respect of unsold property held as stock-in-trade after 2 years of construction completion, the assessee has to pay tax on notional rental income thereon. While on the one hand the builders and developers are struggling to sell their constructed units, on the other hand non sale thereof is attracting tax on notional rent therefrom.

Most of projects are done with borrowed funds. Even otherwise there is an opportunity cost of funds locked in the unsold properties. The price appreciation which was once quite encouraging to hold the properties is now virtually missing. Therefore, the builders and developers do not get much benefit by not selling the constructed properties. Under the circumstances, taxing unsold properties held a stock in trade is not serving any economic purpose except punishment to the industry. Section 23(5) providing for deemed rental income and making it taxable after two years of property construction appears to be harsh to genuine developers who are unable to dispose off their stock in the slump.

Further, Section 71(3A) provides a ceiling of Rs. 2 lakhs for set off of loss under the head house property against any other head of income.

Combined effect of application of sections 23(5) and 71(3A) is proving double sufferings to the builders/ developers without any substantial gain to the exchequer. On the contrary it is harming the ailing industry.

It is therefore suggested that provisions of section 23(5) be deleted or kept in abeyance for 5 years and builders and developers be excluded from application of provisions of section 71(3A).

13. Section 28(via) Conversion of stock in trade into capital asset

Finance Act, 2018 introduced a new provision to the effect that when a stock in trade is converted into capital asset, the difference between the fair market value of the asset on the date of conversion less cost of inventory is the business income. Going ahead when such converted asset is sold or otherwise transferred the capital gain is to be computed as difference between fair market value of the asset and the net sale consideration. Presently, the tax on business income becomes payable in the year when the stock in trade is converted into capital asset. However, at such conversion there is only notional income in the hands of the assessee. The real income may be earned only when the

capital asset is sold or transferred. The present set of provisions is creating hardship upon the assessee as he has to pay tax on the notional income without its realisation. This hardship can be relaxed by providing on the lines of section 45(2) the deferment of tax on such business income to the year of sale or transfer of the converted capital asset.

It is therefore suggested that the tax on business income on conversion of stock in trade to capital asset be deferred to the sale or otherwise transfer of such converted capital asset.

14. Section 45(5A) - Taxation of joint development agreements

Currently, relaxation of postponement of taxation till the date of completion certificate of the building is granted to individuals and HUFs. There is no logic to exclude other types of assesses. The amendment had come in acceptance of the fact that taxation of transfer of development rights at the time of execution of development agreement is a hardship. To support the real estate development in urban areas, the amendment had come by introduction of section 45(5A) postponing the taxation of resultant capital gain in the hands of land owner to the year of completion certificate. Once this hardship is recognised, it should be recognised in case of every assessee. Further the hardship is there whether the land is transferred as capital asset or stock in trade. Therefore, the benefit of section 45(5A) needs to be extended to all types of assessees and all types development rights whether the land is held as capital asset or stock in trade. With increasing population and availability of land being scarce in cities and towns, horizontal expansion not possible, government increasing the developmental potential, the vertical expansion is the only possible option. In such a situation the existing land owner transfers the development rights to a development agreement.

Section 50C is applicable to section 45(5A) but only partly in as much as the relief provisions contained in section 50C are not incorporated in section 45(5A). It is pertinent to mention here that the constitutional validity of section 50C were upheld on consideration inter alia of the relief provisions contained therein.

Section 45(5A) covers only registered development agreements. The case laws on taxation of development agreements do not make distinction between registered agreements or unregistered agreements. Therefore, section 45(5A) needs to cover unregistered agreements also.

While the taxation of capital gains on transfer of development rights have been deferred by this section, the exemption provisions contained in section 54, 54F, 54C, 54EC, 54EE have not been amended to take care of the capital gains arising under section 45(5A). This creates practical difficulty to invest resultant capital gains to comply with exemption sections.

It is therefore suggested that section 45(5A) be amended to include all types of assessees and to cover transfer of development rights whether held as capital asset or as stock in trade. Benefit of section 50C be fully allowed to cases covered by section 45(5A). Unregistered agreements be covered in section 45(5A). The time limits under section 54, 54F, 54EC, 54EE be extended in alignment with section 45(5A).

15. Section 71(3A) - Loss from House Property

Section 71 (3A) has placed a restriction that loss arising under the head "Income from House Property" can be set off against income under any other head but to the extent of only Rs. 2,00,000/- and the excess loss remaining unabsorbed can be carried forward up to subsequent 8 assessment years.

This restriction is a big discouragement to the tax payers including builders and developers. The restriction is discouraging growth of housing market.

The restriction of set off of loss will not promote development of housing projects. The carry forward of the unabsorbed loss under Income from house Property is allowed for a period of 8 assessment years. However, practically there would not be any positive income since the interest cost is very high.

It is therefore suggested to withdraw the said restriction. Alternatively, the limit of Rs 2 lakhs may be raised to atleast Rs 10 lakhs.

16. Section 80EEA - Tax incentive for interest on loan for affordable housing

In the context of Section 80EEA, the Explanatory Memorandum to the Finance Bill provides as follows :

"In order to provide an impetus to the 'Housing for all' objective of the Government and to enable the home buyer to have low-cost funds at his disposal, it is proposed to insert a new section 80EEA in the Act so as to provide a deduction in respect of interest up to one lakh fifty thousand rupees on loan taken for residential house property from any financial institution subject to the following conditions:"

But Section 80EEA(1) reads as under:

"(1) In computing the total income of an assessee, being an individual not eligible to claim deduction under section 80EE, there shall be deducted, in accordance with and subject to the provisions of this section, interest payable on loan taken by him from any financial institution for the purpose of acquisition of a residential house property." Thus it can be conspicuously seen that while the intention of the government was to allow benefit of interest deduction in cases of loans taken to book under construction houses also, but the section itself has not been drafted to include such intention.

This is not the intention of the government and on the contrary the intention is to provide impetus to housing for all by construing more houses. Therefore it is a case in which a clarification needs to be inserted so that the benefit of interest deduction by booking under construction houses is available retroactively and intention of the government gets spelt out on law.

Further the limit of Rs. 45 lakhs stamp valuation is not workable as many affordable houses in urban and semi urban areas cannot be constructed up to the allowable square meters with the limitation of Rs. 45 lakhs.

Further the condition in section 80EEA that the assessee should not own any residential house property on the date of sanction of loan is in contradiction to the provisions of section 54 and section 23 because section 54 now allows owning 2 residential houses and section 23 has also been amended to provide that an assessee can claim 2 residential houses as self occupied.

Therefore it is suggested that under section 80EEA also the condition be amended to enable benefit of interest deduction to the assesse owning up to 2 residential houses.

17. Section 194C – TDS on contracts

The economic activity has quite enhanced over a period of years. The GST and reverse charge mechanism and various PAN and TAN requirements have plugged many leakages. Under the circumstances, threshold of Rs. 30,000 for one transaction and threshold of Rs. 1,00,000 in aggregate under section 194C require updationup to Rs. 1,00,000 per transaction and Rs. 5,00,000 in aggregate.

18. Section 194-IA TDS on sale consideration of immovable property

Section 194-IA requires tax deduction @ 1% from sale consideration of immovable property other than agricultural land. This provision is fine and working well.

But there is no provision is section 197A allowing for nil deduction or lower deduction in cases of genuine hardships.

For example in a case where entire capital gain is exempted, the TDS will entail unreasoble hardship to the tax payer to get refund of the TDS when he has no other taxable income.

In a case where the seller intends to invest under the provisions of section 54F, the said section requires investment of entire net consideration. So in such cases while on the one hand the seller will not get full amount due to deduction of TDS but on the other hand he will have to invest full amount. It is therefore suggested that section 197A should include section 194-IA also for nil deduction or lower deduction.

19. Section 194N - TDS on cash withdrawals

Section 194N provides TDS @ 2% on cash withdrawal exceeding Rs. 1 crore in a year from a bank account.

The civil construction contractors and infrastructure contractors take up projects in very remote areas where no basic facilities are available much less the banking facilities. Many materials are procured from unorganised sectors who do not have banking facilities. Workers are to be paid daily wages in cash only. The number of workers in infra projects is very high.

Development of infrastructure and construction industries are one of the priorities of the Government. Considering the above factors, the provisions of section 194N should not apply with reference to infra and civil construction projects.

Alternatively, the general limit of Rs. 2 crores needs to be enhanced to Rs. 10 crores in cases of contractors engaged in infrastructure projects and Rs. 5 crores in cases contractors engaged in civil construction contracts.

20. Section 206AA - Non availability of PAN and TDS

In non-availability of PAN cases, the prescribed rate of TDS is @ 20% or higher rate as applicable. In the civil construction and infrastructure sectors, the problem of non providing PAN is genuine in many cases.

Section 206AA may be amended to exclude quoting of PAN for those persons having income below taxable limit.

21. Give RERA effect to taxation of builders and developers

Builders and developers have to pay tax on income accruing out of sale of units under construction. The department insists upon percentage completion method. Under the RERA age, it is absolutely necessary to recognise that the RERA law gives an absolute right to the unit buyer to seek refund of money with interest and compensation on delay beyond assured date. This refund provisions will be more visited in the downward market by the unit purchasers. Under such circumstances, it will create a very difficult situation for the builders and developers as by application of percentage completion

method, the tax might have been paid and thereafter if sale of some units get cancelled, there is no right of refund. At the most, such tax can be adjusted on subsequent sales. However, if subsequent sales don't happen then it will be an additional punishment to the builder/developer that he has been subjected to refund and he has paid off part of the tax also on percentage completion method. It is therefore, absolutely necessary that the builder/developer is given an option to recognise sales only on project completion method. This becomes further imperative as the 70% of the sales proceeds cannot be even touched by the builder except for meeting cost of construction and cost of acquisition of land. There may be stoppages of constructions for various reasons. Under such circumstances, money will lie idle in designated bank account.

It is suggested to provide impetus to the real estate constructions. The present RERA law has stringent constraints upon the project and the developer. The same may be supplemented by the incentives. For example, once a project is completed in all respects as per the RERAdeadlines, and as per assurances under RERA, such projects can be made eligible for tax benefits eventhoughit is not covered as affordable housing project.

To deal with the realistic problems, for builders and developers, consider to permit carry back of losses and introducesuitable legislative amendments for its application.

* *** *



BUILDERS' ASSOCIATION OF INDIA

Ref: 322/N/2021-22 dated 15th November, 2021

Shri G.D.Lohani Joint Secretary, (TRU-I) Central Board of Indirect Taxes and Customs (CBIC) North Block, New Delhi -110001

Dear Sir,

Sub: Pre-Budget Memorandum, 2022-23 -Indirect Taxes.

Builders' Association of India (BAI) is an apex all India body of Engineering Construction Contractors and Real Estate Companies founded in 1941, with more than 20,000 business entities as members through its 200 plus Centres (Branches) throughout the country. Regional Associations Affiliated to BAI form indirect membership of more than 1,00,000. The fundamental aim of the Association is to bring about all round improvements in the construction sector, while striving towards resolution of operational as well as policy level problems faced by the construction industry. This involves making efforts to obtain from policy makers and authorities, the level of attention that the construction industry deserves in view of its tremendous contribution and importance to the economy.

We are thankful for your esteemed Office letter No.334/2/2021-TRU dated 1st November 2021, inviting suggestions from the Industry and Trade Associations for Budget 2022-23 regarding changes in direct and indirect taxes. **BAI** really feel honoured for inviting suggestions and pleased to submit the proposals relating to the Construction Industry.

The industry is gearing up to face the challenges brought up by the second wave of COVID-19 economic condition. It is a privilege to the BAI to submit the Pre-budget Memorandum 2022-23 on Indirect Taxes to Government of India.

The Budget Memorandum on Indirect Taxes is attached herewith for your kind perusal.

We also appreciate, if you kindly grant us an opportunity to meet you on any date and time at your office to explain more on the Budget Memorandum.

Thanking you,

Yours faithfully,

R.N.GUPTA PRESIDENT BUILDERS' ASSOCIATION OF INDIA MOBILE 98100 11139

Encl.:- As above

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B.A.I. Centres at:

Adlabad, Agra, Agra Cantt, Ahmedabad, Ahmednagar, Allgash, Allahad, Alleppy, Aluva, Amaravath, Andaraan & Shobar, Angazadi, Airangabad, Avad, Baghpat Bangalora, Baranth Barelly, Baroda, Barouta, Biogel Bulgerun, Bulbert, Calkot, Chandgash, Changan, Chennad, Chennad, Chelmadu, Chinadoras, Deihh, Dehih Levis, Nahodara, Dehi Neth, Dahih Vest, Dhanbad, Uharaguram, Dhuia, Dindigul, Durgayan, Durg-Bhillal, Erode, Ethumanoer, Fariakata, Gonzami Buddas Vagar, Gandmingar, Ghaziabara, Bolih Late Shahadara, Delih Sote Shahadara, Delih Sete Shahadara, Shah 2022-23

INDIRECT TAXES



BUILDERS' ASSOCIATION OF INDIA

MUMBAI

Email : <u>baihq.mumbai@gmail.com</u>

BUILDERS' ASSOCIATION OF INDIA INDIRECT TAXES

INCLUSION OF PETROL, DIESEL, ETC., UNDER GST REGIME

Our construction industry is facing various struggles during this Covid-19 pandemic. Short supply of materials, abnormal fluctuated increase in prices, movement of migrant labours, non availability of skilled labour, belated payment by contractees (including Government departments) are playing significant delay in executing works.

Compare to other industries our industries are time bound and completion of work in time is foremost criteria. Our members are struggling to complete the work in time and also running short of working capital.

Our one of the major expenses are relating to purchase of petrol, diesel, etc., for maintenance of vehicles and machinery. Non inclusion of these products under GST REGIME is affecting our industry to extend of value added tax paid. For payment of VAT on these products we are unable to get input tax credit.

SUGGESTION:

Earliest inclusion of petrol, diesel and other petroleum product under GST REGIME may be an additional incentive to our industry to sustain the impact of Covid-19 pandemic.

GOODS AND SERVICES TAX

1. Reduction in GST rates from 18% to 12% for private construction projects

Issue: The Central Government vide Notification No.20/2017 dated 22.8.2017 has amended the GST rate on Government Contracts to 12% from 18% for all the Construction works supplied to a Government, local authority or a Governmental authority.

Hence, Similar to the Government Contractors, the GST rate on all Private Projects carried out through works contract by private contractors may also be reduced to 12% from the existing 18% which will give a huge boost to the construction industry in these Covid pandemic difficult times.

Suggestion: We request you to reduce the GST rate from 18% to 12%, as the majority of the Civil Construction contract works undertaken to private sector.

2. Accumulation of credit at subcontractor level and tax rates for Sub Contractors for back to back work from a private contractor

Issue: Considering the representations of the Industry, Notification No. 01/2018 – Central tax (Rate) dated 25.01.2018 was issued for extending the lower GST rate of 5% & 12% to the Sub-Contractors that was earlier applicable for Main Contractors only.

There is a need to clarify that this benefit of 5%/12% is applicable to all Sub-Contractors and that it is not restricted to Sub-Contractor providing services to Main contractor alone. Also it should be extended to all Sub-contract works whether done wholly or partly of the Main Contract works.

There is a need to incorporate the wordings in the notification under GST as it was in serial no. 29 (h) of Notification No. 25/2012-ST dated 20.06.2012 namely

"Services provided by Sub-contractor by way of Works contract to another contractor providing Works contract services which are exempt".

Otherwise it is likely that it leads to higher tax of 18% in the hands of various Sub-Contractors and huge accumulation of credit at respective subcontractors end and ultimately becoming additional cost for the Main contractor as well.

Suggestion: We request you to extend the GST rate of 5%/12% to all subcontractors providing services in relation to works contract as specified in Sr. No. 3(iii), (vi) and (vii) by duly amending the Notification similar to 29(h) of Notification 25/2012-ST dated 20.06.2012.

Clarity on the applicability of the reduced rates of GST for the contracts awarded back to back by sub- contractors, who are allotted contract by Main Contractor in pursuance of contract awarded by Central Government and State Government.

3. Loss of input tax credits because of non-compliance by vendors and sub-contractors.

Issue: As per section 42 of GST Act 2017, input tax credit availed on provisional basis under section 16 should be matched with GSTR 1 of the vendor. However, if the same is not matching then, the credit availed is required to be reversed with interest by the recipient. Section 42(3) & (5) prescribes that, where the input tax credit claimed by a recipient in respect of an invalid supply is in excess of the tax declared by the supplier for the same supply or the outwards supply is not declared by the supplier in his valid return, the discrepancy shall be communicated to both such persons in such manner as may be prescribed.

The amount in respect of which any discrepancy is communicated under sub-section (3) and which is not rectified by the supplier in his valid return for the month in which discrepancy is communicated shall be added to the output tax liability of the recipient in such manner as may be prescribed in his return for the month succeeding the month in which the discrepancy is communicated.

4. ITC Restrictions based on GSTR - 2B

While filing GSTR-3B the amounts such as eligible inputs, input reversal, etc are restricted up to excess of 5% of GSTR-2B Values.

Suggestion : Punishing the recipient for the mistake of supplier is not reasonable. Therefore, we request you that this hardship should be removed. Input tax credit should be allowed on the strength of the original tax invoice.

5. Allowing ITC for immovable property on own account

Present Law: Input Tax Credit (ITC) is the core concept of GST as GST is destination based tax. No ITC is available for goods/services for construction of immovable property on their own account. Even if such goods/services are used in the course of furtherance of business, ITC will not be available (Sec.17(5)(c).

Suggestion: In this Covid epidemic period, if the Government allows ITC for the above building owners, the corporate and high net worth concerns having surplus funds will come

out with new constructions which will give additional cash inflow to the system. It will give benefit to the real contributors to the society. The ITC set off period may be restricted to 3 to 5 years to arrest the extra revenue loss to the exchequer. Though the exchequer may loose small amount of tax revenue, the real contribution to the society will be multifold.

6. Reversal of ITC for non payment of consideration within 180 days - issue

Present Law: Second and third provision to Section 16(2)(d) of the CGST Act, 2017 and Rule 37 of CGST Rules, 2017 provides for reversal and reavailment of ITC on account of non payment of consideration to the supplier within 180 days.

Suggestion: In this hard financial crisis situation, the 180 days norms to be removed. This provision is to be suitably modified and make the comforts to the buyers and suppliers to fix the payment terms mutually.

7. Registration of Works Contract services - Interstate Supply

Issue: Works Contractors, having a principal place of business in one State may undertake execution of works across India in many States. The registration provisions require the works contractor to obtain registration in each such State even though they have no place of business in those States. If the strict interpretation is taken then, mere installation works also attract registration requirement and they may have to take multiple registrations.

Suggestion: Kindly issue a clarification that a works contractor based on one registration in one State can execute works contract in any State by way of IGST billing without separately registering in all other States with suitable adjustment of ITC.

8. Additional Registration

Issue: As per Recent Amendment in Rule 9 of CGST Rules, 2017, time limit is increased for grant of GST registration from 3 to 7 working days. Presently we are struggling up to start transportation of machineries and preliminary site materials to newly awarded projects in other States until issue of registration by GST official which normally takes around 15 days.

Suggestion: If the application with Aadhar Authentication of Authorised Signatory is submitted, the provisional registration and e-Way Bill facilities should be allowed immediately to enables us to start the initial site preparation related works at the earliest in the newly awarded projects in any State.

9. Non deduction of TDS on works contract advances

Issue: GST is payable on mobilisation advances received from Government. If the same contract is subcontracted and mobilisation advances are paid to subcontractors, GST is again charged by such subcontractors and it is not available as credit till the time it is adjusted from the advance.

In infrastructure projects, there is huge time gap between receipt of mobilization advance and adjustment of such advances.

Suggestion: Due to various practical issues faced by the contractors, TDS deduction may be deferred for all kind of advances to contractors.

10. Taxability of GST on Arbitration Claims

Issue: Arbitration the claims passed and received in GST regime on account of work order completely executed in Pre GST regime.

Suggestion: Clarity on leviable of GST on the above receipts and give exemption suitably.

11. Refund of excess ITC should be allowed as inverted duty structure refund considering ITC on account of services also

Issue: Presently Works contract services are considered as Services as per CGST Act, 2017 and there are numerous issues before department at the time of filling of refund in inverted duty structure. Department always consider the contractor's services as similar to real estate service which is not the case.

Suggestion: A clarification can be issued by department in this aspect alongside while calculation of refund in Inverted duty structure. Clarification/amendment is also required to consider ITC of Input services too as part of eligible ITC and allow refund of excess ITC like credits in cash ledger.

12. Anti Profiteering claims and settlement thereof

Issue: Anti profiteering claims even after 4 years of introduction of GST are still not being settled in matured way. The main reason for the same is ambiguity and lack of clarification from the Department over same. In absence the methodology to be followed is not synchronized and being implemented on best judgement of concerned person, which should not be there.

Suggestion: Suitable guidance for Anti Profiteering claims and settlement thereof may be issued.

13. Abolition of Rule 36(4)

Issue: Rule 36(4) has created a chaos in construction industry in respect of matching the ITC each and every month.

Suggestion: It should be avoided and eliminated at the earliest to have efficient and best use of human resource instead of just a clerical working on ITC.

14. Issues relating to Fake invoices and its impact on construction industry and precautions/due diligence practice to be adopted by contractors

Issue: In present days, unearthing a scam of fake invoices, persons who has availed ITC against this fake invoices is directly being targeted without even hearing their genuine grounds, arguments and material aspects of the case. The department is relying on the statement of a absconding or scammers and directly targeting the above persons who availed ITC against these invoices without going into the real aspect of the case. Sometimes it feels that a pre

meditated mindset is framed by the department to tackle these kind of cases, where genuine cases are also can feel the heat of the department.

Suggestion: The draconian provisions like arrest are the need of the hour and similarly it should also be used in a very rare and concrete circumstance and not just the statement of the one side. The persons who has availed ITC against this fake invoices are being targeted in numerous cases are known well established companies who cannot escape the assessment proceedings. In these situations a proper Standard Operating Procedure (SOP) in consultation of industry people should be designed by CBIC to tackle these cases and provisions like arrest must be used in remotest of the cases. It is also request for sufficient Opportunity of being heard for Blocking of Input Tax Credit on account of alleged fake ITC.

15. Clarification on the definition of "Government Entity" as introduced vide Notification No. 31 of Central Tax Rates dated 13th October 2017

Issue: "Government Entity" means an authority or a board or any other body including a society, trust, corporation, i) set up by an Act of Parliament or State Legislature; or ii) established by any Government, with 90 percent or more participation by way of equity or control, to carry out a function entrusted by the Central Government, State Government, Union Territory or a local authority.

Suggestion: Clarity on 90% or more participation by way of equity or control, e.g. companies which are listed have equity participation of around 76% with Government but 100% control is with Government and request to reclassify the definition to include more such companies including PPP model, EPC model, etc to be treated as Government Entities.

16. BUILDERS AND DEVELOPERS ISSUES:

A) **Issue:** There should be no GST on Land Development Rights. Development rights are nothing but a form of land. Land is State Subject and liable for stamp duty.

Suggestion: Clarification/ exemption may kindly be issued that there is no GST on Land Development Rights.

B) **Issue:** As per Integrated Textile Park Scheme of Ministry of Textiles the building is constructed by the Developer from the contribution of the members. There should be no GST on such construction activity as it is as per within framework of Textile Park Scheme but due to unclarity entrepreneurs are discouraged for new investment;

Suggestion: Clarification/ exemption may kindly be issued that there is no GST on such construction activity as it is within framework of Textile Park Scheme.

C) Issue: Due to Mudra Loan, Start up India, Standup India schemes many young and women are becoming entrepreneur but are not having enough resources to purchase Commercial space, they prefer to take on lease. The rate of GST on lease is 18%.

Suggestion: The rate of GST So for the period of two years, the rate of GST on Rent should be 6% if given by the builder to the entrepreneurs.

D) Deemed valuation of land:

Issue: The reduced rate of 1% without input credit on construction of Affordable housing and 5% on construction of other than Affordable housing is the effective rate after considering 33% deemed deduction for the value of the land.

This one third deemed deduction on account of transfer of Land or Undivided Share of land is irrespective of the actual value of the land transferred. However, the said deemed deduction is not available when there is no transfer of land or undivided share of land.

The critical issue here is that in Metros, the value of the land exceeds the cost of construction. In such a scenario, only 1/3rd deemed deduction is not justified.

Suggestion: This provision requires amendment and the additional option to adopt for actual transfer value of land is to be allowed instead of 1/3rd deemed deduction.

E) Credit note within 6 months from end of Financial Year

Under GST regime, the taxpayer can adjust his tax liability if he declares the details of Credit Note in the Return filed latest by the month of September Return following the end of the Financial Year in which such supply was made, or the date of furnishing of the relevant Annual Return, whichever is earlier.

However, in Real Estate sector, construction service is a 'continuous supply of service' requiring 3 to 5 years for completion. Significantly, due to this stipulation of time limit of September Return, Developers' get only six months after end of the Year to issue Credit Notes. The aforesaid provision remains a practical and unworkable challenge for Builders / Developers to avail the benefit of reduction of tax liability on account of Credit Note issued after 6 months from the end of Financial Year.

In view of the above, the GST paid on flat(s) cancelled is either required to be borne by the Developer or the Buyer. <u>Hence the time period stipulated needs to be liberalized /extended considering the peculiar nature of this Industry / Sector.</u>

F) Developer transfers certain percentage of developed area to Land owner as a consideration against transfer of Development Rights. Developer is required to discharge tax at applicable rate i.e. either at effective rate of 1% (Affordable housing), 5% (Residential) or 12% (Commercial), depending upon the nature of the premises so transferred. However, tax is required to be discharged on total amount charged to Independent buyers for similar premises which is nearest to the date of transfer of TDR / FSI, after deduction of value of land i.e. 1/3rd of total consideration.

G) The value of construction service provided by developer to the land owner should be either equal to the value of land or the construction cost incurred. Also, the value for individual flats to the buyer may not be compared with value of flats given in bulk to the land owner.

H) In the case of a JDA, the Developer's role is like a Works Contractor for the land owner and hence, GST, if any shall be leviable only on the cost of construction and not on the total amount charged to Independent buyers for similar premises which are nearest to the date of transfer. The provision in the GST Act is required to be amended.

I) In case of Residential premises, due to liability on unsold premises after the cut-off date, it

is imposing additional cost burden on the Developer, which is difficult to foresee at the time of commencement of construction. Further, no clarity has been provided as to whether the Developer is required to consider all unsold flats in a Project, (including those which have been transferred to Land owner) or only those unsold flats which belong to him. Though, logically Developer should be liable to pay Tax only on those unsold flats which remained unsold with him. This requires clarification from the Government to avoid possible future litigation.

17. New taxation immunity scheme to be announced

Keeping the enormous practical difficulties during transition to GST mechanism in to consideration, new taxation Immunity scheme will be announced suitably. The genuine regular tax payers should be convinced properly.

- It may be proposed an one time measure for suitably waiving interest, penalties for all returns including GSTR 9, 9A, 9B and 9C filed for FY 2017-18 to 2019-20.
- Also liberal view shall be taken for Time limit for taking input tax credit (ITC) pertaining to FY 17-18 to FY 2019-20 be allowed with extended due date of filing of the corresponding Annual Return and Audit Report.
- Further time limit for amending transactions of 2017-18 to 2019-20 in GSTR 1 shall be allowed as it facilitates reflection of such amended details in GSTR 2A of the recipient.

* *** *

Highlights of Union Budget 2022-23

Dear Sirs,

The Hon'ble Finance Minister Nirmala Sitharaman stated that the country is expected to grow at 9.27 per cent in the coming year. With a focus on four pillars of development — inclusive development, productivity enhancement, energy transition and climate action — the Budget gives a blueprint of economy from India at 75 to India at 100.

Please find below Highlights of Union Budget 2022-23 for kind information and record.

The budget is a populist budget gives more emphasis on infrastructure.

Infrastructure:-

- Highway expansion by 25,000 km.
- Rs 60,000 crore on Nal se Jal scheme.
- Five river link projects across various states.
- Rs 48,000 crore on PM housing scheme.
- North East infrastructure development.
- Desh stack e-portal to be launched digital infra to promote 2.000kms be brought under Kavach FY 22-23 to by Gatishakti masterplan for expressways will be formulated in next financial year.
- Gati Shakti terminals to be set up in next three years.
- Focus on public investment to modernise infrastructure over the medium term, leveraging tech platform of Gati Shakti via a multi-modal approach.
- Gati Shakti will pull forward the economy and will lead to more jobs and opportunities for the youth.
- Rs 48,000 crore allocated to housing projects under PM Housing Scheme for FY23, Rs 1,500 crore allocated for development of the Northeast in FY23 & Desh stack e-portal* to be launched to promote Digital infra.
- Contracts for implementation of multimodal logistics parks at 4 locations to be awarded in 2022-23, in PPP Mode.
- 8 million new dwelling in rural, urban areas to be completed under PM Awas yojana

MSMEs & Start-ups :-

- Rs 6,000 crore programme to rate MSMEs to be rolled out over 5 years.
- MSMEs such as Udyam, e-shram, NCS & Aseem portals will be inter-linked, their scope will be widened.
- They will now perform as portals with live organic databases providing G-C, B-C & B-B services such as credit facilitation, enhancing entrepreneurial opportunities.
- A fund with blended capital raised under co-investment model facilitated through NABARD to finance Startups will promoted for Drone Shakti.
- PE/VC invested Rs 5.5 lakh crore in startup, expert committee will be set up to suggest measures to help attract investment.
- Existing tax benefits for startups, which were offered redemption of taxes for 3 consecutive years, to be extended by 1 more year.

<u>Tax :-</u>

- New provision to file updated return within 2 years of relevant assessment year.
- Surcharge on Corporate tax pruned* from 12% to *7% Surcharge on transfer of long-term capital gains tax capped at 15%.
- Tax exemption to start-ups extended to March 2023.
- No change in income tax slab.
- RBI led digital rupee using block chain to be launched in FY23, 1% TDS on transfer of virtual digital assets & income to be taxed at 30%.

Thanks and Regards,

Raju John Executive Secretary Builders' Association of India

COVID-19 Pandemic and Indian Building and Construction Industry

- BAI continues to petition Government of India and other agencies

As if the woes to the Indian building and construction industry due to the COVID pandemic and resultant lockdown, a host of other issues were also being faced by the Indian building and construction industry - abnormally rising cement & steel prices, arbitrary & restrictive tender conditions, unworkable taxation laws, etc. Based on feedback received from members, Shri Ram Nivas Gupta, President, BAI continued to engage the Hon'ble Prime Minister of India, Union Ministers concerned with the building & construction industry & Secretaries and other high ranking officials of these Ministries, State Governments, etc. by writing to them and drawing their attention to the issues and even making suggestions. BAI also took up a host of other issues with specific organisations for easing the trouble of the building and construction industry. All these communications are printed hereinbelow. Members with contacts are requested to use their good offices and ensure that these letters get the due attention.

To,

Shri Narendra Modi Ji, Hon'ble Prime Minister of India Prime Minister's Office, South Block, New Delhi - 110 001

Shri Nitin Gadkari Ji Hon'ble Minister of Road Transport & Highways, Ministry of Road Transport & Highways, Transport Bhawan, Parliament Street, New Delhi – 110011

Shri Anurag Singh Thakur Minister of State (Finance & Corporate Affairs), Ministry of Finance, Room No.138-North Block, New Delhi – 110001.

Ref:55/A/2021-2022 dated 21st April, 2021

Smt. Nirmala Sitharaman Ji Hon'ble Finance Minister, Government of India, Room No. 134,North Block, New Delhi -110001

Shri Piyush Goyal Ji, Hon'ble Minister of Commerce & Industry, Government of India Room No. 45, Udyog Bhawan, New Delhi-110011

Sub: Relaxation for Construction Industry- Covid 19 Pandemic - Reg.

Respected Sir,

Greetings from Builders' Association of India (BAI)!

The Builders Association of India (BAI) is the apex All-India body of engineering construction contractors and real estate companies founded in the year 1941 with more than 20,000 business entities as its members through nearly 200 chapters across the country. The association is a registered body established with the objective of encouraging trade, industry and profession of construction works and all other ancillary and allied trades and industries amongst others.

As you are aware that the construction industry is

the second largest employer of workers, next to agriculture, and employs more than 80 million people in the country. It contributes around 9% of the national GDP and accounts for around 60% of the total plan outlay of the Government. Moreover, the construction industry has forward and backward linkage to more than 400 allied industries and any upward movement in the construction industry would have a cascading effect on these industries and ultimately result in economic growth and revival for the entire country.

At the outset, we once again express our gratitude toward the Hon'ble Prime Minister of India for taking up the very great step to provide some relief on problem faced by Contractor / Concessionaire / Supplier during this extraordinary event of the outbreak of COVID-19.

In this backdrop it is to bring to your kind attention that the members of the Association have been severely affected by the loss of business due to the COVID-19 pandemic.

Adding fuel to the fire, now many States have imposed Section 144 of the Indian Penal Code, thus causing restrictions on movement of goods and Transport. Sir, this type of semi lockdown would greatly hamper the progress of construction site work with consequential cascading effect of cost and time overrun.

Sir, therefore, we humbly request you to kindly help the construction industry by considering the following:

- 1. All running contracts to be extended further for a minimum period of Six (6) Months.
- 2. Banks should be directed to levy only interest or concessional rate of interest for Six (6) months.
- 3. Relaxation of PG should be given (100% Relaxation). Only Security Deposit deducted from the running account bills of contractor is sufficient amount for security of the work.
- 4. Relaxation should be given in eligibility criteria of tenders in Net Worth, Performance, Bidding Capacity etc.
- 5. Escalation for material & labour should be given on running contracts.
- 6. Relaxation in the date for filing income tax returns, reduction in rate of TDS/ TCS, reduced rate on interest in late deposit of tax etc. to continue till 31 March 2022.
- 7. Extension in date of filing of GST returns and relaxation in other rules under GST.
- 8. It is known fact to one and all that the price increase of Cement and Steel is not due to the market forces, whereas it is only due to cartelization by the Manufacturers with the purpose of profiteering. This unethical practice of the major construction material manufacturer should be controlled by introducing some suitable & effective mechanism by which the

practice of unethical profiteering could be checked by the Government which is affecting the large infrastructure projects / housing projects as well as the dream of poor citizen who wish to built / own a house.

- 9. Additional advances or loans to be considered in case of delay of bill payment from Works Authorities against BGs.
- 10. Government should consider bearing the cost of ESIC and PF payment of workers of Construction Companies for the next Six (6) months.
- 11. Government to create ways and means for availability of construction workers. Government should facilitate the comfortable stay of migratory workers with medical facilities using the Labour Cess Fund.
- 12. We request the release of and disbursal of adequate VACCINES for our construction workers at our sites which should be administered under and through suitable medical board. All these construction workers should be treated as front line workers for Construction Industry.
- 13. Please allow the operation of our administrative offices to function at 50% strength to enable the administration of finances for the construction operations. All necessary and appropriate COVID measures will be followed during the same.

Thus, it is requested that immediate steps be taken to consider the aforesaid issues and kindly circulate necessary directions for their redressal at the earliest.

It would also be our honour to have an audience with you either online or offline, on any date and time convenient to your good self, to explain more on the plight of construction industry.

Thanking You,

Yours faithfully,

R. N. Gupta President Builders' Association of India

Rising Cost of Construction Materials

- BAI raises its voice in unison across India

As if the artificially jacked up cement prices, which was crippling the construction industry was not enough, the steel prices also went up phenomenally. Add to this the complaints pouring in regarding, rising prices of bitumen, sanitary ware, plumbing materials, wood, hardware, electrical fittings, sand, bricks, etc. And now the final nail in the coffin the high prices of diesel and petrol.

BAI has been regularly writing to the Union

Shri Nitin Gadkari Ji, Minister for Road Transport & Highways and Micro, Small and Medium Enterprises (MSME) Government of India, Transport Bhawan, New Delhi 110001 Government and various State Governments about the rising prices of construction materials. But more often it has been observed that it is only a 'lip service'.

Immediately after assuming office as President of BAI, Shri R. N. Gupta took up various issues confronting the Indian building and construction sector by writing to the concerned Union Ministers, Secretaries, etc.

Ref: 5/2021-2022 dated 5th April, 2021

Sub.: Construction Industry Issues

Respected Shri Nitin Gadkiri Saheb,

Builders Association of India (BAI) established in 1941, is the apex body of Indian Construction Industry having about 20,000 construction companies as its members, with 200 centres (Chapters) spread throughout the country. BAI acts as a bridge between the Government and construction industry on policy advocacy of the Government and Contribute to the Country's economic development.

Respected Sir, at the outset, BAI is grateful for your kind addressing our members on 9th January, 2021, through online mode.

Our members during the meeting have raised the following points for kind consideration.

We once again request you to kindly look into the matter.

1. Sir, to prevent the contractors from incurring heavy losses due to the sudden abnormal price increase of Cement and Steel a Regulatory Authority to be considered to be introduced in Cement and Steel Sector to avoid wild fluctuation of pricing in the market. It is a known fact to one and all that the price increase of Cement and Steel is not due to the market forces, whereas it is only due to cartelization by the Manufacturers with the purpose of profiteering. This unethical practice of the major construction material manufacturers could only be controlled by introducing a Regulatory Authority. We therefore request the Hon'ble Minister to kindly recommend to the Hon'ble PM for appointing a Cement and Steel Regulatory Authority.

- 2. Sir, kindly recommend to devise a mechanism to reimburse the increase in cost of construction material with certified Bills of the authorized manufactures. This is more so required as the Price index published by RBI is not reflecting the actual increase due to various reasons. We also request you to kindly recommend to include price variation reimbursement in all contract documents to avoid time and cost overrun of the contract Documents.
- 3. Sir, we request you to kindly streamline the reimbursement of contractors' bills with a systematic payment system. This will help the contractors to avail cash flow facilities as also to effectively deal with the Banks. Sir, as known to you, the Departments in most of the cases create abnormal delay in releasing the payment of contractors, resulting the Banks to treat the accounts as NPA and block the future transaction. Sir, to circumvent this anomaly, it

would be appreciated if the Government/ Department, considering to introduce Bills Discounting Scheme to bail out the contractors from the strict norms of Bank's NPA system.

- Sir, we also request you to kindly streamline 4. GST Implementation with systematic written rules as most of the field officers are ignorant about the compliance method and introduce their own method making it difficult for the contractors to implement it. In this regard, BAI request the Department to organise a workshop to train all concerned on intricacies of GST provisions with learned Taxation officials and contractors so that, unnecessary litigation and subsequent issues could avoided. We also request the Government to issue a Notification to the Works Authorities to accept any change of law on increased payment of Tax and the same should be reimbursed to the contractors'.
- 5. Sir, there are many anomalies in prequalification of contractors, particularly in NHAI. We request you to kindly streamline the same. In this regard, BAI request you to kindly arrange an interactive meeting with NHAI Officials. BAI also request the Hon'ble Minister to kindly encourage regular interactions of contractors and Department officials to stream line the smooth functioning.
- 6. Sir, Revenue Department used to harass the contractors with payment of Royalty on minor mineral and even stop the trucks and work causing much harm to the completion of the project. We request you to kindly arrange help the contractors by coordinating between the two Departments as payment of Royalty is to made to another wing of the same Government. In other words, Works Authorities should facilitate the payment without causing any

Shri Hardeep Singh Puri Ji, Hon'ble Minister of State (Independent Charge), Ministry of Housing and Urban Affairs Room No. 104 - C, Nirman Bhawan, Maulana Azad Road, New Delhi - 110011

Shri Rajiv Gauba Ji Cabinet Secretary, Rashtrapati Bhawan New Delhi - 110 004 delay of execution of project. Sir, as known to this will help the contractors to concentrate on the execution of projects rather than running over various authorities for permissions.

- 7. Sir, we are really happy to note the concern of the Union Government and to ease the cash flow of the industry the Government have issued various notifications relaxing various contract conditions. However, many State and Public Service Undertaking have not yet implemented implementation of Union Government's notification, particularly the one which relaxes the conditions, by all State Government so that, the Contractors could avail the benefit and execute the projects.
- 8. Sir, the Union Government were prompt to come to help the contractors during the locked down period, most of the State Governments including the States which are ruled by the same party as of the Centre Government have not yet implemented the provisions of the notification in the State. BAI request the Hon'ble Minister to kindly consider issuing necessary circular or notifications to implement guidelines of the Union Government.

We sincerely look forward to a positive response from your good office.

Thanking You,

Yours faithfully, R.N. Gupta

President Builders' Association of India

Dr. Jitendra Singh Hon'ble Minister of State of Public Grievance & Pension, 5th Floor, Sardar Patel Bhawan, Parliament Street, New Delhi, 110001 Email- mos-pp@nic.in

Shri Durga Shanker Mishra Ji, Secretary, Ministry of Housing and Urban Affairs Room No. 122- C, Nirman Bhawan, Maulana Azad Road, New Delhi - 110011 The Director General Central Public Works Department (CPWD), Nirman Bhawan, Maulana Azad Road, New Delhi, 110001 Shri Sanjay Kothari Ji, Central Vigilance Commissioner Satarkta Bhavan, Block-A, GPO Complex, INA New Delhi - 110 023

Sub.: Regarding Relaxation for upcoming works of Central Vista.

Respected Sir,

Builders Association of India (BAI) established in 1941, is the apex body of Indian Construction Industry having about 20,000 construction companies as its members, with 200 centres (Chapters) spread throughout the country. BAI acts as a bridge between the Government and construction industry on policy advocacy of the Government and Contribute to the Country's economic development.

Sir, BAI being the apex body of various infrastructure companies across the country, it is our endeavor to take up the issues faced by them, particularly on the issue of contract conditions and tenders, to your good self, so that the same would be addressed and resolved at your esteemed office itself . Sir, in this regard, it is our humble submission, we wish to state that in regard to upcoming work of Central Vista, our number of contractors are very keen to participate and willing to execute the work on competitive pricing ensuring Quality. This pertains to our seriousness & willingness to be associated with this visionary project.

Sir we are grateful that the Circular No. DG/SOP/ 17 Dated 22/02/2021 has been relaxed keeping in view the competitive and healthy competition of the project. Sir, we would also like to kindly request your good self to allow joint venture and split the tender into packages. We also would like to submit that the criteria of 80, 60, 40 should be further relaxed. The criteria of work done experience of 7 years should be increased to 10 years.

Keeping in view of the current circumstances of the country, where there is financial crunch, particularly due to COVID, competitive rate & healthy competition will relax the financial burden of the Government.

It is our foremost request that a circular pertaining to our above requests should be notified.

Also it is our earnest request that the upcoming tender for the Central Vista should ensure the above amendments in the tender.

Thanking You,

Yours faithfully,

R. N. Gupta President Builders' Association of India



BUILDERS' ASSOCIATION OF INDIA

(All India Association of Engineering Construction Contractors and Builders) G-1/G-20, 7th Floor, Commerce Centre, J. Dadajee Road, Tardeo, Mumbai - 400034 Tel: (91-22) 23514802, 23520507,23521328 Website: www.baionline.in, E-mail : baihq.mumbai@gmail.com @BAINational Bhile http://youtube.com/user/baihqmumbai

Ref: 84/M/2021-2022 dated 8th May, 2021

To,

Shri Narendra Modi Ji **Hon'ble Prime Minister** Government of India, Prime Minister's Office South Block, New Delhi-110001

Shri Ashok Kumar Gupta Ji Chairperson, **Competition Commission of India**, 14, B - Wing, Hudco, Vishala Building, Bhikaji Cama Place, New Delhi - 110066

Respected Sir,

Sub: Abnormal Delay- Highway projects, Central Vista Projects and other Prestigious Infrastructure projects under direct monitoring of PMO.- Non availability of TMT (Steel).

Ref: Our Letter with No. 362/ D/ 2020-21 dated 10 Dec 2020.

At the outset, we would like to place our great appreciation on the positive and concrete steps taken by your good self to combat the raging Covid-19 pandemic. We are with you in these testing times

Vide our above referred letter we have apprised you that The Builders Association of India (BAI) is the apex All-India body of engineering construction contractors and real estate companies founded in the year 1941 with more than 20,000 business entities as its members through nearly 200 chapters across the country. The association is a registered body established with the objective of encouraging trade, industry and profession of construction works and all other ancillary and allied trades and industries amongst others.

Further in this letter we have brought to your kind attention that due to non-availability / inordinate delay in supply of TMT bars (Steel) and very abnormal increase in the prices of TMT bars (Steel) is causing a delay in the highway projects, central vista projects and other infrastructure projects under direct monitoring of PMO.

As you are already aware, unhappy over delayed 888 highway projects which amount to Rs 3.15 lakh crore, a parliamentary panel has asked Ministry of Road Transport and Highways to prioritise their completion instead of announcing new projects. This committee has further noted that Delays in completion of ongoing road projects causes a huge loss of time and greater consumption of fuel to countless number of road users across the country, besides the putting a stress on the budget of the government.

P2.

Delhi Office: D1/203, Aashirwad Complex, Green Park, New Delhi-110016 Ph: 011-26568763, 40612800, 9555448763 E-mail: baidelhi16@gmail.com

B.A.I. Centres at:

B.A.I. Centres at: Adilabad Agra. Agra Cantt. Ahmedabad, Ahmednagar, Aligarh, Allahabad, Allappy, Aluva, Amuvah, Amaravathi, Andaman & Nicobar, Angamali, Aurangabad, Avadi, Baghpat Bangalore, Baramath, Bareilly, Baroda, Bharuch, Bhopal, Bilapur, Butbori, Calicut, Chandigarh, Changanacherry, Chengai, Chemai, Chelfmadu, Chiradurga, Coimbatore, Dahi, Dehi, East Stahadra, Dehi North, Delhi South, Delhi West, Dhanbad, Dharapuram, Dhule, Dindigul, Durgspuu, Durg-Bullai, Erode, Ethumanoor, Faridabad, Gautam Buddha Nagar, Gandhinagar, Ghariabad, Goo, Greater Hyderabad, Greater Jaipur, Greater Noida, Guntur, Gurgaon, Guwahat, Haldia, Hagur, Hasan, Hyderabad, Ichalkarani, Indore, Jasaburu, Jagdao Jugur, Jagao Jianimer, Jamisedoru, Kaipatkam, Kainaeridy, Kamaredy, Kannai, Karnavati, Karanavati, Karanavati, Karanavati, Kanamam, Kochi, Kodatkanal, Kodungullar, Kolhapur, Kolkata, Kollam, Kottayam, Kumbakonam, Kundii, Lahir, Loni, Lucinow, Madhuranthakam, Madurai, Mahabootnagar, Malegaon, Mandya, Mangdore, Mayiladuhurai, Medachal, Meda, Meerut Meerut Canti, Modinagar, Moreadabad Moradabad Nor, Rly, Munbai, Muvathuyaha, Muzifarimagar, Myore, Nagapatham, Negapu, Nagapodi, Namakkal, Nanded, Nandwa, Nasik, Naliore, Nayibu, Nagitari, Kanashad, Rangapatham, Nagapatham, Nagapatham, Nagapatham, Nasit, Patangahar, Sasit, Paline, Tanipur, Baransada, Chagos, Silchar, Siapur, Solapur, Sutar Tambaram, Tanuku, Tenkasi, Tergur, Thanjavur, Thani, Patarebad, Didawa, Sukas, Shaha, Shimoga, Silchar, Siapur, Solapur, Sutar Tambaram, Tanuku, Tenkasi, Tergur, Thanjavur, Thani, Patarebad, Nilapur, Mirawanamalai, Turuwanamalai, Thiruwanamalai, Thiruwanamalai, Thiruwanamalai, Thiruwanamalai, Thiruwanamalai, Thiruwana, Wasar Ulapur, Sasik, Vallere, Vijayawada, Vikarabad, Villupuram, Visakhapatham, Vizag Sibel City, Wai, Waraned, Wasarn U.P. Flactival, Vadari

One of the major reason of this delay is the abnormal increase in prices of TMT bars (Steel) which is being attributable to the formation of an unhealthy and illegal cartel among the major steel producers.

The increase in prices is not all logical and difficult to understand as every major steel company has its own iron ore mines & there has been no increase in labour & power costs.

With this increase in prices of steel as explained above, these said projects are getting delayed. Because of delay in the project, project cost indices are increasing thus increasing the cost of the project. This increase in the project cost has to be borne by the government thus impacting all the stakeholders.

Why should greed and aim to personally profit by illegal means by these steel producing companies affect the development of the nation is the moot issue right now.

We are aware that you leading an above board, transparent and very capable administration and you will not tolerate such dishonest means by these steel companies.

In various areas and industries you have already taken key measures to reduce price gaps between wholesalers and retailers, have eliminated the exploitation in the market and have eliminated stockpiling and speculation, as well as making the monitoring system more efficient.

We expect the same towards our sincere plea. Due to your kind involvement, some actions like the Competition Commission of India (CCI) launching a probe against steel companies for forming a cartel to increase prices consistently over the last 7-8 months have already been taken but the measures are too slow and have not yielded the expected result.

Therefore more strict and suitable measures are to be taken to control this abnormal price increase. We once again request your kind intervention so that things can be corrected urgently. We also request you to look into appointment of a regulator for cement and steel sector.

We also seek an audience with your kind good self to explain more on the issues faced by the construction industry as such and also as how we can be of assistance in this difficult time of Covid 19 pandemic.

Looking forward to a positive step towards our sincere request.

Yours faithfully,

R.N Gupta President Builders Association of India Mobile.98100 11139



BUILDERS' ASSOCIATION OF INDIA

(All India Association of Engineering Construction Contractors and Builders) G-1/G-20, 7th Floor, Commerce Centre, J. Dadajee Road, Tardeo, Mumbai - 400034 Tel: (91-22) 23514802, 23520507,23521328 Website: www. baionline.in, E-mail : baihq.mumbai@gmail.com I @BAINational I http://youtube.com/user/baihqmumbai

Ref: 89/M/2021-2022 dated 13th May, 2021

Shri Narendra Modi Ji Hon'ble Prime Minster. Government of India. Prime Minister's Office, South Block, New Delhi-110001

Respected Sir,

Sub: Steep Hike Prices of Construction Material- Impact on Government Projects.

Ref: Our Letter with No. 84/M/2021-22 dated 8th May 2021.

Vide our referred letter we have brough to your kind attention the abnormal increase in the prices of TMT bars (Steel). We sincerely hope that a positive action is being worked upon by your office to bring this abnormal price hike under control.

Now we wish to bring to your kind attention that the cost of other construction material has similarly shot through the roof and there is a severe shortage of construction labour as well.

The prices of all important raw material have recorded a huge spike. The price of for example, cement is Rs 350 per bag which was around Rs. 250-260 per bag (around 40%) only few months back.

Vide our above referred letter the hike in steel prices has already been brough to your kind attention. The price of steel in some places in India is being sold at Rs 63 per kg which is again a steep hike of around 50% from the prices few months back.

Some of the increase in cement and steel is borne by the government under the escalation clause thus impacting the budget of the government and resulting in project cost overrun. However, where ever the escalation clause is not there this steep hike is a huge loss to the contractors. In both these circumstances either the government or the contractor is loosing due to unethically profiteering by these greedy manufacturers.

Similarly, the cost of electric cable and plumbing materials such as PVC pipes has similarly gone up quite substantially. The availability and hence the price of sand and bricks has been impacted due to lockdown and surge in Covid cases. Apart from the abnormal hike and the erratic supply of construction material, the construction industry is also facing a huge labour crisis.

....P2....

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B.A.I. Centres at:

H. Amaravathi, Andaman & Nicobar, Angamali, Aurangabad, Avadi, Baghpat, Bangalore, Baramati, Bar Cheffmadu, Chuthadunga, Cambalotre, Delhu, Delhi East Shahadra, Delhi North, Delhi South, Delhi South, Delhi South, Delhi South, Delhi South, Delhi South, Garadar Nolda, Go ruz, Jalgaon, Jaisalmez, Jamihedpur, Jodhyur, Kalpakkam, Kallakuridhi, Kamareddy, Fandhipuram, Ka Nodai, Kodaikanai, Kodungular, Folkapur, Nolkata, Foliam, Kothayam, Kumbakonam, Fundhi, Latur, ruz, Medamai, Medai, Meerut, Meerut, Canth. Molmagar, Meradabad, Moreakad Nore, Riy, Mu urbar, Nasik, Nellore, Neyveli, Nilgin, Nizambada, Oropie, Faripat, Fariban, Parahalov, Pha. Pangad, Rapin, Fagipur, Raghungar, Kangan, Sangada, Meradabad, Nore, Riy, Mu urbar, Nasik, Nellore, Neyveli, Nilgin, Nizambad, Oropie, Faripat, Panta, Patha, Perambalur, Ph., Kangad, Tangur, Raghumathr, Eakek Ragananahamare, Sonot, Nana, Panta, Patha, Perambalur, Ph., Kangad, Tangur, Raghumathr, Backet, Ragananahamare, Sonot, Nana, Panta, Patha, Perambalur, Ph., Kangad, Nangur, Raghumathr, Backet, Kangananahanan, Panta, Patha, Perambalur, Ph., Kangad, Cangura, Kangura, Kanganahamatan, Kanganahan, Panta, Patha, Perambalur, Patha, Pat nen, agra, agra Canti, Ahmedabad, Ahmednagar, Aligash, Allahabad, Alloppi, Alura, Amrava Ia, Bharadu, Bhopal, Bilaspur, Bothbur, Calciout, Chandigath, Changanabherry, Chengan, Chenna, Iwad, Dharapuram, Dhula, Dindigul, Dungspur, Dung-Bhillai, Erola, Efuminicos, Faridabad, Gauta aon, Guwahat, Haldia, Hagur, Hasan, Hyderabad, Ishukaranfi, Indones, Iabdyur, Iagdahyu, Jaju ur, Fangur, Kangur-South, Kanyabumari, Kansikal, Karimangar, Kamal, Karnavath, Phanmann now, Madhuranhakam, Madhotonangar, Malingan, Mangha, Mangdah, Alanded Cany Jagun, Sangur, Shahad, Shinonga, Sichar, Shapur, Solgonda, Namakidal, Nanded, Nandu Cany Jagun, Senda, Shahda, Shinonga, Sichar, Shapur, Solgonda, Naut, Tamburan, Tamkur, Ten miner, Sangli, Salara, Shahda, Shinonga, Sichar, Shapur, Solgonda, Suet, Tamburan, Tamkur, Ten m. For - anip E.e. Egitti Falle Ranga

All these are having a huge impact on housing, infrastructure and especially Centre's flagship affordable housing projects and hence all these projects are likely to get delayed. The cost over run would impact the centre's budget as well.

We once again request your kind intervention so that things can be corrected urgently. There is no reason for these steep hikes in construction material but for the greed with an aim to illegal and unethically profit from the misery of Covid pandemic.

As already brought out in our previous letter, you are leading an above board, transparent and very capable administration and you will not tolerate such dis honest means by these manufacturer of construction material.

Further to stop the migration of these labour back to their home town, vaccination is the only answer and we are waiting on a speedy implementation of your Vaccine policy. We request that you please take charge on this very important drive and only a centrally monitored roll out of vaccine in the shortest period can mitigate the current miserable time.

Also and as requested in our above referred letter, appointment of a regulator is the need of the hour. The regulator would help in monitoring the prices and all the other issues of the construction industry with an aim to help seamless growth of the construction industry.

We also seek an audience with your kind good self to explain more on the issues faced by the construction industry as such and also as how we can be of assistance in this difficult time of Covid 19 pandemic.

Looking forward to a positive step towards our sincere request.

Yours faithfully,

R.N Gupta President Builders Association of India Mob. 98100 11139





भारतीय प्रतिस्पर्धा आयोग

Competition Commission of India

No.Sectt.-2020/2021-22/102

Dated: 31st May, 2021

To

Sh. R N Gupta, President, Builders Association of India baidelhi16@gmail.com

Subject: Complaint against – Steep Hike in Prices of Construction Material- Fixation of Market Prices- reg.

Sir / Madam,

Please refer to your letter / E-mail No. Nil dated 22.05.2021 on the subject.

2. In this connection, I am to state that for the Commission to examine the matter, you may file an Information as envisaged in Section 19(1)(a) of the Competition Act, 2002 before the Commission as per the requirements and provisions contained in the Competition Commission of India (General) Regulations, 2009 (General Regulations). Specifically, Regulation 10(2) of the General Regulations provides as under:

'The information or reference referred to in sub-regulation (1) shall contain:

- a) a statement of facts;
- b) details of the alleged contraventions of the Act together with a list enlisting all documents, affidavits and evidence, as the case may be, in support of each of the alleged contraventions;
- c) a succinct narrative in support of the alleged contraventions;
- d) relief sought, if any;
- e) Details of litigation or dispute pending between the informant and parties before any court, tribunal, statutory authority or arbitrator in respect of the subject matter of information;
- f) Such other particulars as may be required by the Commission'.

3. Further, Regulation 10(3) of the General Regulations requires that ' The contents of the information or the reference mentioned under sub-regulations (1) and (2), alongwith the appendices and attachments thereto, shall be complete and duly verified by the person submitting it.'

4. You may also refer the provisions of the Competition Act, 2002 and Competition Commission of India (General) Regulations, 2009 which are available on the CCI's website <u>www.cci.gov.in</u>. An advocacy booklet "How to file information" is also available on the website, to guide filing Information / Reference before the Commission. For any further query, you may contact the undersigned at atdregistry@cci.gov.in.

Yours faithfully,

·· 31/05/2021

(Dasari Dharmarao) (Office Manager – Secretariat)

8th to 10th Floor, Office Block -1, Kidwai Nagar (East), New Delhi - 110023, India. Phone: + 91 - 11 - 24664100 Fax: + 91 - 11 - 20815022. Website: www.cci.gov.in

Item No. 4

No. P-31026/2/2019-CEMENT Government of India Ministry of Commerce and Industry Department for Promotion of Industry and Internal Trade

Udyog Bhawan, New Delhi –110011, Date: 12th July 2021

To,

As per list enclosed

Subject: - Reconstitution of Development Council for Cement Industry.

Sir,

In terms of the provisions contained in Section 6 of the Industries (Development & Regulation) Act, 1951, the Central Government has notified an Order S.O. 2710(E) dated 5th July 2021 in the Gazette of India, Extraordinary, Part II - Section 3- Sub-section (ii) for constitution of a Development Council for Cement Industry (DCCI) for a period of two years. A copy of the same is enclosed for information.

Encl. as above.

Yours faithfully

(Arun Kumar) Under Secretary to the Government of India Tel: 23063816

- 1. PS to JS(VK)
- 2. Secretary, Ministry of Urban Development & Poverty Alleviation, Nirman Bhawan, New Delhi 110 011
- 3. Secretary, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhavan, Jorbagh Road, New Delhi 110 003
- Executive Director, Traffic Transportation(s), Railway Board, Rail Bhavan, New Delhi 110 001
- Director General, National Council for Cement and Building Materials, 34 KM Stone, Delhi-Mathura Road, Ballabgarh 121 004 (Haryana)
- Director General, Bureau of Indian Standards, 9 Bahadur Shah Zafar Marg, New Delhi-110 002
- 7. The Director, Central Building Research Institute, Roorkee 247667, Uttarakhand
- The Director, Central Road Research Institute, Delhi-Mathura Road, P.O.CRRI, New Delhi 110 025
- 9. Shri Puneet Dalmia, Managing Director, Dalmia Bharat Group, Hansalaya Building, 11th floor, 15, Barakhamba Rd, New Delhi, Delhi 110001
- 10. Shri K C Jhanwar, Managing Director, UltraTech Cement Limited, Ahura Centre, 1st Floor, Mahakali Caves Road, Andheri (East), Mumbai 400 093
- 11. Shri H.M. Bangur, Managing Director, Shree Cement Ltd., Bangur Nagar, Distt Ajmer, Beawar, Rajasthan 305 901
- Shri Rakesh Singh, Executive President, The India Cements Limited, "Coromandel Towers", 93, Santhome High Road, Karpagam Avenue, Raja Annamalai Puram, Chennai 600 028
- Shri Pracheta Majumdar, Chief Executive Officer, Birla Corporation Limited, 2nd Floor, 1, Shakespeare Sarani, Kolkata – 700071
- Shri Madhavkrishna Singhania, Deputy Managing Director, J.K. Cement Ltd., Padam Tower, 19, DDA Community Centre, Okhla, Phase – I New Delhi – 110020
- 15. Shri Deepak Khetrapal, Managing Director and CEO, Orient Cement Ltd., 3rd Floor, Birla Tower, 25, Barakhamba Road, New Delhi 110001
- Shri P. Radhakrishnan, Whole-time Director & CEO, Kesoram Industries Ltd., HO No 613-616, Block III, White House, 6-3-1192/1/1, Kundanbagh, Begumpet, Hyderabad – 500016
- Shri Nilesh Narwekar, CEO, JSW Cement Ltd., JSW Centre, Opp MMRDA Ground, Bandra Kurla Complex, Bandra (E), Mumbai – 400051
- Shri Rajendra Chamaria, Vice Chairman & Managing Director, Star Cement Limited, 281 Deepali, Pitampura, Delhi -110034.
- Shri M. S. Gilotra, Managing Director, Saurashtra/Gujarat Sidhee Cement Ltd, Agrima Business Centre, 3rd Floor, N.K. Mehta International House, 178 Backbay Reclamation, Mumbai 400020
- President, Cement Manufacturers' Association (CMA), 7 Institutional Area, Vasant Kunj, Phase-II, New Delhi – 110070
- 21. President, Akhil Bhartiya Cement Mazdoor MahaSangh (BMS), Swastik Complex Tirupati Park-2, Jamnagar-361009,
- 22. Labour Commissioner, Andhra Pradesh, O/o Commissioner of Labour, Paturi's Pride, Papaiah Street X Roads, Seetharampuram, Vijayawada 520 002
- 23. Labour Commissioner, Rajasthan, Shram Bhawan, Shanti Nagar, Khatipura Road Hasanpura, Jaipur – 302006
- President, Confederation of Real Estate Developers Associations of India (CREDAI), 5th Floor, PHD House, 4/2 Siri Industrial area, August Kranti Marg, New Delhi. 110016
- 25. President, Builders' Association of India, G-1/G-20, Commerce Centre, J. Dadajee Road, Tardeo, Mumbai 400034

REGD. No. D. L.-33004/99



सी.जी.-डी.एल.-अ.-06072021-228127 CG-DL-E-06072021-228127

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित PUBLISHED BY AUTHORITY

सं.	2509]	नई दिल्ली, मंगलवार, जुलाई 6, 2021/आषाढ़ 15, 1943
No.	2509]	NEW DELHI, TUESDAY, JULY 6, 2021/ASHADHA 15, 1943

वाणिज्य और उद्योग मंत्रालय

(उद्योग संवर्धन और आंतरिक व्यापार विभाग)

आदेश

नई दिल्ली, 5 जुलाई, 2021

का.आ. 2710(अ).—केंद्र सरकार, विकास परिषद् (प्रक्रिया) नियमावली, 1952 के नियम 3, 4 और 5 के साथ पठित उद्योग (विकास और विनियमन) अधिनियम, 1951 (1951 का 65) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एतद्वारा सीमेंट उद्योग के लिए विकास परिषद् (डीसीसीआई) का गठन करती है तथा नीचे सूचीबद्ध व्यक्तियों को इस आदेश के सरकारी राजपत्र में प्रकाशित होने की तारीख से दो वर्ष की अवधि के लिए उक्त परिषद् का सदस्य नियुक्त करती है।

1. सीमेंट उद्योग के लिए विकास परिषद के लिए नियुक्त व्यक्तियों की सूची

- क. उद्योग (विकास और विनियमन) अधिनियम, 1951 (1951 का 65) की धारा 6 की उप-धारा 1 के खंड (क) के तहत नियुक्त सदस्य
- (1) श्री पुनीत डालमिया,

प्रबंधन निदेशक, डालमिया भारत समूह,

हंसालय भवन, 11वां तल,

15, बाराखंबा रोड, नई दिल्ली,

दिल्ली 110001

3729 GI/2021

(1)

- अध्यक्ष

2	THE GAZETTE OF INDIA : EXTRAORDINARY	[PART II—SEC. 3(ii)]
(2)	श्री के सी झंवर,	- सदस्य
	प्रबंधन निदेशक, अल्ट्राटेक सीमेंट लिमिटेड,	
	अहुरा सेंटर, पहला तल, महाकाली केव्स रोड,	
	अंधेरी (पूर्व), मुंबई - 400 093	
3)	श्री एच.एम. बांगुर ,	- सदस्य
	प्रबंधन निदेशक, श्री समेंट लिमिटेड	
	बांगर नगर, जिला अजमेर, बीवर,	
	राजस्थान 305 901	
)	श्री राकेश सिंह,	- सदस्य
	कार्यकारी अध्यक्ष, दि इंडियन सीमेंट्स लिमिटेड,	
	"कॉरमेंडल टावर्स", 93, सेंथोम हाई रोड,	
	करपागम एवेन्यू, राजा अन्नामलई पुरम,	
	चेन्नई 600 028	
5)	श्री प्रचेता मजूमदार,	- सदस्य
	मुख्य कार्यकारी अधिकारी, बिरला कॉर्पोरेशन लिमिटेड,	
	दूसरा तल, 1, शेक्सपीयर सरनी, कोलकाता – 700071	
6)	श्री माधवकृष्ण सिंघानिया,	- सदस्य
	उप प्रबंध निदेशक, जे.के.सीमेंट लिमिटेड	
	पदम टावर,19, डीडीए सामुदायिक केंद्र,	
	ओखला, फेज– I नई दिल्ली – 110020	
7)	श्री दीपक खेत्रपाल,	- सदस्य
	प्रबंध निदेशक और सीईओ,	
	ओरिएंट सीमेंट लिमिटेड, तीसरा तल,	
	बिड़ला टावर, 25, बाराखंबा रोड,	
	नई दिल्ली – 110001	
8)	श्री पी. राधाकृष्णन,	- सदस्य
	पूर्णकालीन निदेशक और सीईओ, केसाराम इंडस्ट्रीज लिमिटेड	
	एचओ नं. 613-616, ब्लॉक III, व्हाइट हाउस, 6-3-1192/1/1,	
	कुंदनबाग, बेगमपेट, हैदराबाद – 500016	
9)	श्री नीलेश नारवेकर,	- सदस्य
	सीईओ, जेएसडब्ल्यू सीमेंट लिमिटेड,	
	जेएसडब्ल्यू सेंटर, एमएमआरडीए ग्राउंड के सामने,	
	बांद्रा कुर्ला कॉम्प्लैक्स, बांद्रा (पूर्व),	
	मुंबई- 400051	

(10)	श्री राजेंद्र चमड़िया,	- सदस्य		
	उपाध्यक्ष और प्रबंधन निदेशक,			
	स्टार सीमेंट लिमिटेड,			
	281 दीपाली, पीतमपुरा			
	दिल्ली-110034.			
11)	श्री एम.एस.गिलोत्रा,	- सदस्य		
	प्रबंधन निदेशक, सौराष्ट्र/गुजरात सीधी सीमेंट लिमिटेड			
	अग्रिम बिजनेस सेंटर, तीसरा तल,			
	एन.के.मेहता इंटरनेशनल हाउस,			
	178 वैक-बे रिक्लेमेशन, मुंबई 400020			
г.	उद्योग (विकास और विनियमन) अधिनियम, 1951 (1951 का 65) की तहत नियुक्त सदस्य	धारा 6 की उप-धारा 1 के खंड (ख) के		
12)	महानिदेशक,	- सदस्य		
	राष्ट्रीय सीमेंट और भवन निर्माण सामग्री परिषद्,			
	34 केएम स्टोन, दिल्ली-मथुरा रोड,			
	बल्लभगढ़121 004 (हरियाणा)			
(13)	महानिदेशक,	- सदस्य		
	भारतीय मानक व्यूरो,			
	9 बहादुर शाह जफर मार्ग,			
	नई दिल्ली-110002			
(14)	निदेशक,	- सदस्य		
	केंद्रीय भवन अनुसंधान संस्थान,			
	रुड़की 247667, उत्तराखंड			
(15)	निदेशक,	- सदस्य		
	केंद्रीय सड़क अनुसंधान संस्थान,			
	दिल्ली-मथुरा रोड, पी.ओ. सीआरआरआई			
	नई दिल्ली 110 025			
(16)	सीमेंट मानुफकटुरर्स एसोसिएशन (सीएमए) के प्रतिनिधि,	- सदस्य		
	7 इंस्टीट्यूशनल एरिया, वसंत कुंज, फेज-II,			
	नई दिल्ली– 110070			
	उद्योग (विकास और विनियमन) अधिनियम, 1951 (1951 का 65) की तहत नियुक्त सदस्य	धारा 6 की उप-धारा 1 के खंड (ग) के		
17)	अध्यक्ष,	- सदस्य		
	अखिल भारतीय सीमेंट मजदूर महासंघ (बीएमएस),			

[भाग II—खण्ड 3(ii)]

भारत का राजपत्र : असाधारण

- सदस्य

5

(25) नामिति, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय इंदिरा पर्यावरण भवन, जोरबाग रोड नई दिल्ली- 110 003

2. सीमेंट उद्योग के लिए विकास परिषद् के कार्य:

- अपशिष्ट पदार्थों को नष्ट करने, अधिकतम उत्पादन प्राप्त करने, गुणवत्ता में सुधार और लागत को कम करने के मद्देनजर दक्षता के मानदंडों का सुझाव देना।
- (ii) स्थापित क्षमता का पूरा उपयोग करने और उद्योग, विशेष रूप से कम कुशल इकाइयों, के कामकाज में सुधार के लिए उपायों की सिफारिश करना।
- (iii) उत्पादों के मानकीकरण को बढ़ावा देना।
- (iv) नई सामग्री, उपकरण और विधियों की खोज और विकास और पहले से उपयोग में आने वाले तरीकों के सुधारों सहित सामग्रियों और उपकरणों तथा उत्पादन, प्रबंधन और श्रम उपयोग के तरीकों के संबंध में जांच संवर्धन तथा जांच शुरु करना, विभिन्न विकल्पों के फायदों का मूल्यांकन और व्यावसायिक स्तर पर प्रयोगात्मक प्रतिष्ठानों और परीक्षणों का संचालन।
- (v) उद्योग में कार्यरत अथवा प्रस्तावित व्यक्तियों के प्रशिक्षण और तकनीकी या इसके संगत कलात्मक विषयों में उनके शिक्षण को प्रोत्साहित करना।
- (vi) उद्योग से जुड़े या छंटनी किए गए कर्मियों के वैकल्पिक व्यवसायों में बने रहने को बढ़ावा देना।
- (vii) वैज्ञानिक और औद्योगिक अनुसंधान, औद्योगिक मनोविज्ञान को प्रभावित करने वाले मामलों पर अनुसंधान और उद्योग द्वारा आपूर्ति की गई वस्तुओं एवं सेवाओं के उपयोग या उपभोग तथा उत्पादन से संबंधित मामलों में अनुसंधान को बढ़ावा देना या शुरु करना।
- (viii) लेखांकन और लागत विधियों एवं अभ्यास संबंधी सुधारों तथा मानकीकरण को बढ़ावा देना।
- (ix) लघु और कुटीर उद्योगों को प्रोत्साहित करने के मद्देनजर, उत्पादन के चरणों तथा प्रक्रियाओं के विकेन्द्रीकरण की संभावनाओं का पता लगाना।
- (x) श्रमिकों के लिए बेहतर सुविधाओं तथा प्रोत्साहनों के प्रावधान एवं सुरक्षित और बेहतर कामकाजी परिस्थितियों को सुनिश्चित करने के उपायों सहित श्रमिकों की उत्पादकता बढ़ाने के उपायों को अपनाने को प्रोत्साहित करना।
- (xi) उद्योग से संबंधित किसी भी मामले (वेतन और रोजगार की शर्तों के अलावा) पर सलाह देना जिसका केंद्र सरकार विकास परिषद् से सलाह के लिए अनुरोध करे और विकास परिषद् को सलाह के लिए सक्षम बनाने के प्रयोजन से जांच करना।

3. सीमेंट उद्योग के लिए विकास परिषद् का उपर्युक्त गठन, इस शर्त के अध्यधीन है कि यह न्यायालयों एवं भारतीय प्रतिस्पर्धा आयोग (सीसीआई) और अन्य शीर्ष न्यायिक निकायों के किसी आदेश के प्रतिकूल नहीं होगा।

[फा.सं. पी-31026/2/2019-सीमेंट]

वंदना कुमार, संयुक्त सचिव

THE GAZETTE OF INDIA : EXTRAORDINARY

MINISTRY OF COMMERCE AND INDUSTRY

(Department for Promotion of Industry and Internal Trade)

ORDER

New Delhi, the 5th July, 2021

S.O 2710(E).—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), read with rules 3, 4 and 5 of the Development Councils (Procedural) Rules, 1952, the Central Government hereby establishes a Development Council for Cement Industry (DCCI) and appoints the persons as listed below to be the Members of the said Council, for a period of two years with effect from the date of publication of this Order in the Official Gazette.

1. List of persons appointed for Development Council for Cement Industry:

6

А.	Members appointed under clause (a) of sub-Section (i) of section 6 or Regulation) Act, 1951 (65 of 1951).	ection 6 of the Industries (Development and	
(1)	Shri Puneet Dalmia,	- Chairman	
	Managing Director, Dalmia Bharat Group		

	Managing Director, Dalmia Bharat Group,	
	Hansalaya Building, 11th floor,	
	15, Barakhamba Rd, New Delhi,	
	Delhi 110001	
(2)	Shri K. C. Jhanwar,	- Member
	Managing Director, UltraTech Cement Limited,	
	Ahura Centre, 1st Floor, Mahakali Caves Road,	
	Andheri (East), Mumbai 400 093	
(3)	Shri H.M. Bangur,	- Member
	Managing Director, Shree Cement Ltd.	
	Bangur Nagar, Distt Ajmer, Beawar,	
	Rajasthan 305 901	
(4)	Shri Rakesh Singh,	- Member
	Executive President, The India Cements Limited,	
	"Coromandel Towers", 93, Santhome High Road,	
	Karpagam Avenue, Raja Annamalai Puram,	
	Chennai 600 028	
(5)	Shri Pracheta Majumdar,	- Member
	Chief Executive Officer, Birla Corporation Limited,	
	2nd Floor, 1, Shakespeare Sarani, Kolkata – 700071	
(6)	Shri Madhavkrishna Singhania,	- Member
	Deputy Managing Director, J.K. Cement Ltd.	
	Padam Tower, 19, DDA Community Centre,	
	Okhla, Phase – I New Delhi – 110020	
(7)	Shri Deepak Khetrapal,	- Member
	Managing Director and CEO,	
	Orient Cement Ltd., 3rd Floor,	
	Birla Tower, 25, Barakhamba Road,	
	New Delhi – 110001	

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(0)		
(8)	Shri P. Radhakrishnan,	- Member
	Whole-time Director & CEO, Kesoram Industries Ltd.	
	HO No 613-616, Block III, White House, 6-3-1192/1/1,	
	Kundanbagh, Begumpet, Hyderabad – 500016	
(9)	Shri Nilesh Narwekar,	- Member
	CEO, JSW Cement Ltd.,	
	JSW Centre, Opp MMRDA Ground,	
	Bandra Kurla Complex, Bandra (E),	
	Mumbai – 400051	
(10)	Shri Rajendra Chamaria,	- Member
	Vice Chairman & Managing Director,	
	Star Cement Limited,	
	281 Deepali, Pitampura	
	Delhi -110034.	
(11)	Shri M. S. Gilotra,	- Member
	Managing Director, Saurashtra/Gujarat Sidhee Cement Ltd	
	Agrima Business Centre, 3rd Floor,	
	N.K. Mehta International House,	
	178 Backbay Reclamation, Mumbai 400020	
В.	Members appointed under clause (b) of sub-section 1 of section 6 of the In Regulation) Act, 1951 (65 of 1951).	ndustries (Development an
(12)	Director General,	- Member
	National Council for Cement and Building Materials,	
	34 KM Stone, Delhi-Mathura Road,	
	Ballabgarh 121 004 (Haryana)	
(13)	Director General,	- Member
	Bureau of Indian Standards,	
	9 Bahadur Shah Zafar Marg,	
	New Delhi-110002	
(14)	The Director,	- Member
	Central Building Research Institute,	
	Roorkee 247667, Uttarakhand	
(15)	The Director,	- Member
	Central Road Research Institute,	
	Delhi-Mathura Road, P.O.CRRI	
	New Delhi 110 025	
(16)	Representative of Cement Manufacturers' Association (CMA),	- Member
	7 Institutional Area, Vasant Kunj, Phase-II,	

3	THE GAZETTE OF INDIA : EXTRAORDINARY	[PART II—SEC. 3(ii)]	
2.	Members appointed under clause (c) of sub-section 1 of section 6 of the Industries (Development as Regulation) Act, 1951 (65 of 1951).		
(17)	President,	- Member	
	Akhil Bhartiya Cement Mazdoor MahaSangh (BMS),		
	Swastik Complex Tirupati Park-2,		
	Jamnagar-361009,		
(18)	Labour Commissioner,	- Member	
	Andhra Pradesh,		
	O/o Commissioner of Labour, Paturi's Pride,		
	Papaiah Street X Roads, Seetharampuram,		
	Vijayawada – 520 002		
(19)	Labour Commissioner,	- Member	
	Rajasthan,		
	Shram Bhawan, Shanti Nagar,		
	Khatipura Road Hasanpura,		
	Jaipur – 302006		
).	Members appointed under clause (d) of sub-section 1 of section 6 of the Ind Regulation) Act, 1951 (65 of 1951).	lustries (Development and	
20)	President,	- Member	
	Confederation of Real Estate Developers Associations of India (CREDAI),		
	5th Floor, PHD House, 4/2 Siri Industrial area,		
	August Kranti Marg, New Delhi. 110016		
(21)	President,	- Member	
	Builders' Association of India,		
	G-1/G-20, Commerce Centre,		
	J. Dadajee Road, Tardeo,		
	Mumbai 400034		
Ε.	Ex-officio members from Department for Promotion of Industry and Internal Trade and other government departments.		
22)	Additional Secretary/Joint Secretary (Cement)	- Member	
	Department for Promotion of Industry and Internal Trade,		
	Ministry of Commerce & Industry,		
	Udyog Bhawan, New Delhi 110 011		
(23)	Executive Director,	- Member	
	Traffic Transportation(s),		
	Railway Board, Rail Bhavan, New Delhi 110 001		
(24)	Nominee,	- Member	
	Ministry of Urban Development & Poverty Alleviation,		
	Nirman Bhawan, New Delhi		

(25) Nominee,

- Member

9

Ministry of Environment, Forest and Climate Change

Indira Paryavaran Bhavan, Jorbagh Road

New Delhi - 110 003

2. Functions of the Development Council for Cement Industry:-

- Suggesting norms of efficiency with a view to eliminating waste, obtaining maximum production, improving quality and reducing costs;
- (ii) Recommending measures for securing the fuller utilization of the installed capacity and for improving the working of the industry, particularly of the less efficient units;
- (iii) Promoting standardization of products;
- (iv) Promoting or undertaking inquiry as to materials and equipment and as to methods of production, management and labour utilization, including the discovery and development of new materials, equipment and methods and of improvements in those already in use, the assessment of the advantages of different alternatives and the conduct of experimental establishments and of tests on a commercial scale;
- Promoting the training of persons engaged or proposing engagement in the industry and their education in technical or artistic subjects relevant thereto;
- (vi) Promoting the retaining in alternative occupations of personnel engaged in or retrenched from the industry;
- (vii) Promoting or undertaking scientific and industrial research, research into matters affecting industrial psychology and research into matters relating to production and to the consumption or use of goods and services supplied by the industry;
- (viii) Promoting improvements and standardization of accounting and costing methods and practice;
- (ix) Investigating possibilities of decentralizing stages and processes of production with a view to encouraging the growth of allied small scale and cottage industries;
- (x) Promoting the adoption of measures for increasing the productivity of labour, including measures for securing safer and better working conditions and the provision and improvement of amenities and incentives for workers; and
- (xi) Advising on any matters relating to the industry (other than remuneration and conditions of employment as to which the Central Government may request the Development Council to advice and undertaking inquiries for the purpose of enabling the Development Council so to advise.

III. The Constitution of Development Council for Cement Industry is subject to condition that it will not contravene any orders of the Hon'ble Courts or Competition Commission of India (CCI) and other Apex Judicial Bodies.

[F. No. P-31026/2/2019-CEMENT] VANDANA KUMAR, Jt. Secy.

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D anantlaw Solicitors & Advocates

Note on Cement Cartel matters

A. Participate in 2019 cement cartel matter

Builders Association of India (BAI) shall file an application before the Competition Commission of India (CCI) to join proceedings in the ongoing cement cartel investigation. Immediate Past President has already recorded his statements before the DG, CCI.

The matter was initiated on a suo-moto basis by the CCI on receipt of letter written by the BAI to the PMO.

With formal participation, BAI shall be able to lead arguments in the matter and crossexamine witnesses, as and when required.

B. File fresh information with respect to cement cartelization before the CCI

BAI shall file a fresh information with the CCI with respect to cement cartelization. The information shall be prepared after analyzing the data (supply, production, demand etc) for each of the zones. This will be an exhaustive exercise and will require 2-4 months before the information can be filed with the CCI.

C. Engagement of Economic Consultant

In order to file fresh information (cement cartel), BAI shall separately engage an Economic Consultant, which shall help in collection and representation of the data. The reduced cost towards engagement of such economic consultant shall be around INR 2 lacs.

Cement Matter

Brief Summary of Cement Cartel Case

Builders Association of India (BAI) filed a complaint with the **Monopoly & Restrictive Trade Practice Commission** (**MRTPC Commission**) in February 2006 with regard to involvement of cement manufacturers in unfair trade practices / cartelization and requested the Commission to investigate the matter. Later on Commission sought some more information in support of complaint which were made available to them in November 2006. MRTPC registered the complaint vide case **RTPE-52/2006**. Consequent upon coming into existence **Competition Commission of India (CCI)** in the year 2009, the case was transferred to **CCI**.

In July 2010, BAI filed another complaint with the CCI alleging unfair trade practices being adopted by the Cement manufacturing companies in jacking up artificially the price of cement. CCI registered the complaint as Case No.29/2010 and investigated the matter. The Director General (Investigation) investigated the matter and submitted his report to CCI. CCI forwarded the investigation report to the respective companies and directed them to file their replies / objections with the findings of the DG(I). The case was heard by CCI on 21st, 22nd & 23rd February 2012. CCI passed the order dated 20th June 2012, declaring 10 cement companies along with Cement Manufacturers Association indulging into unfair trade practices and ordered to deposit Rs.6307.32 Crore, as penalty within 90 days from the date of the order and directed companies to "Cease and Desist" from indulging in such activities in future

CCI by its order dated 30th July 2012, in the case of **RPTE-52/2006**, found 12 cement companies to be indulging into unfair trade practice. Since penalties were already imposed on 11 companies including CMA other than Shree Cement Ltd. in Complaint No.29/2010, a penalty of **Rs.397.51 Crore** was levied on **Shree Cement Ltd.** with **"Cease & Desist"** order for not indulging in such practice, in future.

All the cement companies, aggrieved with the orders of CCI, approached to Competition Appellate Tribunal to seek a stay on deposit of the penalty amount and for setting aside the orders of "Cease & Desist" in June / July 2012.

On 17th May 2013, the Competition Appellate Tribunal passed the interim order of depositing 10% of the penalty amount imposed by the Commission (relevant portion of the order is given below)

"In that view, we find that there is a prima-facie case for granting of stay at least in respect of the penalties, which are of very substantial nature. The total penalties would come in the range of Rs.6000 crores. While inflicting the penalties, the CCI has also taken into consideration, not only the 10% turnover, gross-turnover and other factors,

it has also taken into consideration the net profits earned by these appellants, which are to say the least fabulous. The Commission has chosen to impose the penalty at 0.5 times of the net profit for 2009-10 that too from 20th of May, 2009. It is pointed out by the Commission that the amount of 3 times of net profit calculated, is higher than 10% of the average turnover. In that view, the Commission has inflicted the penalties of 0.5 times of the net profit for one year that is from 2009 to 2010 that too taking from 20th May, 2009 and 2010-11. Under such circumstances, we would chose to grant stay to the penalties, however with a condition that the appellants deposit 10% of the penalties inflicted. We make it clear that the deposit of the penalty should be within one month from today. We also make it clear that if the penalties are not so deposited, the appeal shall be treated as dismissed without further reference to the Court.

Thereafter, all the cement companies approached the Supreme Court of India for seeking stay on the orders of the Tribunal dated 17th May 2013 to deposit 10% of penalty amount imposed by the Commission, The matter was heard in detail on 12th June 2013 but the Hon'ble Court refused to intervene in to the interim orders but extended the last date of deposit of the penalty amount from 16th June 2013 to 24th June 2013 with the directions that the amount of penalty may be kept in the form of Fixed Deposits in the separate accounts of the each company

The matter was argued in detail on the technicalities, in the Tribunal in October / November 2015 and the Tribunal in its order dated 11th December 2015, allowed the appeals and remanded the orders of the Commission for passing fresh orders. The relevant portion of the orders are reproduced below :-

98. In the result, the appeals are allowed. The impugned order is set aside and the matter is remitted to the Commission for fresh adjudication of the issues relating to alleged violation of Sections 3(3)(a) and 3(3)(b) read with Section 3(1) of the Act by the appellants. The appellant shall be entitled to withdraw the amount deposited by them in compliance of the interim order passed by the Tribunal.

99. The Commission shall hear the advocates/ representatives of the appellants and BAI and pass fresh order in accordance with law. We hope and trust that the Commission shall pass fresh order as early as possible but within a period of three months from the date, which may be notified after receipt of this order.

100. The parties shall be free to advance all legally permissible arguments. They may rely upon the documents, which formed part of the record of the Jt. DG or which may have been filed by them before the commencement of hearing on 21.02.2012. The parties shall

also be free to press the applications already filed before the Commission. However, no application, which may be filed hereinafter for cross-examination of the persons, whose statements were recorded by the Jt. DG or for any other purpose shall be entertained by the Commission.

The CCI, in its meeting held on 17^{th} December 2015, discussed the orders passed by the Tribunal on 11.12.2015 and in accordance with the directions contained at Para No.99, listed the matter for final hearings from 19^{th} Jan to 21st Jan 2016, as conveyed vide CCI Letter No.1(29)/2010Sectt & 1/RTPENo.52)/2006/Sectt dated 11.01.2016. Since the arguments could not be completed in three days as scheduled, CCI allowed the arguments to continue on 22^{nd} January 2016 which was kept reserved day for continuing the arguments in case the arguments are not completed in 3 days.

The Competition Commission of India passed fresh orders on **31.08.2016 and found cement companies of guilty of acting in concert and involved in the cartel.** The Commission kept the amount of penalty, same for all the companies, as imposed on them in its earlier order in the year **2012** and directed them to deposit the penalty amount within 60 days from the date of order.

The Cement companies started filing appeal in **Competition Appellate Tribunal** against the order of CCI dated 31.08.2016. The Tribunal directed all the cement companies to deposit 10% of amount of penalty imposed by the CCI before their appeals are taken up for consideration. Accordingly, the cement companies deposited the 10% of the amount of penalty amount as reflected in the orders of the CCI.

Arguments started in the Tribunal from 8th March 2017. As agreed by all the cement companies except M/s. Shree Cement Ltd., the issue of Ambuja Cements Limited in Appeal No.61/2016 will be treated as lead case and other companies will be argue the matter before the Tribunal, if required, only on specific point which have not been covered in the arguments made by the counsel of M/s. Ambuja Cement Ltd.

M/s. Shree Cement Ltd. argue the matter separately.

The matter was again listed for hearing on 11th, 12th & 13th April 2017. When the proceedings in the Tribunal begin, Shri T. Srinivasa Murthy, learned counsel for M/s. Ramco Cements Limited (Appeal Nos. 54 and 64 of 2016) informed the Tribunal that in Civil Appeal Nos. 4300-4301 of 2017, the Hon'ble Supreme Court has stayed further proceedings till the next date of hearing i.e. 2nd May, 2017.

Since the appeal came out of the case which was part of the bunch matters filed against the impugned order dated 31.08.2016 of the Competition Commission of India, the Tribunal consider it appropriate that all the cases led by Ambuja Cement Limited were adjourned for 4 th May, 2017 for further directions. Government of India closed Competition Appellate Tribunal and all the matters pending for decisions in the Competiton Appelate Tribunal were transferred to **National Company Law Appellate Tribunal (NCLAT).**

Bunch of cement appeals that were being heared in the Competition Appellate Tribunal came up for hearing in the **NCLAT** on 12th July 2017. Due to paucity of time the appeals could not be heard by the Hon'ble NCLAT and the appeals were fixed for final arguments on 3rd, 4th & 5th August 2017, at the request of the Senior Counsels.

It was pleaded before bench that the leading case in the matter will be of Ambuja Cement Limited and other companies will plead / make their submissions before the bench where there is difference and / or company specific matter. **Mr. C.A. Sundaram**, learned Senior Counsel appearing on behalf of **Ambuja Cement Limited** argued the matter on 3rd August, 4th August & 8th August 2017 and concluded his arguments on 8th August. Cousels appearing on behalf of other companies argued the matter on 9th & 10th August 2017. All the appellant completed their arguments / submissions on 10th August 2017.

Shri Salman Khurshid, Senior Advocate assisted by Shri Vaibhav Gaggar and others, appearing on behalf of **Competition Compitition of India**, argued the matter on 23rd August, 24th August and 31st August 2017 (on 3 days) and also replied to the objections / queries raised by the counsels of cement companies & CMA. He completed his arguments on 31st August 2017.

Shri C.A. Sundaram on behalf of Ambuja Cement Ltd. Learned counsel appearing on behalf of the other appellants further argued the matter on 19th September 2017 and 5th October 2017. The Tribunal was going to reserve the judgment on 5th October 2017 itself but Shri Vaibhav Gaggar appearing for CCI requested for 10 minutes time on next hearing for Shri Salman Khurshid for which the Chairman agreed and matter was posted for 11th October 2017 with the directions that Parties may file their respective written submissions by the next date.

On 11th October 2017 Shri Salman Khurshid did argued the matter for a brief time. Some of the Appellants filed their written submissions by 11th October 2017 which were kept on record. Tribunal further noted that hearing has already been concluded and reserved the judgment. Chairperson further ordered that Learned counsel for the Respondents, if so choose may file short written submissions by 16th October, 2017 of not more than three pages.

Finally the NCLAT have pronounced the order on 25th July 2018. The Tribunal Bench comprising of Justice **S.J. Mukhopadhaya - Chairperson and Mr. Balvinder Singh** - **Member (Technical)** have found the cement companies guilty of cartelization and upheld the amount of penalty. Last two paras of the orders about of the penalty and merit of the appeals are reproduced :-

- 109. So far as the quantum of penalty order is concerned, as we find that the Commission has imposed mere minimum penalty, no interference is called for against the same.
- 110. We find no merit in these appeals. They are accordingly dismissed. All Interlocutory Applications filed in these appeals stand disposed of. No costs.

All the affected Cement Manufacturers by the Order of National Company Law Appellate Tribunal (NCLAT), on 25th July 2018, imposing penalty of Rs.6,307 Crore, have now filed their Appeal before the Hon'ble Supreme Court of India and matter is pending before the Hon'ble Supreme court of India.

Builders' Association of India being the original complainant, who filed the complaint in the MRTP in the year 2006 and in Competition Commission of India in the year 2010 will be required to defend the case the in Supreme Court of India alongwith the CCI. After meeting all the procedural requirements and filing of the appeals / counters, the matter will be listed for hearing / arguments etc. shortly.

It is needless to state here that because of BAI been fighting the issue of malpractice / unfair trade practices in hiking the price of cement and the companies indulging in cartelization for more than two decades and following it at the appropriate level, the cement companies are playing at the back-foot with regard to price increase. The situation is under a bit control because of the efforts of this august body of the fellow contractors fraternity only.

Appeals filed by the Cement Company's are listed for hearing before the Supreme Court (Court No. 8, Justice Nariman and Justice Indu Malhotra as item 27) on 28th Septmebr 2018 for admission. The matter was admitted on 5th October 2018 by Mr. Justice R. F. Nariman and Mr. Justice Navin Sinha with 10% deposit of Penalty with Hon'ble Supreme Court.

For benefit our members, we give below proceedings on 5th October 2018 held at Hon'ble Supreme Court.

Appeals filed by all cement companies against NCLAT's order were listed before the Court No. 8 for hearing on 5 October 2018. The appeals were tagged and were listed at item 16. India Cements appeal was listed as lead matter and as soon as item 16 was called Mr. Kapil Sibal (Senior Advocate) appeared for India Cements. Competition Commission of India (CCI) was also represented by Mr. Salman Khurshid (Senior Advocate). Mr. Sibal started his arguments by saying that the CCI has not taken into consideration various parameters under section 19(4) of the Competition Act and CCI has not divided the markets appropriately. Mr. Justice Nariman, immediately said therefore we are required to admit the matter, so that we can hear you in detail. He also made a passing remark that there are two adverse orders against you (cement companies). He then enquired, was any interim relief granted to cement companies by the Appellate Court? Mr. Sibal mentioned that a stay was granted by the NCLAT/ COMPAT by depositing 10% penalty amount through FDR. Mr. Justice Nariman granted cement companies an interim stay on the same terms as granted by NCLAT earlier. At this stage, Mr. Salman Khurshid (Senior Advocate for CCI) mentioned that he has no problem in the stay being granted (in a statutory appeal) - however, let the cement companies deposit the entire amount of penalty (as in DLF case earlier). Mr. Justice Nariman asked CCI to file an application for seeking deposit of entire penalty amount - enumerating the principles adopted by Hon'ble Supreme Court in DLF matter. Mr. Justice Nariman stated that he will look at the application and then decide on deposit of the penalty amount.

The matter was came up for hearing on 7th Decemebr 2018 and adjourned to 14th February 2019.

On 14th February 2019 the Register Court has passed the following order.

ITEM NO.45

REGISTRAR COURT. 1

SECTION XVII

S U P R E M E C O U R T O F I N D I A RECORD OF PROCEEDINGS BEFORE THE REGISTRAR ANIL LAXMAN PANSARE Civil Appeal No(s). 9410-9411/2018 THE INDIA CEMENTS LTD. Appellant(s) VERSUS COMPETITION COMMISSION OF INDIA & ORS. Respondent(s)

WITH C.A. No. 9744/2018 (XVII) (FOR ADMISSION and IA No.136086/2018-STAY APPLICATION) C.A. No. 9534-9535/2018 (XVII) (FOR ADMISSION and IA No.133083/2018-EX-PARTE STAY and IA No.133084/2018-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS) C.A. No. 9734-9735/2018 (XVII) (IA No.136013/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.136014/ 2018-STAY APPLICATION)

C.A. No. 9538-9539/2018 (XVII) (FOR ADMISSION and IA No.133516/2018-EX-PARTE STAY and IA No.133520/2018-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS and IA No.135688/2018-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS)

C.A. No. 9555-9556/2018 (XVII) (FOR ADMISSION and IA No.134434/2018-EX-PARTE STAY and IA No.134433/2018-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS and IA No.134979/2018-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS)

C.A. No. 9851/2018 (XVII) (FOR ADMISSION and I.R. and IA No.137930/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.137928/2018-STAY APPLICATION)

C.A. No. 9864/2018 (XVII) (FOR ADMISSION and IA No.138179/2018-EX-PARTE STAY and IA

No.139701/2018-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS and IA No.139703/2018-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS and IA No.139705/2018-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS and IA No.138180/2018-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS and IA No.139712/2018-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS and IA No.139678/2018-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS and IA No.139716/2018-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS and IA No.139684/2018-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS and IA No.139720/2018-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS and IA No.139688/2018-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS and IA No.139734/2018-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS and IA No.139698/2018-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS) C.A. No. 9763/2018 (XVII)

(FOR ADMISSION and IA No.136411/2018-GRANT OF INTERIM RELIEF) C.A. No. 9826/2018 (XVII) (FOR ADMISSION)

C.A. No. 9882-9883/2018 (XVII)

(FOR ADMISSION and IA No.138895/2018-EX-PARTE STAY and IA No.140567/2018-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS [TO BE TAKEN UP ALONGWITH ITEM NO. 16 I.E. C.A.NO.9410-9411/2018])

C.A. No. 1281-1282/2019 (XVII)

(FOR ADMISSION and I.R. and IA No.183973/2018 -EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.183972/2018-STAY APPLICATION and IA No.183969/2018-CONDONATION OF DELAY IN FILING APPEAL and IA No.183971/2018-CONDONATION OF DELAY IN REFILING)

Date : 14-02-2019 These appeals were called on for hearing today.

For Appellant(s)

Mr. Aayush Agarwala, Adv. Mr. Pramod B. Agarwala, AOR Ms. Neha Agarwal, Adv. Mr. Gautam Chawla, Adv. Mr. E. C. Agrawala, AOR Mr. Shrey Patnaik, Adv. Mr. Aditya Verma, AOR Mr. Venkita Subramoniam T.r, AOR Ms. Shruti Iyer, Adv. Mr. T. Srinivasa Murthy, Adv. Mr. Senthil Jagadeesan, AOR Ms. Tanya Chaudhry, Adv. M/S. Parekh & Co., AOR Ms. Jannavi Sindhu, Adv. Ms. Shruti Narayan, Adv. Mr. Shadan Farasat, AOR Mr. Praveen Kumar, AOR Mr. Abhinav Raghuvanshi, Adv. Mr. Prateek Tewari, Adv. Mr. Piyush Upadhyay, Adv. Mr. D. K. Devesh, AOR Mr. Chandramauli Dwivedi, Adv. Mr. Abhay Kumar, AOR

For Respondent(s)

Mr. M.P. Srivignesh, Adv. Mr. B. Mathews, Adv. Ms. Sarah Shaji, Adv. Mr. Raju John, Adv. Mr. Shaji Sebastian, Adv. Mr. Jose Abraham, AOR Mr. Tushar Singh, AOR

UPON hearing the counsel the Court made the following

Spare copies have not been in respect of the unserved respondents. Ld. Counsel for the petitioner requested for two weeks' time for filing spare copies in all the matters. Strictly last opportunity is granted for filing spare copies within two weeks, as prayed for. Ld. Counsel for the petitioner to take fresh steps for service of the unserved respondents in all the matters mentioned in the office report within two weeks. Ld. Counsels appearing for the served respondents for the first time are granted four weeks' time for filing counter affidavit. Ld. Counsels who are already appearing for the served respondents are granted four weeks' time, as last opportunity, for filing counter affidavit. List again on 9.4.2019.

ANIL LAXMAN PANSARE Registrar

On 14th March 2019, BAI have filled Counter Affidavit before the Hon'ble Supreme Court of India.

The matter has then adjourned on to 9th April 2019 and 19th August 2019.

Due to Covid Pendamic situation the apeal is pending before the Hon'ble Supreme Court of India for hearing.

Labour Law Matters

(i) ESIC Matter – BAI's efforts pays off.....

On 31st July 2015, the ESIC Department issued a Circular covering the construction site workers in the provisions of ESIC Act from 1st August 2015. Immediately on this, BAI swung into action by filing Writ Petitions at various High Courts. As of now on ESIC matter, BAI have Stay Orders at the Hon'ble High Courts at Madurai, Hyderabad, Gujarat, Karnataka, Allahabad, Delhi and Rajasthan.

In the meantime, Confederation of Real Estate Developers Association of India (CREDAI) filed a Writ Petition on ESIC before a Double Bench of Goa Bench of Bombay High Court and it was dismissed by the Bench making it compulsory for construction site workers also covered in the ESIC Scheme. As CREDAI did not filed a Review Petition on the matter, BAI's various Stay Orders pending on ESIC matter at different Hon'ble High Courts, were to be vacated by the ESIC Department insistence on following the precedent of the Double Bench decision of Bombay High Court. To avoid this serious situation, on the advice of Senior Advocate, Shri Gopal Jain, BAI filed **Special Leave Petition (SLP) 13351/2018**, as an aggrieved party' before the Hon'ble Supreme Court. This matter admitted by the Hon'ble Supreme Court of India on 7th May 2018 and ordered notices to be issued to the Respondents (ESIC Department).

It was a very big day for Builders' Association of India in the Supreme Court. On 6th July 2018, Supreme Court of India heard the arguments and passed a Stay Order on the orders of the Bombay High Court at Goa dated 14th March 2017 passed in W.P.No.846 of 2016 as well as the Circular dated 31st July 2015 of the Employees State Insurance Corporation until further orders. The stay order of Supreme was a big relief for the contractor fraternity and forced the ESIC to issue Circular No.T.11/13/11/03/ 2015 Rev.II dated 26.09.2018 to All RDs/Directors/JD Incharge/Regional Office/SROd/DO, on the subject of Extension of ESI Scheme to Construction Site Workers and clarifying the positions to all officials responsible for extension of ESI Scheme "that no ESI contribution may be collected from the construction site workers and from their employers during the period of stay order by Hon'ble Supreme Court and also no benefits could be extended to such workers during the corresponding benefit period."

Copy of the Stay Order issued by the Hon'ble Supreme Court of India and ESIC Circular are given hereunder :

ITEM NO.59 COURT NO.2 SECTION IX

S U P R E M E C O U R T O F I N D I A RECORD OF PROCEEDINGS

PETITION(S) FOR SPECIAL LEAVE TO APPEAL (C) NO(S). 13351/2018 (ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 14-03-2017 IN WP NO. 846/2016 PASSED BY THE HIGH COURT OF JUDICATURE AT BOMBAY AT GOA)

BUILDERS ASSOCIATION OF INDIA PETITIONER(S) VERSUS

THE EMPLOYEES STATE INSURANCE CORPORATION & ORS. RESPONDENT(S)

Date : 06-07-2018 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE RANJAN GOGOI HON'BLE MR. JUSTICE S. ABDUL NAZEER

For Petitioner(s) Mr. Gopal Jain, Sr. Adv. Mr. Jose Abraham, AOR Ms. Prashanti, Adv. Mr. M.P. Srivignesh, Adv. Mr. B. Mathews, Adv. Ms. Neema Noor Mohamed, Adv.

For Respondent(s) Mr. Rajeev Shukla, Adv. Ms. Shivani Kapoor, Adv. Mr. Lakshay Mangla, Adv. Mr. Prakash Ranjan Nayak, AOR UPON hearing the counsel the Court made the following

O R D E R

Upon hearing the learned counsels for the parties and taking into account the orders passed by several High Courts in respect of the same subject matter, we are of the view that an interim order would be justified in the facts of the present case. Accordingly, the order of the Bombay High Court at Goa dated 14th March 2017 passed in W.P. No. 846 of 2016 as also the Circular dated 31st July, 2015 of the Employees State Insurance Corporation shall remain stayed until further orders.

[VINOD LAKHINA]

[ASHA SONI]

AR-cum-PS

BRANCH OFF

EMPLOYEES STATE INSURANCE CORPORATION PANCHDEEP BHAWAN, C.I.G. ROAD NEW DELHI - 110 002 Ph : (011) 23234092

ESIC...Chinta se Mukti

No.T.11/13/11/03/2015 Rev.H

Dated : 26.09.2018

To,

All RDs/Director/JD Incharge Regional Office/SROs, /DO Sub: Extension of the EST Scheme to Construction Site Workers-reg.

Sir,

ESIC vide its Order dt.31.07.2015 had issued instructions regarding extension of EST Scheme to construction site workers through which site workers of construction companies were also to be covered under ESI Scheme.

CREDAI and Several Builders filed Writ Petition No.846 of 2016 in the High. Court of Bombay at Goa challenging ESIC order dated 31.07.2015. The Hon'ble High Court dismissed the writ petition of CREDAI and others vide its order dated 14.03.2017

The Builder Association of India challenged the extension of ESI Scheme to construction site workers before Hon'ble Supreme Court of India vide SLP No.13351/2018.

Hon'ble Supreme Court of India vide its order dt.06.07.2018 has ordered that "an interim order would be justified in the facts of the present case. Accordingly, the order of the Bombay High Court at Goa dated 14th March 2017 passed in W.P. No. 846 of 2016 as also the Circular dated 31' July, 2015 of the ESIC shall remain stayed until further orders."

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Consequently, references have been received on the following points:

During the stay period whether ESIC contribution may be collected or not in respect of construction site workers.

During this period of nonpayment of contribution if any claim for benefit comes in notice of ESIC for construction site workers whether the same is to be accepted or not.

In view of above, it is clarified that no ESI contribution may be collected from the construction site workers and from their employers during the period of stay order by Hon'ble Supreme Court and also no benefits could be extended to such workers during the corresponding benefit period.

This issues with the approval of the Director General.

Yours faithfully

(Mohit Raja) Dy. Director (REV.)

Shri Bhupender Yadav Ji Hon'ble Minister Labour & Employment, Government of India, Shram Shakti Bhawan, Rafi Marg, New Delhi-110001 Email: minoffice-mole@nic.in

Respected Sir,

Sub: Request for Appointment- Construction Industry Issues-Reg

At the outset, I thank you for giving me an opportunity to personally congratulate you on your appointment as Hon'ble Minister of Labour & Environment. I am very sure that with your vision, wisdom and your result oriented approach would help in achieving the target of creating more jobs for citizen of India and protect and safeguard the interests of workers in general and those who constitute the poor, deprived and disadvantage sections of the society. I on behalf of Builders Association of India (BAI) once again welcome you.

As submitted Builders' Association of India (BAI) is the apex All-India body of engineering construction contractors and real estate companies founded in the year 1941 with more than 20,000 business entities as its members through nearly 200 chapters across the country. The fundamental aim of the Association is to bring an all-around improvement in the construction sector.

The construction Industry is the second largest employer of workers and employs more than 80 million people in the country. It contributes around 9% to the national GDP and accounts for around 60% of the total plan outlay of the government. Moreover the construction industry has forward and backward linkage to more than 400 allied industry.

Sir, we are happy to inform that BAI has been regularly invited by your ministry for presenting the issues/ concern of the construction industry and we thank you for the same.

Therefore now to present the issues relating to the construction worker along with a small delegation of senior office bearers of BAI, I earnestly request a meeting at time convenient to you.

Looking forward in positive anticipation to meeting at your earliest and thanking you in advance for the same.

Thanking you,

Yours faithfully,

R.N Gupta President, Builders' Association of India Mobile.98100 11139



मुख्यालय/HEADQUARTER कर्मचारीराज्यवीमानिगम (श्रमएवंरोजगारमंत्रालय]**भारतसरकार**) EMPLOYEES' STATE INSURANCE CORPORATION (Ministry of Labour & Employment, **Govt. of** India)



मुख्यालय/HEADQUARTER पंचदीपभवन] सीआईजीमार्ग]नईदिल्ली-110002PanchdeepBhawan, CIG Marg, New Delhi- 110002 Phone: 011-23215489, VOIP: 10011037 Email: <u>med1-hq@esic.nic.in</u> Website: <u>www.esic.nic.in</u> / <u>www.esic.in</u>

Date:- 22.04.2021

No V/14/11/6/2018/Med I/Misc

To,

All Deans/Medical Superintendents/RDs/DIMSs DMD/DMN ESIC Medical and dental College /ESIC Hospital /Regional offic/State ESI Scheme

Subject: -Regarding provision of adequate Covid and other medical services to ESI Beneficiaries at ESIC Hospitals during ongoing resurgence of Covid pandemic

Madam/Sir,

As the country is currently dealing with resurgence of Covid pandemic, provision of adequate capacity for dealing Covid patients in ESI Hospitals and Dispensaries is the utmost priority while duly ensuring other medical services to IPs.

In this regard, it is reiterated that instructions issued vide letter no. A/48/15/3/2017 Med-1 dated 11.06.2020(copy enclosed) on strengthening various medical services in ESIC Hospitals are to be given top priority on continuous basis. Further, the competent authority has approved following:-

- Each ESIC hospital is to functionalise as per requisite SoPs, a minimum of 20% of its bed capacity as dedicated Covid beds for ESI IPs, beneficiaries, staff & Pensioners which may swiftly be enhanced as per prevailing local needs.
- Continuation of provision for availing medical services by ESI beneficiaries attached to dedicated Covid ESI hospitals through empanelled private Hospitals as communicated earlier vide letter no. A/48/15/3/2017 Med-1 dated 08.04.2020(copy enclosed).
- In order to continue relief to IPs, beneficiaries, pensioners and staffs etc., instructions on purchase of prescribed medicine directly as detailed in this office letter no. V-14/11/5/2012/Med I/Policy dated 03.04.2020(copy enclosed) has been reinstated with immediate effect till 31st July 2021.

Accordingly, you are requested to take all necessary actions with immediate effect.

Yours Sincerely,

Naven

Dr. Naveen Saxena OSD (Medical)

Copy to:

1. PPS to Director General, ESIC

3. WCM with request to upload on ESIC website.



HEADQUARTERS OFFICE EMPLOYEES' STATE INSURANCE CORPORATION (ISO 9001-2008 CERTIFIED) PANCHDEEP BHAWAN, C.I.G. MARG, NEW DELHI-110002

File No. PT No. A/48/15/3/2017 Med-1

Date: 11.06.2020

To,

All Deans/Medical Superintendents ESIC Medical and dental Colleges /Hospitals

Sub: provision of prompt medical services to ESI beneficiaries at ESIC hospitals during Covid pandemic

Sir/Madam,

It has come to the notice of the competent authority that some sick ESI patients are being referred to empanelled/government Hospital without being provided with emergency/initial line of treatment or proper work-up for Covid in suspected cases, thereby adding to the agony of the patient. Further, difficulty is being faced by some ESI patients in availing medical services from empanelled hospitals at certain locations, once being referred. Such patients are either not being considered for admission by the empanelled hospital or being further referred to some other Hospital.

This practice has the potential of causing death of sick patient due to lack of timely medical intervention when the patient is losing precious time in transit from hospital to hospital for need of emergency medical care.

In order to avoid such a situation to develop, competent authority has instructed following actions to be taken so that required medical services are available to ESI beneficiaries in a hassle-free swift manner:

- All patients to be provided with emergency/initial line of treatment even if they are suspected/confirmed case of Covid.
- In this regard, Isolation beds may be made functional at select departments/emergency/ICU/labour room facilities for managing Covid suspected/confirmed cases requiring Covid or other emergency medical/surgical treatment.
- For cases requiring Covid testing, instructions issued by this office vide letter no.U-16/30/18-COVID-19/2020-SST(27) dated 11.05.2020 are to be diligently followed so that there is no delay in patient management. Further, for critically sick patients, rapid diagnosis test for Covid (CB NAAT) may also be judiciously used through private empanelled labs (in case

there is delay in report from govt lab) so that further treatment is not put on hold, pending RT PCR report for Covid.

- When needed, referring ESIC hospital should pre-ensure/reserve availability of required treatment/bed/ventilatory support etc. in the selected referred hospital, before actually referring and transporting sick patients.
- Adequately equipped Ambulance/patient transport service (in-house or hired) must be readily available in all ESIC Hospitals on 24*7 basis alongwith due backup arrangement. Further, It is to be constantly ensured that ambulance services are functional and available for transfer of sick patient on very short notice.
- Utilization of medical services of nearby intra-state/inter-state ESIC Dedicated Covid Hospital may be considered for management of Covid patients, in consultation with respective State health authority, if needed.

This issues with the approval of competent authority for immediate, strict and continuous compliance.

James

Dr. Naveen Saxena OSD(Medical)

Copy to:

- 1. DIMS, all State ESI Scheme for information and corresponding necessary action in respective ESIS Hospitals
- 2. ESIC website
- 3. All regional offices for information



HEADQUARTERS OFFICE EMPLOYEES' STATE INSURANCE CORPORATION (ISO 9001-2008 CERTIFIED) PANCHDEEP BHAWAN, C.I.G. MARG, NEW DELHI-110002

File No. PT No. A/48/15/3/2017 Med-1 To,

Date: 08.04.2020

All Deans/Medical Superintendents/RDs/DIMS

ESIC Medical and dental Colleges /ESIC Hospitals /Regional offices/State ESI Medical Scheme

Sub: Regarding alternate provision for secondary/SST treatment to ESIC beneficiaries in terms of ESIC Hospitals declared as dedicated Covid-19 Hospitals

Sir/Madam,

As you are aware, India is in the midst of Corona virus pandemic and its scenario is evolving at a very rapid pace. In this regard, as per MoH&FW, Gol guidelines and State/District authority requirement, a number of ESIC Hospitals across the country are being converted/planned to function as dedicated Covid-19 Hospitals so as to exclusively cater to Corona virus suspected/confirmed cases.

Considering the potential hardship which may be faced by ESIC beneficiaries attached to such declared Covid-19 ESIC Hospital while seeking required non-Covid medical services, Competent Authority has given approval for providing such services through Tie-up Hospitals, as under:

- ESIC beneficiary may be referred by ESIC/ESIS Dispensary to Tie-up Hospital for providing prescribed secondary/SST consultation/admission/investigation, during the period for which concerned ESIC Hospital functions as dedicated Covid-19 Hospital.
- During this period, ESIC beneficiary may also seek Emergency/non Emergency medical treatment from Tie-up Hospital directly without referral letter, in accordance with his entitlement.
- ESIC beneficiaries may be provided prescribed/required treatment by Tie-up Hospital if the same is available in the Hospital even if no ESIC tie-up exist for that specific treatment/procedure. Details of all such patients including complete diagnosis, planned treatment/applicable package rates etc is to be immediately emailed to concerned MS for information.
- A separate record is to be maintained by concerned Tie-up Hospital for all such cases. The tie-up hospital shall raise bills of all such patients after treatment and send to concerned ESIC hospital for payment.
- All above provisions shall cease to exist with immediate effect once dedicated ESIC Covid Hospital is reversed back to ESIC Hospital with/without Covid Isolation beds catering to non-Covid medical services

This issues with the approval of Competent Authority.

Janes

Dr. Naveen Saxena OSD(Medical)



To

(HEADQUARTERS OFFICE) EMPLOYEES' STATE INSURANCE CORPORATION PANCHDEEP BHAWAN, C.I.G. MARG, NEW DELHI-110002. (ISO 9001-2008 CERTIFIED)

No. No. PF V-14/11/5/2012/Med I/Policy

Dated 3/4/2020

The All Deans/ D(M)D / Director (Noida) / All Medical Superintendents / Regional Directors / Directors, SRO, ESI Corporation / All DIMS.

Subject: Reimbursement of OPD Medicines: Special Sanction in view of COVID-19.

Sir/ Madam,

With reference to subject cited above, ESIC Hqrs. Office, has received representations from Stakeholders of ESIC to adopt the Office Memorandum No. Z-15025/12/2020/DIR/CGHS dated 27th March, 2020 wherein it is mentioned that CGHS beneficiaries getting medicines for chronic diseases may purchase medicines based on the prescription held (prescribed by CGHS Medical officers / CGHS Specialists / Other Govt. Specialists / Specialist of empanelled hospital) till 30th April, 2020 irrespective of Non-availability certificate from CGHS or otherwise. The Idea behind the measures is that CGHS beneficiaries need not visit CGHS Wellness Centres to collect medicines till 30th April, 2020 (copy enclosed).

Owing to the instructions of Govt. of India during complete lockdown and severity of epidemic of COVID-19, the visit of patients who are entitled to get medical treatment from ESI Dispensary should be minimized.

Accordingly, the guidelines of ibid Office Memo. dated 27th March, 2020 of CGHS is / adopted for IPs, beneficiaries, pensioners and staffs etc., with the modification that CGHS Medical Officer / CGHS Specialist / Other Government Specialists of empanelled hospitals may be read as ESI Medical Officer / Specialists / Specialists of ESI empanelled hospitals etc., while the medical claim bill shall be submitted to respective ESI Dispensary for reimbursement.

This issue with the approval of Competent Authority.

Yours faithfully,

3 · 4· 20 (Dr. Subhash Chokra) Dy. Medical Commissioner

Encl. : As above.

BUILDERS' ASSOCIATION OF INDIA

मुख्यालय कर्मचारी राज्य बीमा निगम पंचदीप भवन, सी.आइ.जी.मार्ग नई दिल्ली-110002



Headquarters Employees' State Insurance Corporation Panchdeep Bhawan, C.I.G. Road New Delhi-110002

Date: 08.01.2021

No V-15/15/1/2006- Medical I (MS)

To,

All Dean, Director (Medical) Delhi & Noida, All Medical Superintendent All Regional Office, Sub Regional Office, ESI Corporation.

Subject: Reimbursement of OPD medicines Special sanction in view of COVID-19. Madam/Sir,

Please refer to this office letter no PF V-14/11/5/2012/Med I/Policy dated 03.04.2020 (Copy enclosed) and successive letter issued in this regard.

In this regard, it is informed that the Director General has approved the applicability of said instruction till 28th February 2021. Copy of Ministry of Health and Family Welfare instruction dated 29th December 2020 enclosed for ready reference.

Enclosures: As Above

Yours Sincerely, 9717291A K Gautam

Asstt Director (Med I)

Copy to:

1. Website Content Manager, with request to upload the same in ESIC Website.



Z 15025/12/2020/DIR/CGHS Government of India Ministry of Health & Family Welfare Directorate General of CGHS

> Nirman Bhawan, New Delhi Dated the 29th December , 2020.

OFFICE MEMORANDUM

Sub: Reimbursement of cost of OPD Medicines: Special Sanction in view of COVID-19till 28th February 2021- regarding

In view of the Corona Virus Disease(COVID-19) all out efforts are made by the Government to contain its impact by instituting measures at community as well as at individual level.

2. In this regard the undersigned is directed to draw attention to the OM of even number dated 27.03,2020, 29.04.2020, 29.05.2020, 24th August 2020 and 30th September 2020 vide which an option has been provided to CGHS beneficiaries getting medicines for Chronic diseases, to purchase medicines based on the prescription held (prescribed by CGHS Medical Officers/CGHS Specialists /other Govt. Specialists/ Specialist of empanelled hospital) till 31st December 2020, irrespective of Non-Availability certificate from CGHS or otherwise. However, several representations are received in the Ministry seeking extension of the period in view of the COVID-19 Pandemic.

3. The matter has been reviewed by the Ministry and it is now decided, in continuation of the earlier OM on the subject, that CGHS beneficiaries getting medicines for Chronic diseases shall be permitted to purchase medicines based on the prescription held (prescribed by CGHS Medical Officers/CGHS Specialists /other Govt. Specialists/ Specialist of empanelled hospital) till 28th February. 2021. On the same conditions as per the earlier OM dated 27.03.2020. It is also clanified that the CGHS Weilness Centres are functional and CGHS beneficiaries also have the option to collect medicines through CGHS Weilness Centres as per normal practice, instead of purchasing from market.

4 Issued with the approval of Integrated Finance Division, MoHFW vide CD No 2255 dated 29.12.2020.

11-5-024 (Dr. Arvind Kumar)

Addl. Director(HQ), CGHS

To:

1 All Ministries / Departments, Government of India

2 Director, CGHS, Nirman Bhawan, New Delhi



(All India Association of Engineering Construction Contractors and Builders) G-1/G-20, 7th Floor, Commerce Centre, J. Dadajee Road, Tardeo, Mumbai - 400034 Tel: (91-22) 23514802, 23520507,23521328 Website: www.baionline.in, E-mail : baihq.mumbai@gmail.com @BAINational http://youtube.com/user/baihqmumbai

Ref: 88/M/2021-2022 dated 13th May, 2021

Shri Santhosh Kumar Gangwar Ji, Hon'ble Minister for Labour & Employment, Govt. of India, Room No. 120, Sharam Shakti Bhawan, Rafi Marg, New Delhi -110001

Respected Sir,

Sub: Establishments remaining closed due to Covid -19 Pandemic resurgence - Due date for the payment of EPF & ESI dues on 15-04-2021- Request for the extension of due date - reg.

Builders Association of India (BAI), established in 1941, is the APEX Body of Indian Construction Industry having about 20000 construction companies as its members with 200 Centres spread throughout the country. BAI acts as bridge between the Government and construction industry on the policy of the Government and contributes to economic development of the country. Quite a large number of our BAI members are also associated with your department.

We are much grateful to your honour to learn that taking into account the pandemic situation prevailing in our country the ESI Corporation vide its order dated 12.05.2021 has extended the due date for payment of ESI contribution from 15.05.2021 to 15.06.2021. But we are very much disappointed to note that the EPF Authorities have not so far issued a similar order.

It is worth recalling that considering the requests made by various employer's organizations, including ours, your honour was pleased to extend the due date for EPF dues also for the month of April 2020. The orders issued by your honour during the initial lock down period had provided much relief to the industrial community of our country. Now that a situation which is graver than that in April, May 2020 has re-emerged in our country, it is also worth bringing to your kind attention that the Finance Ministry has already extended the due dates for payment of GST and submission of Returns. We, therefore, once again appeal that in view of the catastrophe being faced by the industrial community the due date for EPF payment may also kindly be extended at least for three months or the normalcy is restored whichever is earlier.

Thanking you in anticipation,

Yours faithfully,

R.N. Gupta President **Builders' Association of India** (Mob: 9810011139)

Delhi Office: D1/203, Aashirwad Complex, Green Park, New Delhi-110016 Ph: 011-26568763, 40612800, 9555448763 E-mail: baidelhu16@gmail.com

B.A.I. Centres at:

Bi-Al Centres at: Adiabad Agra Agra Canti, Ahmedabad Ahmednaga: Aligath Allahabad Aligary, Ahira Amarivathi, Amarivathi, Andaman & Noobar, Angamdi, Aurangabad Avadi, Baghpat Bangalers, Baramat, Berelly, Baroda Bharoin, Bhopal Blaepur, Buthoni, Calicut, Chandigath, Changanabherry, Chemgat Chemnat, Chefmadu, Chitzdurga, Ceimbatres, Dathi, Dehi Debi South, Dahin Vedi Dunabad Draraguram, Dhulad, Duniggu, Durgegur, DurgeBulli, Ecode, Stimmanov, Faridabad, Gautian Boddha Nagar, Ganzinaga, Ghariabad, Goo, Grastet Hvideshed, Gavetae Jaju, Candingan, Gurgam, Gureahet, Haldia, Hagur, Hasan, Hyderabad, Ichillaramj, Indore, Jebalpur, Jagdaipur, Jaigaen, Jainahner, Jaminadpur, Jodhpur, Kalpalkam, Kuthan, Kotlaw, Kuthawa, Kunka, Kalian, Kotlaw, Kanakasa, Kunka, Kamareda, Yanchiyauam, Kanaka Lucinzw, Khadhuranhalam, Nadarai, Mahabodonagar, Kanaki, Kamaresh, Kamanen, Kochi, Kodaikanal, Kodungullar, Kolkapur, Kalkakam, Kuthak, Kollam, Kuthakasam, Kundik, Lutu, Leni Lucinzw, Kadhuranhalam, Nadarai, Mahabodonagar, Kanaki, Kamaresh, Namanan, Kochi, Kodaikanal, Kodungullar, Kolkapur, Kalkasa, Kuthaw, Kuthaw, Kuthawa, Kundik, Janakasad, Kamaresh, Namakada, Nanduren, Nadaki, Maratuk, Matamira, Manakada, Marakasa, Kundik, Manguresh, Manakada, Kuthawa, Kuthawa, Kuthawa, Kuthakasam, Kundik, Lutu, Leni Lucinzw, Kadhuranhalam, Nadarai, Mahabodonagar, Kaliagar, Kaliagar, Kanaki Kamaresh, Kuthawa, Masadi Manduret, Salik, Kuthawa, Kuthawa, Kuthawa, Kanakasa, Kuthawa, Manakada, Kuthawa, Manakada, Kuthawa, Kanakasa, Kuthaka, Manakada, Nanduka, Nanduret, Nadika, Nadara, Nagya, Marakada, Chagok, Pamiyat, Pathari, Pata, Parambilur, Fadaha, Kamaresh, Samanata, Sangura, Kanakasa, Kuthawa, Kanakasa, Kuthawa, Kanakasa, Kuthawa, Sangura, Kanakasa, Tambaram, Tanaka, Tambaram, Tanaka, Tanakasa, Tanaya, Kanakasa, Unipan, Kanakasa, Sangura, Kanakasa, Kanakasa, K



(All India Association of Engineering Construction Contractors and Builders) G-1/G-20, 7th Floor, Commerce Centre, J. Dadajee Road, Tardeo, Mumbai - 400034 Tel: (91-22) 23514802, 23520507,23521328 Website: www. baionline.in, E-mail : baihq.mumbai@gmail.com 🍠 @BAINational 🖬 http://youtube.com/user/baihqmumbai

Ref: 90/M/2021-2022 dated 14th May, 2021

Shri Santosh Kumar Gangwar Ji, Minister of State for Labour of Employment (Independent Charge), Ministry of Labour & Employment, Shram Shakti Bhawan, Rafi Marg, New Delhi-110001

Sub: Request for Vaccination- Employees / Workers -Reg

Respected Sir,

While the world fights with Covid, India is struggling to keep the positive numbers down and its citizens away from hospitals. India has rolled out the vaccination drive in a phased manner giving priority to the health care workers and frontline workers in phase I (January 16, 2021), senior citizens and vulnerable citizens (March 01, 2021) and all citizens above 45 years of age in Phase II (April 01, 2021).

With the announcement by the government, construction companies all across the country are now looking forward to getting their construction co. employees / construction workers vaccinated and back to the workplace at the earliest and to avoid any loss of life.

Builders Association of India (BAI), established in 1941, is the APEX Body of Indian Construction Industry having about 20000 construction companies as its members with 200 Centres spread throughout the country. BAI acts as bridge between the Government and construction industry on the policy of the Government and contributes to economic development of the country. Quite a large number of our BAI members are also associated with your department.

Vide letter dated 10-5-2021, Shri C. Ramakotaiah, our former National Vice President has requested you to talk to vaccine manufacturer for the vaccination to all the 15 crores members of EPF/ ESIC with the cost of the vaccine being borne by the respective employers. (Letter enclosed for reference).

However now we request that the Ministry of Labour should coordinate urgent vaccination which should cover all the construction co. employees / construction workers whether or not member of EPF/ ESIC and the cost of the vaccination should be borne from the labour cess pool. Thus, vaccination would be provided to all the construction co. employees / construction workers administered at workplace or any other suitable place nominated by the monitoring task force.

....P2....

Delhi Office: D1/203, Aashirwad Complex, Green Park, New Delhi-110016 Ph: 011-26568763, 40612800, 9555448763 E-mail: baidelhi16@gmail.com

B.A.I. Centres at:

B.A.I. Centres at: Adlabiad, Agiz, Agiz Canif, Ahmedabad, Ahmednagaz, Aligarh, Allahabad, Allappy, Ahora, Amarvafh, Andaman & Nicobar, Angamali, Aurangabad, Avadi, Baphpet, Bangalora, Baramah, Barelly, Barda, Bharuth, Biopal, Bilaspur, Bubbert, Calicat, Changarahary, Chengai, Chemasi, Chefmada, Chintadunga, Chintadunga, Calinbature, Dabi, Delhi, Eari Shahadra, Delhi, North, Delhi South, Delhi Wett Dharbed, Dharapuran, Dhula, Dunigui, Durgapu, Durg-Bhillai, Inoda, Bhumanoo, Faridabada Gauhm Buddha Nagar, Genithinagar, Ghanabada, Goraste Phyderabad, Greater Phyderabad, Creater Japur, Greater Noda, Gunhar, Curgaoo, Cuvahati, Haidu, Hapu, Hain, Nyderabad, Indere, Jabiyur, Jagdabu, Jiguin Jajaon, Jinishane, Jamindedu, Joffuny, Kalpakatam, Kalikahathi, Kamarado, Kancharyam, Kankue, Karmar, Kanpur, Kanpur, Seuth, Hana, Myderabad, Indera, Jabiyur, Jagdabu, Jiguin Jajaon, Jinishane, Jamindedu, Jodhur, Kalpakatan, Kalikahathi, Kamarado, Kancharyam, Kankue, Karmar, Kanpur, Kanpur, Seuth, Sanagar, Matejao, Mandya, Mangator, Mayidora Magator, Matalamal, Modan, Maerut, Medatahad, Medata Meangar, Merakad, Menzakad Nor, Ry, Mambai, Murathurpunha, Matamathangar, Miranga, Malayao, Mangator, Mangator, Manduba, Nanduka, Medata, Medata, Matada Nandubar, Nenik, Neller, Neyveli, Nigjiti, Nizamabad, Ongole, Fanipat Parbani, Paba, Peramehan, Pankata, Pana, Peramehan, Pankata, Pana, Peramehan, Pankata, Panatar, Sanghi, Satar, Satada, Shinoga, Sidhar, Shapar, Sangamar, Sanghi, Satar, Shaha, Shinoga, Sidhar, Shapar, Sangha, Janover, Janover, Janover, Janover, Janover, Janover, Sanghi, Satar, Shahada, Shinoga, Sidhar, Shapur, Sintar, Shapar, Sangharam, Sanghi, Pantarya Pantani, Sataranghi, Turaniyata, Turavalhu, Janover, Sanghi, Satar, Shaha, Shahada, Shinoga, Sidhar, Shapar, Sanghar, Satar, Sanghi, Satar, Satar, Satar, Shaha, Shinoga, Sidhar, Shapar, Sanata, Shapar, Satar, Turaval punithura, Thriseur, Taruchurapalli, Turunel Waranwal Western I.P. Flectrical Yadactri

You would appreciate that during this tough time, any kind of relief coordinated by construction co. employer is always an ethical and appreciated step. This would encourage the construction co. employees/ construction workers falling in the lowest hierarchy, that actually form the backbone of the workforce of each such employer, to get the vaccination and thus help in mitigating this misery from Covid pandemic.

It would also be our honour to have an audience with you either online or offline, on any date and time convenient to your good self, to explain more on the plight of construction industry.

Thanking You,

Yours faithfully,

R. N. Gupta President, Builders' Association

Encl.: - As above

(ii) Provident Fund Matter

Coverage of casual and temporary construction site worker is a contentious issue between Contractors and EPF Authorities for a long time. Builders' Association of India (BAI) have filed Writ Petitions at various Hon'ble High Courts, challenging the very applicability of the provisions of the EPF Act, insisting to cover the construction site workers from day one. BAI have also represented the matter to the Authorities emphasising about the difficulty of covering the daily workers in the P.F. coverage due to their peripatetic nature. Both the above measures have resulted in limited success.

Though the Department as well as the Court realises the practical difficulty of covering the daily workers in the E.P.F. Scheme, who generally work only for a limited period, even for 1 day, have not offered any solution to clear the situation. Many a times, the EPF Department have taken an aggressive stand against the Employer by levying 25% of the labour components from the Balance Sheet with interest and penalty resulting huge financial crisis to the Business as a whole. Notice from the EPF Authorities on demand of contribution for past period, have instilled fear and panic amongst the contractors as the Department has enormous power to levy heavy penalty on the Employer. For instance, not only the Department can freeze the Bank Account of the Contractor, but it can also even collect the amount directly from the Creditors of the Contractor towards P.F. contribution for and on behalf of workers.

Against the retrospective levy of EPF contribution, BAI and many of its members have appealed before the EPF Tribunal, High Courts and Supreme Court and received favourable orders to the effect that, '**PF** contribution is not a Cess, but a saving to the worker and therefore, deduction should be made when the worker could be identified, so that he could avail the benefits'.

In this regard, BAI Headquarter have compiled a few Court Orders as mentined below, these Orders are not a blanket permission for not to cover the casual and temporary construction site workers in the EPF Scheme, but to notify your right to not to fall into the coercive methods adopted by the Departments, to levy of EPF contribution of past liabilities from percentage of the labour components mentioned in the Books of Accounts, without identifying the workers on whose behalf these deductions are effected..

Chronology of events in respect of
The Employees' Provident Fund and Miscellaneous Provisions Act, 1952.

S.No	Date	Events
1.	4/3/1952	The Act has come into force in whole of India except State of Jammu & Kashmir.
2.	31/10/1980	Central Government by Notification No. G.S.R. 1069 dated 23.9.1980 published in official gazette at India, Part-II, 5.3(I) dated 11.10.1980, page 2200 made applicable the provision of this Act to Building & Construction Industry. The qualifying period of employment for applicability of the scheme to employee was 240 days later on was reduced to 180 days and the establishment having 20 or more persons.
3.	16/1/1981	Government issued G.S.R. No.130 effective from 31.1.1981 wherein eligibility criteria U/ s.26 is reduced to 90 days continuous service or has actually worked for not less than 60 days within a period of three months to become member of fund.
4.	7/2/1985	Government of India in Ministry of Labour, vide Resolution No.R-43011/2/82-RW has appointed a Tripartite Working Group consisting of Government Officers, Employers' representative (BAI is one of the members) and representative of employees reference was to:-
		1) Identify specific difficulties of Construction Industry in implementing Provident Fund Scheme, ESIS, Gratuity Scheme.
		2) To work out type of social security measures to be formulated for construction workers.
5.	21/3/1988	B.A.I. by it's application No.2385/F/88 addressed to the Secretary, Ministry of Labour, Government of India, U/s.19A of E.P.F. Act requested him to remove difficulties in implementation of the Act in view of temporary and casual workers and seasonal works of Industry.
6.	31/1/1990	The Tripartite Working Group submitted final report to Government stating that extension of social and security benefit to Building & Construction Industry, including E.P.F. were necessary. However, in view of the difference of opinion within the group alternatives

S.No	Date	Events
		regarding the function of proposed Construction Labour Board for administering social security were left for consideration of Government.
7.	19/10/1990	Government issued G.S.R. No.689 amended para 26, wherein eligibility criteria is reduced to date of joining the factory or establishment.
8.	26/8/1991	Central Provident Fund Commissioner issued circular No.12/Misc/91/E-I. After consulting Ministry of Law, Government of India and directed all Regional Provident Fund Commissioners not give effect to part of para 26 of E.P.F. Scheme 1952 to ensure uniformity of treatment. This was in view of stay orders granted various High Courts.
9.	9/3/1992	Piyarelal Hari Singh & Others filed Civil Writ Petition No.792 of 1991 challenging para 26(2) of E.P.F. Scheme. In Civil Motion Hon'ble High Court Delhi wanted to know from P.F. Department whether they have a scheme under which a peripatetic labour would be in a position to know balance in his account and draw money from his account anywhere in the country.
10.	19/5/1992	Shri K.C. Jain filed Additional Affidavit with revised accounting procedure having a pass book to be given to each beneficiary with ten digit permanent account number in Civil Writ Petition No.792 of 1991. Hon'ble High Court by it's order stated that, "we have perused scheme and we have our apprehension about the same only with regard one aspect viz. whether it will be easy or convenient for the workers to be able to realise the amount due to them
11.	9/7/1992	E.P.F.O. inserted para 40A to E.P.F. Scheme 1952 under which every Employee was to be provided pass book effective from the date to be stipulated by C.P.F.C.
12.	14/10/1992	Legal Adviser to the Ministry of Labour, Government of India passed preliminary order in the matter of application filed by B.A.I. U/s.19A of the Act, as under:-1) Objections is raised by Central Provident Fund Commissioner that relief sought by BAI is not covered by items provided U/s.19A of the Act.2) BAI has no locus standi. 3) The question of implementing the Act in respect of temporary or casual employees is subjudice. All substance and the No.3 on the ground of there being no stay granted by Supreme Court.
13.	28/10/1992	Hon'ble Delhi High Court passed order in Civil Writ Petition No.792 of 1991 that, "Additional affidavits has been filed by the respondents. Some of the suggestions made by this Court have been accepted including the one operated upon, then without any formal application the amount standing to the credit of employee will be remitted to him by the P.F. Department by money order" Interim order to continue subject to the condition that with effect from 1.11.1992, the Petitioners shall maintain a P.F. account of all the employee as per the Notification of 1990 and shall furnish regular statements to P.F. Authorities as required by law. Counsel for the Petitioners have undertaken to this Court that as and when the Court orders, the contribution of the Employers as per the said statement will be handed over to P.F. Authorities or such other authority as may be directed by the Court.
14.	31/12/1992	Writ Petition No.6963 filed by Udipi Manorama Lodge & 3 others V/s. R.P.F. Visakhapatnam & Union of India challenging procedural part of legal requirement part of para 26 and parliament did not approve Notification U/s.7. Court ordered that there are no legal requirement and notification was placed before Lok Sabha on 7.1.1991.
15.	8/2/1994	Legal Adviser to the Ministry of Labour, Government of India gave order in petition filed by B.A.I. U/s.19A of E.P.F. Act in which respondents were Central Provident Fund Commissioner and Secretary of All India Construction Workers Union. The question considered by him was whether "the workers employed at the work site of Construction Industry are "employee" as defined U/s.2 or not? The order states "Employee within terms of definitions is that he should be employed for wages in or in connection with work of the establishment". "The workers employed for wages necessarily enjoins some

S.No	Date	Events
		sort of contract of service. In other words there must be a Master and Servant relationship, a contractor postulated by section 2 (f) is purely a Labour Contractor and not an independent contractor undertaking to deliver a finished product to the establishment and who for the purpose of manufacturing/production/building such a finished product, engaged a labour for his own purpose". In such a situation, the employee working under direct control of sub-contractor, thekedar cannot be held to be employees under the principle employer for attracting provision of the Act". The casual workers of the nature discussed above are not covered in the definition of employee and the scheme, find support from the decision of the Orissa High Court in Executive Engineer, National Highway Division, Balasore V/s. Regional Provident Fund Commissioner (1988 Lab IC 690) as well as of the Karnataka High Court in Jyothi Home Industries & Others V/s. R.P.F.C. & Others (1993 II LIN 146). The matter is disposed of accordingly.
16.	31/8/1994	 M.P. High Court at Jabalpur in it's order in Writ Petition No.3030 of 1991 filed by J.P. Tobacco Product Ltd. V/s. Regional Provident Fund Commissioner challenging the contention that : 1) The amendment to para 26(2) of scheme is invalid for non compliance of 5.7 (2) of
		the Act.
		2) The compulsory contribution amounts to denial of minimum wages.
		3) The amendment is impractical and unworkable.
		4) The amendment is ultra vires of the Act and Article in and Article 19 (I)(9) of Constitution. Court observed that para 26(2) of the scheme is legal, valid and constitutional.
17.	23/12/1994	Being aggrieved against the order passed by the Legal Adviser, Ministry of Labour, Govt. of India, U/s.19A of the Act, the Employees' Provident Fund Organisation through Central Provident Fund Commissioner brought to the notice of Jt. Secretary to Central Government, difficulties arising out of this order which is contrary to the provision of the Act and Scheme. They required to review the order. The arguments put forward by BAI was that any order passed U/s.19A by a competent Authority who has been delegated authority to exercise power does not provided for any review and the order is final and as such this hearing is without jurisdiction. The mere reading of section 19A itself gives powers to Central Government for review reconsideration or setting aside of orders in the event of difficulties in implementation of the Act. Jt. Secretary to the Government of India, Ministry of Labour, passed order canceling the earlier order passed by the Legal Adviser on 8.2.1994 and directed the Employees' Provident Fund Organisation to enforce the provision of the Act applying it to employees of Building & Construction Industry as per Section 2(F) and Notification dated 11.10.1980. This order was issued with approval of Minister of State of Labour.
18.	17/4/1995	Supreme Court in it's order in SLP No.21762/94 and 6475/95 and 21149/94 arising out of judgment and order of M.P. High Court dated 31.8.1994 in the matter of J.P. Tobacco Product V/s. Union of India observed that the question before High Court was whether amended para 26 (2) of E.P.F. Scheme was invalid and unconstitutional. The High Court answered the question in the negative, we see no ground to interfere with impugned judgment. We agree with the reasoning and consequences reached by High Court SLP's are dismissed.
19.	24/4/1995	B.A.I. filed writ petition in Rajasthan High Court bearing No.1570195 of 1995 seeking for decision.
		 Whether workers engaged at work sites on daily wages and on purely casual, temporary and mobile are covered in the scheme.
		2) Whether in Building & Construction Industry where they are carried out in multi- tier system, there is relationship of employer and employee between the main contractor and workers, casual, temporary and mobile engaged at sites.
		3) Whether in absence of relationship of employer and employee between the main contractors are liable to follow the scheme even in respect of those workers. In addition

S.No	Date	Events
		challenge is to amendment to clause 26(2) of the scheme. This writ is admitted and notices to various authorities are given before hearing of Notice of motion.
20.	2/5/1995	Order of Division Bench of Delhi High Court in C.M. No.2921/1994 in Writ Petition No.792/ 1991 filed on 9.3.1992 challenging para 26(2) of P.F. Scheme that, "We however direct Respondent No.1 & 2 complying with modified scheme, the Petitioners shall deduct Provident Fund and deposit the same with Respondent No.1 & 2 in respect of casual workers also".
21.	28/6/1995	Central Provident Fund Commissioner issued circular No.12(Misc)/91/E-1 to all Regional Provident Fund Commissioners stating Supreme Court's order dated 17.4.1995 and requesting compliance of scheme under amended para 26 of E.P.F. Scheme for current period effective from 1.5.1995. It further states that as regards past period the matter is under consideration with Central Government and further communication will follow.
22.	7/3/1996	In Writ Petition No.6542 of 1996 and 6543 of 1996 in Bangalore High Court filed by Bhandari Builders, B.G. Shirke Construction Pvt. Ltd., & B.A.I. v/s. Central Provident Fund Commissioner, R.P.F. Commissioner & Union of India requesting Court to declare Para 26221 of E.P.F. Scheme illegal and unconstitutional and ultra vires tax provision of E.P.F. Act since it is unworkable and impracticable Court admitted writ and granted stay for four weeks which was further extended by Court till further orders by order dated 3.4.1996.
23.	19/9/1996	Final Order of Division Bench of Delhi High Court in Piyarelal Hari Singh & Others and connected Writ Petitions vs. Union of India in C.W.P. No.792 of 1991. Held that ipso-facto, the Government Notification dated 19.11.1990 amending para 26 of the scheme shall not apply to casual workers as identified by Supreme Court in case of The Regional Provident Fund Commissioner vs. T.S. Hariharan. However, Branch stated that which casual worker is covered by the scheme and the Act will be a question of determination in facts and circumstances of each case.Mr. Nayyar appearing for the Petitioners brought to our notice additional affidavit filed on behalf of respondent by Shri R.C. Jain, Regional Provident Fund Commissioner, New Delhi, dated 26 th November 1991. Inter-alia, stating that a pass book system has been introduced w.e.f. November 1991. The order dated 2 nd May 1995 directs that on respondents 1 and 2 complying with the modified scheme, the Petitioners shall deduct the Provident Fund and deposit the same with respondents 1 and 2 in respect of casual workers also. It is admitted that reference to modified scheme in the order dated 2 nd May 1995 is in fact reference to the modified procedure as mentioned in the aforesaid affidavit dated 26 th November 1991. On objection being raised by Mr. Nayyar that modified procedure as stated in the affidavit dated 26 th November 1991 has not been introduced. Mr. Mukherjee explained that the same was introduced w.e.f. 1 st November 1991 as stated in the affidavit. We only record this submission as it is not necessary to say anything more on this aspect in view of what has been stated by Mr. Mukherjee.Accordingly, this and the connected writ petitions are disposed of in the above terms. No costs.
24.	4/9/1997	BAI and 36 other contractors filed Writ Petition No.2593 of 1997 before Nagpur Bench of Bombay High Court challenging provisions of amended para 26(2) of Provident Fund Scheme as far as temporary and casual site workers.
25.	8/9/1997	Nagpur Bench issued stay against operation of scheme para 26(2) in respect of casual and temporary workers.
26.	24/12/1997	Central Provident Fund Commissioner issued a Circular No.12(Misc)/91/E.I. 76161 directing all R.P.F. Commissioners to :
		1) The Enforcement Authorities should take all necessary action in the first instance to implement the amendment from 1.11.1990 in respect of those employees who are continuing to be in employment and are still on rolls.
		2) In respect of person who left service but still can be identified their enrollment should be ensured from 1.11.1990.
		3) In respect of persons who are not in employment of the establishment and can not be identified at present, their cases can be complied and necessary information may be sent to Head Office for further orders.

S.No	Date	Events
27.	3/7/1998	Central Provident Fund Commissioner issued Circular No.17(3)/93/EI/KAI to all Regional Provident Fund Commissioners that the practice of allotment of separate code number to Contractor is contrary to provision of section 6 of E.P.F. Act and para 30(3) of E.P.F. Scheme. The responsibility of depositing contribution and various return lies with Principal Employer and R.P.F.C's are requested to stop allotment of code number to Contractors.
28.	13/11/1998	Central Provident Fund Commissioner issued a Circular bearing No.7(20)97/MH/E-I/ 73725 informing all Regional Provident Fund Commissioners that, Delhi High Court order dated 19.9.1996 has not diluted applicability of scheme to casual and temporary workers and informing them that E.P.F. Organisation has set up E.D.P. Computer Centres for its office and networking through modem has been completed in 25 offices and directing them to enforce provision of law in the best interest of workers engaged in building and construction industry.
29.	15/11/1999	Minute of the Meeting held with Members of BAI by Regional Provident Fund Commissioner, Delhi states that, "the direction of the Hon'ble High Court for technical purpose is very much on record and Joint Task Force of the Officer of the Department and few members of Builders' Association of India may be constituted to draft out Permanent Account Number of 10 digit to be earmarked".
30.	13/2/2001	Central Provident Fund Commissioner issued Circular No.EF/17(3)/93/Vol.III to all Regional Provident Fund Commissioners that, matter of not allotting code numbers to Contractors was examined and clarified that Employers rendering service on contract basis having 20 or more employees be allotted separate code numbers.
31.	22/8/2003	Regional Provident Fund Commissioner issued Circular No. Coord 5912)2002/MOL that a Sub Committee is formed under Chairmanship of Shri Ravi Wig for extending social security benefit to construction workers and that the Committee should submit report before 31.12.2003.
32.	3/2/2004	Central Board of Trustees in 166th Meeting discussed the following:-
		 a) Sub Committee headed by Chairman Shri Ravi Wig recommended E.P.F.O. should ensure that the Act is made applicable to establishment / workers hitherto not covered be covered from the date of declaration by the establishment and only on the issue of S.S.N. Number. b) Doubts were raised about maintenance of uniqueness of S.S.N. by dropping biometric component. C.P.F.C. clarified that the product offered by M/s. C.M.C. failed to meet the acceptance test as such it was decided to drop bio-metric component.
33.	23/2/2004	Central Board of Trustees 167 th Meeting confirmed minutes of 166 th Meeting.
34.	6/9/2004	Addl. Central Provident Fund Commissioner issued letter that Central Board of Trustees formed a Committee under Chairmanship of Shri Ashok Sing with Shri B.N. Rai, Shri Ravi Wig and Shri Sharad Patil as other members for monitoring the extention of social security to construction workers.
35.	3/5/2006	Addl. Central Provident Fund Commissioner by his letter No.Co-ord(12)02/MOL/Pt. wrote to BAI President that, "work relating to issue of NSSN number to construction workers have been started and all Regional Provident Fund Commissioners have been directed to issue NSSN Number to construction workers on priority basis."
36.	4/8/2006	Addl. Central Provident Fund Commissioner issued Circular No.Co-ord/5(12)02/MOL/ Pt/BAI/11083 directing all Regional Provident Fund Commissioners to issue S.S.N. Number to construction worker falling in your jurisdiction on priority basis.
37.	22/2/2007	Addl. Central Provident Fund Commissioner by his letter No.Co.ord/5(71)/06/MOL/ Sub.Com/Constn.Work/86040 issued to all Regional Provident Fund Commissioners to approach various Centres of BAI and allot Business Number to Construction Industry immediately without any further delay and also to secure compliance.
38.	1/1/2008	Regional Provident Fund Commissioner compliance issued a Circular No.Co-ord/5(71)/06/ MOL/Sub.Com/Constn.Worker directing all R.P.F.Cs to take proactive steps to cover all establishment in Construction Industry by seeking their co-operation and address their genuine problems and that Co-operative Employers are not to be unduly harassed by field formation.

S.No	Date	Events
39.	18/7/2008	Regional Provident Fund Commissioner issued Circular No.SSN/HO/07-08/01 directing all R.P.F.Cs that under revised strategy, for the time being, S.S.N. is not a prerequisite for the proposed application that is being developed by E.P.F.O. in collaboration with N.I.C. Regional Provident Fund Commissioners were directed not to insist upon S.S.N. forms at the time of submission of claims.
40.	7/9/2011	Hon'ble High Court Gujarat in Civil Application No.11011/2009 filed by Hind Kisan Mazdoor Panchayat directing E.P.F.O. for implementation of pass book under para 40A of E.P.F. Scheme, granted time to E.P.F.O. for response upto 20.10.2011.
41.	20/10/2011	Hon'ble High Court Gujarat passed further order in Civil Application No.11611 of 2009 extending time upto 4 months from 30.11.2011 to E.P.F.O. to give it's response with a rider that no application for extention of time will be filed.
42.	20/1/2012	Hon'ble Employees' Provident Fund Appellate Tribunal, Chandigarh, in Petition No.ATA No.217 (II)/2011 decided that, "Until and unless, the beneficiaries are identified, the determined dues as decided by the Enforcement Officer would not help the workers as the money would not reach to them till the time they are identified".
43.	20/7/2012	Hon'ble Patna High Court in Civil Writ No.11499/2006 in the matter of Roxy Cinema V/ s. State of Bihar stated that, under Section 7A of E.P.F. Act liability can not be saddled upon establishment in the name of compliance of law without identification of employee entitled for the same. EPF Authority can not make collection or contribution for faceless, nameless or non identifiable workman on mere head count or herd count. To collect fund for welfare of workman who are required to be taken care of after their superannuation and not to gather money to meet any pre-conceived target.
44.	8/10/2012	E.P.F. Appellate Tribunal, Ludhiana in Appeal No.ATA No.331(11)/2011 filed by Food Corporation against R.P.F.C., Ludhiana observed that "according to rules of Contract Labour (Regulation & Abolition) Central Rules 1971, all the registers and other records shall be preserved for a period of three calendar years from the date of entry therein. Hence the Appellant can not be directed to produce the records pertaining to contractors workers for the long back period.
45.	17/10/2012	Hon'ble Employees' Provident Fund Appellate Tribunal, Chandigarh, in Petition No.ATA No.630 (II)/2006 observed that, the respondent determined the P.F. dues without identification of concerned Employees / Beneficiaries".
46.	30/11/2012	Central Provident Fund Commissioner issued Circular No.7(12)2012/RCS-Review Meeting to all Regional Provident Fund Commissioners that there shall be no assessment under Section 7A of E.P.F. Act 1952 without identifying members whose account fund is to be credited and that no enquiry or investigation shall ordinarily go beyond seven years.
47	18/12/2012	Central Provident Fund Commissioner issued Circular No.7(1)2012/R.C's Review Meeting/21224 keeping circular of 30.11.2012 in abeyance till further orders.
48.	26/3/2013	Chairman, BAI Delhi Centre written letter to Central Provident Fund Commissioner that, "modified accounting procedure scheme" be notified for implementation and Enquiry U/s.7A of P.F. Act be restricted to maximum of past 3 years and liability of Employers be not worked out on basis of 25% contract amount.
49.	6/5/2013	Regional Provident Fund Commissioner in response stated that, issue of ten digit permanent P.F. number is not possible.
50.	23/9/2013	Hon'ble Bombay High Court passed order in Writ Petition No.1901/2011 in the matter of M/s. Rallis India Limited V/s. The Asst. Provident Fund Commissioner & Ors that, "Determination of money should not be on the basis of presumption and assumption but after identification of beneficiaries".
51.	02/05/2016	The Hon'ble Supreme Court of India in the Petition for Special Leave to Appeal (C) No. 8035 of 2016 in the case of Builders' Association of India V/s. Union of India & Ors. (Arising out of Impugned final judgment and order dated 16/10/2015 in LPA No. 728/2014 passed by the High Court of Delhi at New Delhi). Apprehension of the petitioner appears to be that without identifying the beneficiary workmen, the contribution is being sought. Without identification, the petitioner will not be liable to make the contribution, it is submitted.

S.No	Date	Events
		That process of identification will arise only at the stage of enquiry that is to be conducted by the respondent – organization. Therefore, it is made clear that during the process of enquiry conducted by the respondent-organization, the steps will also be taken to identify the workmen either of the petitioner or engaged through contractors.
52.	23/03/2018	The Nagpur bench of the Hon'ble Mumbai High Court on 23rd March 2018, in Writ Petition No. 1674 / 2016 filled by Kaushik K. Chatterjee Engineers and Contractors Versus Assistant Provident Fund Commissioner have ordered that 'The amount collected from an employer towards provident fund contribution on behalf of workers should be returned, in case the Provident Fund Department could not identified the name and address of such worker on whose behalf this contribution is collected.'
53.	28/02/2019	Supreme Court on 28th February, 2019 passed an order that certain allowances paid uniformly normally and ordinarily should all come within the definition with basic wages under the provisions of 'EPF Act, 1952'. Using this order EPF authorities have now started issuing notices to employers for including the allowances also while remitting the PF contribution with retrospective effect. This will have serious implications on any business, particularly building and construction business. BAI has written to Government of India for implementing the order prospectively.

Though the matter of Provident Fund is a settled issue as far as the BAI is concerned after the orders of the Hon'ble Superme Court of India in the LPA filed by BAI and orders of the Court on 2nd May 2017. The Builders Association of India Headquarter always remain alert and vigilant and come to action as well as helping hand to the members of the industry in fighting the injustice. The recent incident of harassment at the hands of EPFO officials came in to the Press which reproduced below for the information of members so that they should be aware of what is going on around with regard to the labour matters :-

Nagpur Bench of the Hon'ble Mumbai High Court on 23rd March 2018, in Writ Petition No. 1674 / 2016 filled by Kaushik K. Chatterjee Engineers and Contractors Versus Assistant Provident Fund Commissioner have ordered that "The amount collected from an employer towards provident fund contribution on behalf of workers should be returned by the Department, in case the Provident Fund Department could not identify the name and address of such worker on whose behalf this contribution is collected." To make it more clearer the Hon. General Secretary stated that, The Hon'ble High Court has attributed the responsibility of disbursing the Provident Fund amount to the workers and if no such workers could be identified, such amount so collected by coercive measures mentioned under section 8-B and 8-F of the Provident Fund Act should be returned to the employer from whom the amount is collected. (This sections speaks about attaching the bank account of the employer or to collect the amount directly from the creditors whose bill are pending /outstanding)

GOVERNMENT OF INDIA MINISTRY OF STATISTICS AND PROGRAMME IMPLEMENTATION

LOK SABHA UNSTARRED QUESTION NO. 462 TO BE ANSWERED ON 16.09.2020

GDP GROWTH RATE

462. SHRI RAJIV RANJAN SINGH *ALIAS* LALAN SINGH:

DR. KALANIDHI VEERASWAMY: SHRI KAUSHALENDRA KUMAR: DR. AMAR SINGH: SHRI DIBYENDU ADHIKARI:

Will the Minister of STATISTICS AND PROGRAMME IMPLEMENTATION be pleased to state:

(a) whether it is a fact that the economists have been

calling for large stimulus packages amounting to double-digit percentages of Gross Domestic Product (GDP), despite the strain on the exchequer;

- (b) if so, whether GDP has shrunk by 23.9 percent in the first quarter of the financial year 2020-21 against 5.2 percent growth in Q1 2019- 20 and has dipped by (minus) 27.11 percent in August 2020; and
- (c) the details of constructive action plan that has been taken for improving the GDP growth rate?

ANSWER

MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF STATISTICS AND PROGRAMME IMPLEMENTATION AND MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF PLANNING (RAO INDERJIT SINGH)

- (a) & (b): Gross Domestic Product (GDP) at constant prices (2011-12) contracted by 23.9 per cent during first quarter (Q1) of 2020-21, against 5.2 per cent growth in Q1 of 2019-20. The Ministry of Statistics and Programme Implementation has not estimated GDP for August 2020. The Government has announced a special economic and comprehensive package of Rs. 20 lakh crores equivalent to 10 per cent of India's GDP to combat the impact of the COVID-19 pandemic in India.
- (c): The Government has implemented several measures to mitigate the negative impact of COVID-19 on the economy which, inter-alia,

include: relief measures for households in kind and cash transfers; wage increase for Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) workers and support for building and construction workers, collateral free loans to self-help groups, reduction in EPF contributions, employment provision for migrant workers; credit facilities for street vendors under PM SVANidhi; relief measures for Micro, Small, and Medium Enterprises (MSMEs); postponing tax-filing and other compliance deadlines; and structural reforms announced as part of the Atmanirbhar Package etc.



(All India Association of Engineering Construction Contractors and Builders) G-1/G-20, 7th Floor, Commerce Centre, J. Dadajee Road, Tardeo, Mumbai - 400034 Tel: (91-22) 23514802, 23520507,23521328 Website: www.baionline.in, E-mail : <u>baihq.mumbai@gmail.com</u> @BAINational <u>thtp://youtube.com/user/baihqmumbai</u>



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To,

Ref: 223/J/2021-22 dated 17th June, 2021

All Managing Committee & General Council Members of BAI Office Bearers of All BAI Centres -2021-22.

My Dear Friends,

Sub.: Relaxation on Mandatory Seeding of Employees Aadhar Card with EPFO.

As you know, **EPFO have issued a circular dated 1st June 2021, (Copy attached)** making it mandatory for all establishment to mandatorily register the Aadhar Card of all employees and their dependents, who are members of EPF immediately. As the Government have imposed lockdown at many parts of the country, it is impossible for the employers to comply with the same due the restriction of opening private offices.

Immediately after receiving the Circular, I have written a letter vide ref. No. 217/J/2021-22 dated 11th June, 2021 addressed to the Shri Santosh Kumar Gangwar, Hon'ble Minister of Labour & Employment (Independent Charge) with a copy to the Labour Secretary (Copy attached) explaining the difficulties of the employers in complying with the circular.

Now I am pleased to inform you that, the EPFO vide its Circular No. WSU/15(1)2019/ATR/529 dated 15.06.2021, have extended the time of compliance of Aadhar seeding from 1st June 2021 to 1st September 2021 (Copy enclosed).

I am sure, this extension of time will help BAI members to comply with the EPFO circular.

This is sent to you for your information and record.

Thanks and Regard,

Yours faithfully,

R.N. Gupta President, Builders' Association of India

Delhi Office: D1/203, Aashirwad Complex, Green Park, New Delhi-110016 Ph. 011-26568763, 40612800, 9535448763 E-mail: baidethi16@gmail.com

B.A.I. Centres at:

Adlabak, Agra, Agra Carll, Almoshinak Almondungan, Algarit, Alkabatad, Almpyr, Antra Antarovak, Ant



कर्मचारी भविष्य निधि संगठन EMPLOYEES' PROVIDENT FUND ORGANISATION अम एवं रोजगार मंत्रालय, भारत सरकार MINISTRY OF LABOUR & EMPLOYMENT, GOVERNMENT OF INDIA मुख्य कार्यालय/Head Office भविष्य निधि भवन, 14, भीकाएजी कामा प्लेस, नई दिल्ली-110066 Bhavishya Nidhi Bhawan, 14, Bhikaiji Cama Place, New Delhi-110066 Website: www.epfindia.gov.in, www.epfindia.nic.in

No: BKG-27/7/2020-G/Pt.file

Date:01.06.2021

To

All Addl. CPFCs(HQ)/ACC (Zones)

Subject: Mandatory seeding of Aadhaar Number for filing of ECR- Reg.

Madam/Sir,

Section 142 of the Code on Social Security, 2020, has been brought into force, with effect from 03.05.2021, vide gazette notification No.1730(E) dated 30.04.2021.

2. The section 142 of Chapter XIV of the Social Security Code, includes the provisions related to Aadhaar, wherein the beneficiary under this Code or rules, regulations or Schemes made or framed there under, shall establish his identity or, as the case may be, the identity of his family members or dependents through Aadhaar number.

3. In compliance of the above provision in EPFO, the Competent Authority has approved that the ECR shall be allowed to be filed only for those members, whose Aadhaar numbers are seeded and verified with the UANs, w.e.f. 01.06.2021.

4. Accordingly, the employers shall be allowed to file the ECR only for the UANs seeded with Aadhaar, w.e.f. 01.06.2021. To ensure that the members and the employers are not adversely affected in the transition phase, the following steps and measures may be undertaken by the field offices under your jurisdiction. A zone wise pendency position is attached as an annexure, as a ready reference.

- a. All the employers need to be made aware of the mandatory filing of ECR with Aadhar validated UANs. Therefore, wide publicity may be ensured in this regard.
- b. The ROs may conduct virtual conferences and also make use of the Social Media handles to reach out to maximum number of employers and subscribers.
- c. A Nodal officer may be appointed, for coordination of these efforts and to facilitate the resolution of any issues being faced by the employers and members in this regard.
- d. Daily progress may be obtained from the field offices, to ensure close monitoring.

Accordingly, the Zonal Offices are requested to ensure strict compliance of the above instructions.

(Issued with approval of Competent Authority)

Yours faithfully,

-sd-(Rajiv Bisht) ACC (F&A)

BUILDERS' ASSOCIATION OF INDIA



(All India Association of Engineering Construction Contractors and Builders) G-1/G-20, 7th Floor, Commerce Centre, J. Dadajee Road, Tardeo, Mumbai - 400034 Tel: (91-22) 23514802, 23520507,23521328 Website: www.baionline.in, E-mail : baihq.mumbai@gmail.com @BAINational and http://youtube.com/user/baihqmumbai

Ref: 217/J/2021-22 dated 11th June, 2021

To,

Shri Santosh Kumar Gangwar Ji, Hon'ble Minister of State for Labour of Employment (Independent Charge), Ministry of Labour & Employment, Shram Shakti Bhawan, Rafi Marg, New Delhi-110001

Respected Sir,

Sub: Difficulties faced by the employees and employers in completing the process of seeding Aadhaar with UANs and verification thereof instantly - reg.

At the outset, we would like to place our great appreciation on the positive and concrete steps taken by your good self to combat the raging Covid-19 pandemic.

Builders Association of India (BAI), established in 1941, is the APEX Body of Indian Construction Industry having about 20000 construction companies as its members with 200 Centres spread throughout the country. BAI acts as bridge between the Government and construction industry on the policy of the Government and contributes to economic development of the country. Quite a large number of our BAI members are also associated with your department

We are to invite a kind reference to EPFOs recent "Directive for Employers" and to bring to your honours kind attention to the problems and difficulties arising out of the abrupt and untimely decision that ECR shall be allowed to be filed only to those members whose Aadhaar numbers are seeded and verified with the UANs, with effect from 01.06.2021. Your honour may kindly note that the importance of the linking of Aadhaar to the respective UANs has been fully comprehended by most of the employers and all possible actions in this regard have since been taken by them. But, however, due to various reasons especially the critical situation arose out of the second wave of Corona Virus many of the establishments and employees are now in a helpless position to comply with EPFOs directive.

Now that on account of the devastating spread of the pandemic has been continuing for the last nearly 16 months, most of the construction site and establishments have been struggling for existence. Most of the establishments are functioning with minimum man power and sustaining heavy losses and many of them have since been closed down for indefinite periods. However, many of them continue to retain their employees with nominal quantum of wages remitted to their bank accounts.

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B.A.I. Centres at:

B.A.I. Contres at: Allabád, Agra, Agra Carit, Ahmedabad, Ahmednagar, Aligath, Allababad, Alleppy, Alova, Amaravath, Andamas (Mintha, Andamad, Amarayabad, Avad), Baghput, Bangalow, Baranak, Baenly, Bavad, Biarach, Biopal, Elasyu, Buthler, Calinat, Chandgarh, Changanakhaw, Changanakha, Chinbahra, Dabi, Dubi, East Walada, Dabi, Yorth, Dabi Yorth, Zanada Yorth, Zanada Yorth, Zanada Yorth, Zanada Yorth, Yorth, Zanada Yorth, Yorth, Yorth, Hangar, Harada Yorth, Yorth, Hangar, Harada Yorth, Hangar, Harada Yorth, Hangar, Harada Yorth, Yanada Yorth, Yanada Yorth, Yanada Yorth, Hangar, Marada Yorth, Yorth, Marada Yorth, Hangar, Marada Yorth, Yorth, Hangar, Harada Yorth, Hangar, Harada Yorth, Hangar, Harada Yorth, Yanada Yorth, Yorth, Hangar, Harada Yorth, Yanada Yorth, Yanada Yorth, Yanada Yorth, Yanada Yanada Yorth, Yanada Yana, Yanada Yanan, Yanada Yanada Yana,

It is in this crucial context, where lock downs and even triple lock downs have been enforced in many areas of the country, making it extremely difficult for the employees to reach their work place, that EPFO has decided to deny remittance of monthly contributions in respect of those members for the simple reason that their Aadhaar Numbers have not been seeded and verified with their UAN. It is worth to note that most of the employees, inspite of the financial crisis faced by them, are ready to make the EPF dues on time. The obstacles faced by both the employees in this situation in getting the Aadhaar Numbers seeded with their UANs are explained hereunder:

- In most cases, the problems related to Aadhaar need to be got solved personally by the members concerned through Akshaya Centres. But most of the Akshaya Centres now remain closed and only a limited no. of those remaining open render Aadhaar related services. Even if they provide the required service, it will take atleast two weeks to get the desired result and to complete the Aadhaar linking process. Besides, the restrictions imposed owing to lockdown and lack of public conveyance prevents the members concerned to go to the Akshaya Centres.
- 2. Another problem facing the employees and the employers is that the field offices of the EPFO has, for a long time, been functioning with a very limited number of functionaries. Moreover, now these offices do not also give any access to any outsiders nor do they accept any hard copy of any communication and only online communications are entertained. This also adds to the difficulties in getting the problem solved.
- 3. In a Metro cities like Delhi, Mumbai, Chennai and Kolkatta where a substantial percentage of migrant workers are employed, it is felt that the Aadhaar linking process cannot be completed even in a month as the relevant records supporting the required corrections in Aadhaar or other records, in most cases, are not readily available with them and, moreover, owing to the ongoing lock down, many of them have returned to their home towns.
- 4. Yet another hurdle facing the employers is the frequent failure of the EPFO site especially the failure report of the UIDAI site during the process of Aadhaar linking.
- 5. Another challenge facing the employers and employees is that their inability to remit the EPF dues on time will make them disentitled to avail the benefits provided to both the employers and the employees under the ABRY Scheme and the PMRPY Scheme. The Schemes themselves, which were implemented in this atmosphere with the noble objective of generating more employment opportunities, seems to be unable to reach the desired goal.

In the circumstances explained above, we request your honour to be kind enough to give a direction to EPFO either to withdraw the said circular which causes undue hardships and financial loss to several lakhs of employees and their employers or grant an extension of time for at least six months for completing the pending cases of Aadhar seeding with UAN.

Thanking you and anticipating an early favourable disposal.

Yours faithfully,

R.N Gupta President, Builders Association of India



क में चा री भ विष् य निधि संगठन EMPLOYEES' PROVIDENT FUND ORGANISATION श्रम एवं रोगगार मंत्रानय, भारत सरकार MINISTRY OF LABOUR & EMPLOYMENT, GOVERNMENT OF INDLA मुख्य कार्यानय/Head Office भविषय निधि भवन, 14, भीकाएजी कामा प्लेम, नई दिल्ली-110066 Bhavishya Nidhi Bhawan, 14, Bhikaiji Cama Place, New Delhi-110066 Website: www.epfindia.gov.in, <u>www.epfindia.nic.in</u>



No: WSU/15(1)2019/ATR/529

Date: 15.06.2021

To,

All Addl. CPFCs (HQ), Addl. CPFCs, Zonal Offices All RPFCs / OICs, Regional Offices

Sub: Mandatory seeding of Aadhar Number for filing of ECR-Reg.

Ref: HO Circular No. BKG-27/7/2020-G/Pt.file dated 01.06.2021

Madam / Sir,

In partial modification of the Circular under Reference, it is informed that the dates in Para 3 and 4 (of the referred Circular) mentioned as 01.06.2021 may be read as 01.09.2021.

2. All other contents of the referred Circular remain unchanged.

3. Further, all the employers may be advised by concerned field offices to be ready for implementation after the period of deferment.

(This issues with the approval of competent authority.)

Yours faithfully,

(Vishal Agarwal) Regional P.F. Commissioner-I (WSU)

Copy to:

Encl: As above.

Addl. CPFC (IS) / RPFC - I (IS) for information and necessary action please.

(Vishal Agarwal) Regional P.F. Commissioner-I (WSU)



(All India Association of Engineering Construction Contractors and Builders) G-1/G-20, 7th Floor, Commerce Centre, J. Dadajee Road, Tardeo, Mumbai - 400034 Tel: (91-22) 23514802, 23520507, 23521328 Website: www. baionline.in, E-mail : baihq.mumbai@gmail.com @BAINational min http://youtube.com/user/baihqmumbai

Ref: 254/A/2021-2022 dated 4th August, 2021

To. Shri Bhupender Yadav Hon'ble Minister Labour & Employment Ministry of Labour & Employment, Govt. of India Shram Shakti Bhawan Rafi Marg New Delhi-110001 Email : minoffice-mole@nic.in

Subject : Request for Relief to the Workers of Construction Industry.

Respected Sir,

The Builders Association of India (BAI) is the apex All-India body of engineering construction contractors and real estate companies founded in the year 1941 with more than 20,000 business entities as its members through nearly 200 chapters across the country. BAI acts as bridge between the Government and construction industry on the policy of the Government and contributes to economic development of the country.

At the outset, we are grateful to you for granting us an opportunity to meet you and are also honoured to allow us to present the issues concerning the Labour forces working in the Construction Industry.

Sir, with great expectation we submit the following points for your kind consideration.

- 1. Requesting to issue instructions to the labour department to coordinate setting up a special vaccine camp for the construction labour at each construction site. This way we can work toward the dream of honourable Prime Minister Shri Narendra Modi to provide free vaccine to all adult of India.
- 2. Requesting to utilize the huge amount available with Labour Welfare Cess (more than Rs.40,000/- crore), collected from contractors, for COVID RELIEF measures for construction Workers, and their families.
- 3. Requesting to utilize the huge unclaimed Funds available with the EPF Department (More than Rs.100,000/- crore) for providing support to the families of Construction workers.
- 4. Requesting to provide infrastructure facilities and financial support for skilling the construction workers. (Amount could be availed from the unutilized balance from the Construction Labour Welfare Cess and also from the Unclaimed amount lying with the EFP Department).

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B.A.I. Centres at:

B.A. Centres at: Adlabad, Agra, Agra Cantt, Ahmedabad, Ahmednagaz, Aligath, Allahabad, Alegyr, Abux, Amravath, Amaravath, Amdaman & Nicobar, Angamali, Aurangabad, Avadi, Eughpet, Bangalore, Baramati, Bareilly, Baroda, Bharuch, Bhopal, Bilaspur, Butbori, Calicut, Chandigath, Changanacherry, Chengai, Chennal, Chittadurga, Coimbatore, Delhi, Delhi, East Shahadra, Delhi North, Delhi South, Delhi Weit Dhanbad, Dharapuram, Dhule, Dindigul, Dungapur, Durg-Binilia, Erode, Ehumanoor, Fandabad, Cautam Buddha Nagaz, Gandhinagar, Ghariabad, Goo, Creater Hyderabad, Greater Japur, Greater Neder, Nathar, Gandam, Jaguar, Jang-Binila, Erode, Ehumanoor, Fandabad, Cautam Buddha Nagaz, Gandhinagar, Ghariabad, Goo, Creater Hyderabad, Greater Japur, Greater Nedera, Nathar, Mariarabi, Holar, Karaika, Gand, Minarabad, Shanaradhy, Kanaradhy, Kamaredhy, Kanmaredhy, Kanga, Redy, Raya Parabhani, Patia, Prambakin, Philan, Pink, City Jigun, Pondicherny, Fenoramillee, Pornamallee, Porramanga, Rody, Annada, Anande, Anandey, Kajad, Kanmanthya man, Kandi, Rana, Randhi, Kanga, Redy, Rayulayaden, Salamaredhy, Kasha, Kanmanthya Kanga, Redy, Rayulayaden, Salama, Shaha, Shimoga, Shicha, Shipur, Solapur, Suata Shaha, Shimoga, Shicha, Shipur, Solapur, Suata Tambaram, Tanaku, Tenkai, Tespir, Thanjavur, Theiruimandur, Thiruwanamalai, Thiruwanamalai, Thiruwana, Kangar, Kanga, Weisen U.P. Electrical, Yadadri.

- 5. The working of Construction Sector is regarded as an important Sector and a special meeting may be called to discuss about the impact of new Labour code in Construction Sector before the same being implemented.
- 6. The Government may consider imposing a fixed percentage towards BOCW Cess, ESIC, EPF for the construction labour and to be deducted from the project amount as deduction at source and to be deposited in various head by the deducting organisations. This would relieve the contractor from the huge paperwork and he can concentrate on his core work of execution of the project work.

We, once again thank you for the time allotted to us and hope you will extend the support to our industry.

Looking forward to a positive step towards our sincere request.

Yours faithfully,

R. N. GUPTA President Builders Association of India Mobile: 098100 11139

-2-

Real Estate Regulatory Authority, Regulation a New Regime

Current Scenarion and BAI's Initiative

It is now almost four year since the Real Estate (Regulation and Development) Act (RERA) has been introduced to the domestic real estate market. After having come into being the Central regulation has completely changed the dynamics of the real estate sector, which had been moving in an unorganized manner. RERA has been a watershed event for the real estate industry, which in the last couple of years, has witnessed a series of disruptive policy initiatives. While, post RERA, the industry is still under transition, the regulation presents tremendous potential to transform the entire landscape of the industry, going forward. Reforms led by RERA are helping the property sector to commence its second growth phase, where market will move in a much transparent and organized manner. The process has started to create a market place, where all stakeholders act in a much accountable fashion and thus entail the much-needed depth to the market structure and its functions in the long run. While the market is gradually in the process of coming out of the short-term disruptions like demonetization, GST and others, the long-term reform such as RERA is showing its impact on the overall functioning of the real estate business in the country.

Five years of RERA and its impact on real estate

The real estate market that was once plagued by a plethora of issues has now completely metamorphosed into an organised and transparent sector, offering a levelled playing field to all the realty stakeholders. The shift in the industry can be primarily attributed to the enforcement of the Real Estate (Regulation and Development) Act, 2016 (RERA).

In the presence of a regulator as the Real Estate (Regulation and Development) Act, 2016 (RERA), risks attached to the real estate investments have come down significantly, which has paved the way for a more transparent and organised industry. Implemented three years back, the act has not only created standard practices and benchmarks, which have, in turn, given a boost to customer confidence but has also addressed the problems faced by builders by penalising customers in case of delayed or defaulted payments. It is worth mentioning that the sector has witnessed a considerable improvement as matters such as information authenticity, transparent pricing and delivery commitments have been taken up and judiciously addressed by RERA. As the act mandates developers to update all the relevant and genuine information of their upcoming projects on the RERA portal, buyers remain safeguarded from falling prey to incorrect commitments. RERA has also brought in specific measures which restrict developers from making variations to the submitted or pre-approved plan. This synergy has led to increased transparency in the sector.

One of the most significant advantages of the enforcement of the act has been an evasion of the fly-by-night realtors. RERA brought in norms that resulted in only the legit and registered developers and real estate agents operating in the market as opposed to the previous scenario. The act has come a long way in redressing the customers' concern about the timely possession of the property and builders duping homebuyers by diverting the project funds to land acquisition activities and stalling the project in the middle. The most critical issue of financial mismanagement has been carefully managed with the creation of an Escrow Account that prohibits the builder from diverting funds of one project to other as the fund withdrawal from the account remains regulated and restricted. This, coupled with the adoption of defined standard policies by RERA such as disclosure of rate quote on carpet area, site plan, construction stage, units sold, and possession date, has also helped to bring about the discipline and order in the sector. The outcome of this initiative is reflected in the reduced number of indiscriminate launches by developers and the improved reliability of buyers in exchange.

Though the whole industry has a long journey to make, RERA is a notable milestone that transformed real estate into a unified and systematised business. It boasts of a well-laid system where developers consider it vital to register their projects before opening it for sale, disclose the registration numbers on all collaterals, and update the occupancy as well as the status of the project. So far, the intervention of the RERA has proved to be a key driver in encouraging investments and fuelling growth. In the coming years, the industry may see an improved version of the act that fosters a more fair and equitable transaction between the three crucial players of the industry, including developer, customer and the financer. Overall, RERA has tried to bring in more accountability in the real estate sector. However, to further ensure the effective enforcement of these orders, better coordination with the State and Central laws is essential.

BAI REGISTERED AS AN SRO WITH MAHARERA

The concept of Self-Regulatory Organisation (SRO) has been introduced by MahaRERA and taking up a membership of a registered SRO has become mandatory from 1st December, 2019, for all real estate developers having MahaRERA registered real estate projects.

Builders' Association of India (BAI) has been registered as an SRO by MahaRERA.



Maharashtra Real Estate Regulatory Authority

Registration Certificate for Self-Regulatory Organization for Promoters

This registration certificate bearing No. P4 is granted to Builders Association of India Maharashtra State having its registered office at G-1/G-20,7th floor, Commerce Centre, J.Dadajee Road, Tardeo, Mumbai 400034. to act as a Self – Regulatory Organization for promoters whose projects are registered with Maharashtra Real Estate Regulatory Authority (MahaRERA).

This registration is valid for a period of five years commencing from 02/12/2019 and ending with 01/12/2024

This registration is granted subject to the following objectives namely: -

- a. The SRO shall encourage its members to comply with the provisions of the Act, applicable rules, regulations, orders or circulars issued by the MahaRERA from time to time;
- b. The SRO shall be responsible for carrying out awareness and education activities among its members
- c. The SRO shall specify standard of conduct for its members and also shall be responsible for the implementation of the same by its members.
- d. Governing norms of the SRO should not be in conflict with Rules, Regulations, Circulars and Orders of MahaRERA.
- e. The SRO shall discharge such other functions as may be specified by MahaRERA from time to time.

The SRO shall assist MahaRERA in better implementation of the Real Estate (regulation and Development) At, 2016.

Dated: 02/12/2019

Place: Mumbai





(All India Association of Engineering Construction Contractors and Builders) G-1/G-20, 7th Floor, Commerce Centre, J. Dadajee Road, Tardeo, Mumbai - 400034 Tel: (91-22) 23514802, 23520507,23521328 Website: www.baionline.in, E-mail : <u>baihq.mumbai@gmail.com</u> @BAINational <u>http://youtube.com/user/baihqmumbai</u>

Ref: 140/M/2021-2022 dated 27th May, 2021

Shri Durga Shanker Mishra Ji, Secretary, (H&UA) Ministry of Housing & Urban Affairs, Nirman Bhawan, Maulana Azad Road, New Delhi-110011 Email : secyurban@nic.in

Respected Sir,

Sub: Second Wave of Covid 19- Disruption in Construction Activity-Few Important Request- Reg

Under your dynamic leadership India has undertaken one of the most comprehensive planned urbanization programme in the history of the world. We are very sure that your pragmatic, honest and ethical approach will help your Ministry to achieve its target in shortest possible time bringing laurels to all stakeholder.

The Builders Association of India (BAI) is the apex All-India body of engineering construction contractors and real estate companies founded in the year 1941 with more than 20,000 business entities as its members through nearly 200 chapters across the country.

As you are aware, second wave beginning in March 2021 of Covid 19 has been much stronger and larger than the first, with shortages of vaccines, hospital beds, oxygen cylinders and other medicines in various parts of the country. In the absence of a nationwide lockdown and with Covid-19 cases on a steady rise, a number of states in India have imposed complete lockdowns to reduce the spread of the coronavirus virus amid a deadly second wave. Even the states that have not opted for state-wide lockdowns have induced lockdown-like strict curbs on the movement of people.

Hence, the construction activities have been disrupted and even though there is no ban as such on construction works, the works have suffered and have, therefore, either stopped or working with hardly any activity. The various reasons are:

 Lack of Migrant Labour: The fear of Corona is making migrant labour leave and go back to their hometown. The contractors have tried making all efforts like financial help, arrangement of medical facilities, hygienic accommodation observing the social distancing norms and wholesome diets to make them comfortable. All these efforts have been in vain as the fear of Corona has pushed these labours in going back to their hometown.

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B.A.I. Centres at:

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- 2) Lack of Construction Material: Due to lockdowns in the various states, the manufacturing is thus impacted and the transportation of the material is also faced a huge impact due to shortage of drivers as again they have left for their hometown due to fear of lockdown. Moreover since the construction material does not come under the essential commodities, it is not being allowed to be transported. Due to the absence of construction material, migrant labour is also leaving as there is no work. Even if any manufacturer/ supplier is ready to send the goods, they are unable to reach the site.
- 3) Lack of Staff at Work Site: The staff at various sites have fallen prey to Corona and the attendance has been very erratic. Because of one incident of Corona, other are also being placed under quarantine thus effecting the entire progress of the work.
- 4) Lack of Client's Staff: Even the officers from the monitoring client side are not coming to site because of fear of Corona. Some have either caught the disease and others are taking precautions.
- 5) Lack of Staff of Third Party/ Consultant- The staff of the third party / consultant are unable to attend to the requirements of the site thus impacting the progress at site
- 6) Lack of Hired Construction Machinery: Again the scarcity of the drivers, the hired construction machines are idle.

Therefore it can be clearly seen that construction industry is going through a very difficult time and you would also agree that the second wave of Corona is causing more damages than the first one we saw in 2020 and has caused various disruptions. The contractors are incurring considerable financial losses as the expenditure on the enormous infrastructure has to be maintained even if the work has been stopped. Some of our members have even met their unfortunate demise due to this dreaded disease and some are still suffering.

Therefore, to tide over these difficult times we earnestly request

- Extension in Time of Completion: Since due to Corona, the construction activity has got disrupted leading to very little or no work and hence contract obligation have not been able to meet, we request that this period be suitably compensated in the shape of extension in time of completion for six months.
- 2) Relaxation of Performance Security- Due to the disruptions from the first wave in 2020, the government was kind enough to relax the Performance Security to 3% from 5% and further the performance security was to be returned in proportion to the work completed to total contract value. However some of the offices / organisations under your Ministry have not

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complied with this Office Memorandum and thus the benefit is still only on paper and no real benefit has been passed on to the intended sufferer. This is against the spirit of the relief which was being envisaged by the Office Memorandums. We request that directions may be given offices / organisations under your Ministry for the strict implementation of these Office Memorandums.

- 3) Delay in Deduction of Mobilization Advance- Since no work or little work has taken place, the deduction of routine percentage of mobilisation advance is leading to hardly any positive cash flow in the hands of severally affected contractors who are facing acute cash crunch. Therefore we request that these deductions and the associated interest may be postponed for 6 months and that no interest is to be charged for the period when virtually no work has been executed due to Corona.
- 4) **Release of Retention Money-** To tide over the cash crunch the retention money deducted be released in proportion to the work completed to total value.
- 5) Relaxation in Eligibility: Relaxation should be given in eligibility criteria of tenders in Net Worth, Performance, Bidding Capacity etc.
- 6) **Expeditious Release of Payment of RA Bills**: The payment of the RA bills should be released within 2-3 days of the submission. Alternatively 90% payment be released if there is any delay in the process of RA bills by the work authorities.

We hope that you would give your most sympathetic consideration to these very genuine request and direct your offices / organisations under your Ministry for the strict implementation of these requests.

Once the lockdown is lifted, you may take out some time from your busy schedule to give a sympathetic audience to members of our association who are at the implementation stage of your vision for the Country.

Thanking you,

Yours faithfully,

R.N Gupta President, Builders Association of India Mobile.98100 11139



(All India Association of Engineering Construction Contractors and Builders) G-1/G-20, 7th Floor, Commerce Centre, J. Dadajee Road, Tardeo, Mumbai - 400034 Tel: (91-22) 23514802, 23520507,23521328 Website: www.baionline.in, E-mail : baihq.mumbai@gmail.com 🖉 @BAINational 🖬 http://youtube.com/user/baihqmumbai

Ref.: 210/M/2021-2022 dated 4th June, 2021

Shri Durga Shanker Mishra Ji, Secretary, (H&UA) Ministry of Housing & Urban Affairs, Nirman Bhawan, Maulana Azad Road, New Delhi-110011

Respected Sir,

Sub: Unbalanced and Unilateral Contractual Condition Absence of Dispute Resolution Mechanism - NBCC-Reg.

We have, time again, recognised and much appreciated the fact that under your dynamic leadership India has undertaken one of the most comprehensive planned urbanization programme in the history of the world. We thank you for your zeal, enthusiasm & great efforts

The Builders Association of India (BAI) is the apex All-India body of engineering construction contractors and real estate companies founded in the year 1941 with more than 20,000 business entities as its members through nearly 200 chapters across the country. We have attached to your ministry for a very long time and have executed several prestigious contracts.

You would appreciate that to achieve the objectives as per your set vision, our contractor members have to play a very vital role and have to be an integral part of the supply chain.

However gross injustice is being done to the entire contractor community by one of the organisations under your command and it is really hurting them badly. The injustice is in terms of absence of Dispute Resolution Mechanism (DRM) in the contractual conditions being followed by NBCC.

The clauses of the agreements should be fair, reasonable and applicable to both parties equally. The clauses of the agreements shall not be a favour for one person and disfavour to another person. If there is a position like this it would amount to 'unfair trade practice. Therefore you would appreciate that Dispute Resolution Mechanism is fundamental to a model contract and brings equality.

Out of 3 PSU under your command namely M/s National Buildings Construction Corporation Limited (NBCC), M/s Housing and Urban Development Corporation Ltd. (HUDCO) & M/s Hindustan Prefab Limited (HPL), both HUDCO & HPL have well defined DRM in their conditions of contract where as NBCC has glaringly omitted it. Even another organisation under command M/s Central Public Works Department (CPWD), which has a very similar profile to NBCC, also has well defined DRM in their conditions of contract.

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Therefore, out of the four organisations under your command, three are following the set principals of a good and equitable contract whereas NBCC has surprisingly chosen to remove DRM from their conditions of contract. This gross injustice needs to be corrected urgently.

Moreover even the model agreement released by NITI Aayog in August 2019 for construction works has a well-defined DRM.

We understand that as per the directive of Niti Aayog your ministry had even directed NBCC for incorporating the clause on DRM but surprisingly and strangely, your directive on incorporating DRM has not been implemented by NBCC.

Therefore, it is can be easily seen that NBCC has decided to leave the path of a equitable and just contract and has made their own contractual conditions even if they are highly unbalanced and unilateral. Despite this harsh treatment being meted out, contractors are working for NBCC just to earn their livelihood and being forced to accept these unfair trade practices. In the ongoing projects of "Construction of Campuses for Indian Institute of Management" in various states of India, few are being monitored by CPWD and few by NBCC. In a similar kind of a work scenario the contractors are experiencing different contractual conditions in terms of DRM from two central government project monitoring agencies.

Therefore, we request you to kindly look into this unbalances, unilateral trade practice being done by NBCC and direct them to modify their conditions of contract so that they become fair, reasonable and applicable to both parties equally. This anomaly needs to be corrected urgently.

Your pragmatic, honest and ethical approach has been helping your Ministry and we are very sure that now we you would correct this glaring anomaly, also.

Hoping your most sympathetic consideration to our very genuine request and thanking you in positive anticipation.

Thanking you,

Yours faithfully,

R.N Gupta President Builders Association of India Mob: 98100 11139



(All India Association of Engineering Construction Contractors and Builders) G-1/G-20, 7th Floor, Commerce Centre, J. Dadajee Road, Tardeo, Mumbai - 400034 Tel: (91-22) 23514802, 23520507,23521328 Website: www.baionline.in, E-mail : <u>baihq.mumbai@gmail.com</u> @BAINational **bib** http://youtube.com/user/baihqmumbai

To,

Ref: 248/J/2021-22 dated 29th July, 2021

Shri Hardeep Singh Puri Minister of Housing and Urban Affairs Nirman Bhawan, C - Wing, Dr. Maulana Azad Road New Delhi – 110 011 Shri Durga Shanker Mishra Ji, Secretary, (H&UA) Ministry of Housing & Urban Affairs, Nirman Bhawan, Maulana Azad Road, New Delhi-110011

Subject: Construction/ Rectification of Balance Work/ Leftover work of Amrapalli Group of Companies- Stalled Project due to Non-Payment of Dues- Reg.

Honourable Sir,

This is to bring to your kind notice that Honourable Supreme Court of India has appointed NBCC (India) Limited (A Public Sector Unit) as Project Management Consultant (PMC) for completing the stalled project of erstwhile Amrapali group of companies at Noida and Greater Noida thus trying to give relief to 46,575 homebuyers. A Court Receiver has also been appointed by Honourable Supreme court of India, to monitor the progress of the projects. The few facts regarding these projects are given as under:

No. of Projects 23

◊ No. of Housing Units - 46,575

◊ Estimated Construction Cost- Rs. 8500 crores

NBCC had invited tenders from contractors to complete the above stalled projects. Few of our esteemed members are executing such housing projects of Amrapali in Noida and Greater Noida under the contract signed with NBCC. Against the RA bill raised by the contractors for the work done, NBCC initially regularly made the payments but since February 2021 NBCC is not making the payment to these contractors. More than Rs. 500 crores of contractor payment is yet to be paid by NBCC.

NBCC is taking recourse in the arbitrary and outdated clause which states that NBCC will make the payment only on receipt of the same from the Client. It has been clearly and finally established by the Supreme Court that "an open ended clause that in effect says that the payment shall be made at an undetermined time in the future, subject to the availability of funds, in a particular head of accounts is wholly unreasonable and such a term would also be unfair." Therefore, NBCC needs to make urgent arrangement for funds either by selling unsold inventory of flats, puts its own money or to raise money from banks on its own. Should NBCC pay any interest on such money raised, it may set it off against the sale of flats for which the honourable Court receiver has already agreed.

Moreover the bankers of our contractor members are unwilling to provide funds against the unpaid RA bills without the guarantee from NBCC which NBCC is unwilling to do for reason unknown to us even though the existing mechanism on trade receivable from public sector units are already available and which require NBCC to be compulsory part of it.

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Thus without any hope of any financial relief in terms of payment against the unpaid RA bills in coming days, the work at site is suffering badly along with the migrant labour, staff and the vendors who have supplied the material as all of these have not got their dues due to lack of funds with the contractors. Some of the projects have already stalled and the progress of works at other sites is very slow and it is very likely that the execution at these sites also may stop due to lack of funds in the immediate future.

The contractors have already suffered due to Corona Pandemic wherein they had to pay for idle labour, staff and machinery. Moreover in this period there has been steep hike in the prices of steel and cement. There is no rovision for escalation in these contracts with NBCC as NBCC is knowingly not inserting this clause on escalation in the contracts much against the model norm set out by the government. Therefore with the background of losses dues to Corona and steep hike in steel and cement this additional third factor of non-payment of RA bills has broken the back of the Contractors.

The Hon'ble Supreme Court by its judgment dated 23.07.2019 had issued several directions towards ensuring steps and measures for execution and completion of all pending project of Amrapali and one of the major decision was to appoint NBCC as PMC. However the impending prospect of stalled projects due to non payment of RA dues goes against the very spirt of this Supreme court order thus leaving the home buyers again in lurch. These home buyers have been waiting for a long time for the tittle to be passed on the them and that possession is handed over to them.

Thus we request your immediate and urgent intervention to direct NBCC

To arrange immediately funds from its bankers to pay off the unpaid RA bills of the contractors.
 To look into the possibility of becoming guarantor to the money raised by the contractors from their bank against their unpaid RA bills.
 To look for any other immediate solutions to this unfortunate situation so that the dreams of the unfortunate home buyers could be realised.

Your immediate intervention would provide relief to the contractors, thousands of migrants labour, poor vendors and last but not the least the unfortunate home buyers whose life savings have been invested in these projects. These stalled projects impact the lives of around 1.5 lacs home buyers and around 40 thousand migrant labourer and vendors who are directly or indirectly involves with this project.

Thanking you in positive anticipation.

Yours faithfully,

R.N Gupta President, Builders' Association of India Mobile.98100 11139



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Ref: 253/A/2021-2022 dated 3rd August, 2021

The Secretary Ministry of Housing & Urban Affairs, Room No. 201, Nirman Bhawan, Maulana Azad Road, New Delhi -110011

Respected Sir,

Sub: Unbalanced and Unilateral Contractual Condition-NBCC-Reg.

This is further to our letter dated 3 June 2021 wherein we have brought to your kind attention the absence of Dispute Resolution Mechanism (DRM) in the contractual conditions being followed by NBCC (India) Ltd (NBCC).

In this letter we have also recognised and much appreciated the fact that under your dynamic leadership India has undertaken one of the most comprehensive planned urbanization programme in the history of the world. We once again thank you for your zeal, enthusiasm & great efforts

We had also brought to your kind attention that The Builders Association of India (BAI) is the apex All-India body of engineering construction contractors and real estate companies founded in the year 1941 with more than 20,000 business entities as its members through nearly 200 chapters across the country. We are attached to your ministry for a very long time and have executed several prestigious contracts.

Apart from the absence of DRM gross injustice is being done to the entire contractor community in terms of glaring absence of other important contractual conditions being followed by NBCC.

Sir, you would appreciate that the clauses of the agreements should be fair, reasonable and applicable to both parties equally. The clauses of the agreements shall not be a favor for one person and disfavour to another person. If there is a position like this it would amount to 'unfair trade practice. Moreover all these omissions in NBCC's contractual conditions are recommendations by NITI Aayog in their model agreement made in August 2019 for construction works and also being followed by M/s Central Public Works Department (CPWD)- another organisation under command and which has a very similar profile to NBCC. The omitted conditions including DRM are:

1) Absence of Price Adjustment (Increase or Decrease) for Works (Escalation Clause)- This clause deals with any increase or decrease in the index cost of the inputs in a construction project and thus the amounts payable to the Contractor for and in respect of Contracted Works shall be adjusted for by the addition or subtraction of the amounts so determined.

....P2....

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- 2) Pay when Paid Clause-NBCC is taking recourse in the arbitrary and outdated clause no. 23.2 of the General Conditions of Contract (GCC) the which states that NBCC will make the payment only on receipt of the same from the Client. It has been clearly and finally established by the Supreme Court that "an open ended clause that in effect says that the payment shall be made at an undetermined time in the future, subject to the availability of funds, in a particular head of accounts is wholly unreasonable and such a term would also be unfair". Thus this clause of NBCC is unfair and unreasonable to the contractors especially the lower tiers in the contracting chain. It blocks their cash flows and may even lead to bankruptey. The subcontractors offen do not have requisite finances to take legal recourse. Even if legal recourse is taken, it may take many years to finalize. Many subcontractors have been taken to bankruptey and number of projects have faced cost and time overrun due to ineffective remedies for delayed payments.
- 3) Absence of Dispute Resolution Mechanism (DRM): Dispute Resolution is fundamental to a model contract and brings equality. In the event that the Parties to the contract are unable to agree in good faith about the occurrence or existence of an Event/ decision, such Dispute shall be finally settled in accordance with the Dispute Resolution Mechanism. DRM sets out the forum in which the parties want any disputes arising under the agreement to be resolved.
- 4) Absence on Interest in Delayed Payments: NITI Aayog in their model agreement made in August 2019 for construction works states that "In the event of failure of the Authority to make payment to the Contractor within the time period specified, the Authority shall be liable to pay to the Contractor interest at rate equal to the Bank Rate plus 3% (three per cent). The clause on payment of interest brings a financial discipline and also compensate the contractor for make alternate arrangements for funds.

NBCC deals primarily with Central Government agencies and handle their project as Project Management Consultancy (PMC). All these Central Government's construction contracts are planned events and hence there should not be any shortage of funds. Therefore, the only reason could be lack of proper planning by NBCC for the timely cash inflows.

Therefore it is can be easily seen that NBCC has decided to leave the path of a equitable and just contract and has made their own contractual conditions even if they are highly unbalanced and unilateral. Despite this harsh treatment being meted out, contractors are working for NBCC just to earn their livelihood and being forced to accept these unfair trade practices.

Therefore, we request you to kindly look into this unbalances, unilateral trade practice being done by NBCC and direct them to modify their conditions of contract so that they become fair, reasonable and applicable to both parties equally. These anomalies needs to be corrected urgently.

Your pragmatic, honest and ethical approach has been helping your Ministry and we are very sure that now we you would correct these glaring anomalies, also.

We look forward to you taking out time from your busy schedule and giving us a <u>personal hearing</u>. Hoping your most sympathetic consideration to our very genuine request and thanking you in positive anticipation.

Thanking you,

Yours faithfully,

R.N Gupta President Builders Association of India Mobile.98100 11139



Builders' Association of India

(All India Association of Engineering Construction Contractors and Builders) G-1/G-20, 7th Floor, Commerce Centre, J. Dadajee Road, Tardeo, Mumbai - 400034 Tel: (91-22) 23514802, 23520507, 23521328 Website: www. baionline.in, E-mail : baihq.mumbai@gmail.com @BAINational Bhik http://youtube.com/user/baihqmumbai

Ref: 255/A/2021-22 dated 4th August, 2021

To, Sh. Hardeep Singh Puri **Cabinet Minister Ministry for Housing & Urban Affairs** Government of India, New Delhi

Respected Sir

Subject:- Issues faced by the Contractors involved in the execution of the Pradhan Mantri Awas Yojana Projects (P.M.A.Y.) in Madhya Pradesh.

This is in reference to the aforementioned subject. We write this letter to draw your attention to the following issues and problems being faced by the Contractors involved in the execution of the P.M.A.Y. Projects in Madhya Pradesh.

- There is an acute problem of funds in the P.M.A.Y. Projects. The Contractors are (1)under acute financial stress due to the non-payment of their Running Account Bills for considerable long time which is now reflecting on the progress of the Projects also. Progress of the works in the most of the Projects has slowed down considerably. Some of the projects have even stopped and other will also stop in the near future due to the financial crisis caused due to the inordinate delay in the payment of Running Account Bills.
- (2)You are fully aware that there has been a price hike of 20% to 50% in the cost of almost all the materials used in the Construction Industry. The Government itself has increased the minimum wages of the skilled and unskilled labour. There is no provision for compensation for Price Escalation (Increase or Decrease) in the P.M.A.Y. Projects. Generally, the Contractor's Profit is considered at about 10% in any Project. The price hike of 20 to 50% in the cost of almost all the materials has already reduced the Contractor's Profit to NIL and made the contracts unworkable. A formula needs to be worked out for the reimbursement of this price hike to the Contractors so that these dream projects of the honourable Prime Minister are completed as quickly as possible as otherwise these works will remain incomplete.
- There was reverse migration (back to their native places from the Project Sites) of (3)skilled and unskilled labour due to the Lockdown and Corona Curfew imposed during the first wave and second wave of the "COVID - 19" Pandemic which resulted in the total or partial stoppage of the works. However during the lockdown and corona curfew period the Contractors continued to incur the overhead charges due to the idling of labour and machinery which also added to their financial stress.

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- (4)In an effort to reduce the financial liquidity crisis being faced by the Contractors due to the delay in the payments of the Running Bills, the Government of India through its Finance Ministry had issued Office Memorandum (O.M.) dated 13 - 05 - 2020 for the release of Performance Guarantee to the Contractors in proportion to the work completed and dated 12 -11 - 2020 for the reduction of Performance Security from 5 - 10% of the Contract Value to 3% of the Contract Value on all the existing contracts and the tenders called after the date of the O.M. This was done to infuse additional liquidity to the contractors. However the Government of Madhya Pradesh has till date not acted upon these O.M. We request you to please direct the state government to issue the necessary instructions for the implementation of these O.M. at the earliest so that the stalled projects get restarted and the slowed down projects gather momentum and the works are completed. As the second wave has been equally devastating and has affected the entire construction industry, you are also very humbly requested to kindly advise the Procurement Policy Division, Department of Expenditure, Ministry of Finance to issue an Office Memorandum by further reducing the Performance Security to 2% from existing 3% and also the contractee (Government Department/ Agency) to return the value of Performance Security to the contractor as is proportional to the contract work completed to the total contract value.
- (5) The progress of the works in the projects was hampered due to the restrictions imposed during the lockdown in the first wave and the corona curfew in the second wave of the "COVID 19" Pandemic. Lockdown was imposed during the first wave and the government had granted extension of time six months from 20 02 2020 for all the works which were to be completed on that date or after that. Corona Curfew was imposed in Madhya Pradesh from the 12 04 2021 and commercial establishments were ordered to be closed and the normal movement of the citizens was restricted which severely hindered the progress of the work. Therefore, keeping in mind the effect on the construction project by the devastation caused by the second wave of Corona, you are requested very humbly to advise the Procurement Policy Division, Department of Expenditure, Ministry of Finance to issue an Office Memorandum declaring the second wave to be also considered as a case of natural calamity and hence Force Majeure Clause may be invoked and in such event, date of completion of contractual contract be extended by six months without imposition of any compensation.

We request you to please look into the aforementioned issues positively and resolve them at the earliest so that Projects gather pace and the dream of the honourable Prime Minister to provide a house for each family is realised at the earliest.

Thanking you in anticipation.

Yours sincerely

R. N. GUPTA President Builders' Association of India Mobile 9810011139

Copy to:-

- 1) Shri Durga Shanker Mishra, Secretary, Ministry of Housing & Urban Affairs, G.o.I., New Delhi, for information and necessary action please.
- 2) Shri Bhupendra Singh, Cabinet Minister, Ministry of Housing & Urban Development, G.o.M.P., Bhopal, for information and necessary action please.
- Shri Nitesh Vyas, Principal Secretary, Housing & Urban Development Department, G.o.M.P., Bhopal, for information and necessary action please.

ROYALTY MATTERS

With reference to 'Royalty on Minor Minerals', Mumbai High Court has passed a final order on 30th April 2019, ruling that Royalty need not be paid for excavation of ordinary earth. We are printing herein below the order.



IN THE HIGH COURT OF JUDICATURE AT BOMBAY CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13308 OF 2018

Tata Projects Limited.

Petitioner.

Respondents.

The State of Maharashtra and others.

Mr.Sriram Sridharan with Mr.Jas Sanghavi and Mr.Viraaj Bhate i/b. PDS Legal for the petitioner.

V/s.

Mr.A.B.Vagyani, GP with Mr.Y.S.Khochare, AGP for the respondents.

CORAM : A.S.OKA AND M.S.SANKLECHA, JJ.

DATE : 30th April 2019.

ORAL JUDGMENT : (Per A.S. Oka, J.)

- The parties were put to notice on the earlier date that the petition will be disposed of finally at the stage of admission. Rule. Learned Government Pleader (GP) waives service for the respondents.
- 2. The petitioner claims to have formed a Joint Venture with other entities as pleaded in paragraph4 of the petition. A tender notice was published by Mumbai Metro Rail Corporation Limited (for short "MMRCL") inviting bids for excavation and construction of underground tunnels for Mumbai Metro. The aforesaid Joint Venture submitted a bid which was accepted and a contract dated 24th August 2016 was executed by MMRCL.
- 3. On 13th January 2017, an application was made on behalf of the Joint Venture for grant of permission for excavation and disposal of excavated material for the design and construction of underground stations at Siddhivinayak, Dadar and Shitladevi Temple. A reply was issued by the Superintendent of Land Records, Mumbai calling upon the Joint Venture company to make certain compliances by submitting the documents. Another application was made on 8th March 2017 by the Joint Venture seeking

permission for excavation of secant piles at Siddhivinayak Station and disposal of the muck. In exercise of powers under Rule 59 of the Maharashtra Minor Mineral Excavation (Development and Regulation) Rules, 2013 (for short "the said Rules of 2013"), the Additional Collector, Mumbai City granted permission for excavation of minor minerals having quantity of 648 brass subject to terms and conditions incorporated in the said letter.

A letter was addressed by the Joint Venture to the 4. third respondent on 9th May 2017 contending that the Joint Venture has not made any excavation of minor minerals and only ordinary earth is excavated for noncommercial purposes. It is alleged that the amount of royalty as mentioned in the said letter has been deposited under protest and, therefore, a prayer was made for refund. The said letter was followed by a reminder dated 22nd June 2017. As the said applications were not decided, the present petitioner filed Writ Petition No.10845/2017 in this Court which was disposed of by the order dated 8th November 2017 wherein this Court directed the Additional Collector, the third respondent therein, to take appropriate and reasoned decision on the

applications made by the petitioner for refund. On the basis of the said order, an order was passed on 27th March 2018 by the Additional Collector, Mumbai City by which the prayer for refund was rejected. Being aggrieved by the said order that the present writ petition has been filed by the petitioner wherein various declarations are claimed and writ of mandamus is also prayed for directing refund of the premium paid by the petitioner under protest. 5. The submission of the learned counsel appearing for the petitioner is that what is excavated by the petitioner is an ordinary earth which is not per se covered by the definition of "minor mineral" under clause (e) of section 3 of the Mines and Minerals (Development and Regulation) Act, 1957 (for short "the said Act of 1957"). It is pointed out that in exercise of powers under section 3(e) of the said Act of 1957 various notifications have been issued including the notification dated 3rd February 2000 which declares "ordinary earth" used for filling or levelling purposes in construction of embankments, roads, railways, buildings to be a minor mineral in addition to the minerals already declared as minor minerals. It is contended that all categories of ordinary earth does not become minor minerals unless the same is used for the purposes specified in the notification dated 3rd February 2000. The submission is that in the impugned order, the Additional Collector has come to an incorrect conclusion that ordinary earth is also covered by definition of minor minerals by virtue of the said notification. Reliance was placed by the petitioner on the decision of this Court dated 29th March 2019 in the case of Ircon International Limited and others v. The State of Maharashtra and others in Writ Petition No.3704/2018. It is submitted that the case is covered by the said decision. The learned GP tenders across the bar a letter dated 3rd March 2018 issued by the District Mining Officer to the Additional Collector of Mumbai. He submitted that the said letter indicates that from the technical report submitted by the petitioner, it appears that excavation of mixture of gravel, sand silt and clay was being carried out and not only of ordinary earth. He pointed out that what is excavated will fall in the category of building stones. He submitted that what is excavated is mixture of gravel, sand silt and clay and, therefore, what is excavated is covered by the definition of minor minerals. He, therefore, submitted that a finding of fact has been recorded by the Additional Collector and no interference is called for. He submitted that the decision of this Court in Ircon International Limited and others (supra) is in the peculiar facts of that case before the Division Bench.

6. We have given a careful consideration to the submissions. In terms of the judgment and order

dated 8th November 2017 in Writ Petition No.10845/ 2017 filed by the petitioner, the petitioner was given an opportunity of being heard by the Additional Collector. The petitioner filed written submissions dated 6th December 2017. A specific contention was raised therein (paragraph A.8) that what is excavated by the Joint Venture of the petitioner is nothing than the ordinary earth and the said material does not satisfy the test of the notification dated 3rd February 2000.

- Now we turn to the impugned decision of the 7. Additional Collector. The impugned decision does not dispute that the amount of royalty was paid as per the said Rules of 2013 and that the royalty was paid under protest. We have carefully perused the findings recorded by the Additional Collector. The Additional Collector observed that as per the agreement between the Joint Venture and the principal, it was the responsibility of the Joint Venture to pay the royalty. It is observed in the impugned order that as the petitioner is doing the work of digging tunnel and construction of underground stations for the Metro Project, the excavation of minerals will be covered by the definition of minor minerals under the said Act of 1957 and, consequently the said Rules of 2013. In the subsequent paragraphs of the impugned order, it is mentioned that certain categories of stones were excavated. In fact, in the impugned order, it is mentioned that only with a view to avoid stoppage of work of the Metro Railway, the petitioner deposited the royalty amount.
- 8. In the written submissions submitted by the petitioner on 6th December 2017 on the basis of the order dated 8th November 2017 passed in the earlier petition filed by the petitioner, a specific contention has been raised that what is excavated by the petitioner is an ordinary earth which is not used for any of the purposes specified in the notification dated 3rd February 2000 and, therefore, the said ordinary earth will not fall in the definition of minor minerals and, therefore, royalty was not payable.
- 9. As far as the issue whether ordinary earth excavated will be covered by the definition of minor minerals under the said Act of 1957 is concerned, the same is no longer res integra. The same has been decided by the Division Bench of this Court in the case of Ircon International Limited and others (supra). Paragraphs 8 to 11 of the said judgment reads thus:

"8. Before adverting to deal with the aforesaid rival submissions, it may be apposite to note the statutory and regulatory framework, which governs the situation at hand. The Mines and Minerals (Development and Regulation) Act, 1957 contains the provisions for the regulation of mines and development of minerals. The 'minor mineral' is defined in Section 3(e) of the said Act, 1957 as under:

"3(e) "Minor minerals" as 'building stones, gravel, ordinary clay, ordinary sand other than sand used for prescribed purposes, and any other mineral which the Central. Government may, by notification in the Official Gazette, declare to be a minor mineral"

- 9. Evidently, the ordinary earth is not specifically defined as 'minor mineral'. However, the Central Government is empowered to declare any other mineral as a minor mineral. In pursuance of such power, the Central Government issued the Notification on 3rd February 2000 ('the Notification') and thereby declared ordinary earth as a 'minor mineral'.
- 10. Since the construction of the terms of the said Notification has a material bearing on the issue at hand, it is extracted below :

"NOTIFICATION

New Delhi, the 3rd February, 2000

C.S.F. 95 (E)In exercise of the powers conferred by clause (e) of Section 3 of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), the Central Government hereby declares the 'ordinary earth' used for filling or levelling purposes in construction of embankments, roads, railways, buildings to be a minor minerals in addition to the minerals already declared as minor minerals hereinabove under the said clause."

11. Section 15 of the said Act, 1957 empowers the State Government to make the rules in respect of minor minerals. The State Government, in exercise of the powers conferred by Section 15 has framed rules entitled, "Minor Mineral Extraction (Development and Regulation) Rules, 2013"."

The Division Bench proceeded to hold that ordinary earth will not qualify test of the minor minerals under clause (e) of section 3 of the said Act of 1957 unless it is used for the purposes specified in the Government Notification dated 3rd February 2000.

10. In fact, the Division Bench relied upon the decision of the Apex Court dated 3rd December 2014 in Civil Appeal No.10717/2017 (Promoters and Builders Association of Pune v. The State of Maharashtra). In paragraph12 onwards of the said decision, the Apex Court dealt with the issue after quoting the definition of minor minerals and the contents of the notification dated 3rd February 2000. In paragraph15, the Apex Court held thus:

"15. Though Section 2(j) of the Mines Act, 1952 which defines 'Mine' and the expression "mining

operations" appearing in Section 3(d) of the Act of 1957 may contemplate a somewhat elaborate process of extraction of a mineral, in view of the Notification dated 3.2.2000, insofar as ordinary earth is concerned, a simple process of excavation may also amount to a mining operation in any given situation. However, as seen, the operation of the said Notification has an inbuilt restriction. It is ordinary earth used only for the purposes enumerated therein, namely, filling or levelling purposes in construction of an embankment, road, railways and buildings which alone is a minor mineral. Excavation of ordinary earth for uses not contemplated in the aforesaid Notification, therefore, would not amount to a mining activity so as to attract the wrath of the provisions of either the Code or the Act of 1957. " (emphasis added)

- In the light of this well settled law, now, coming back 11. to the impugned order, firstly, we find that there is no specific finding recorded by the Additional Collector on the question whether what is excavated by the petitioner's Joint Venture is ordinary earth or some other material. If answer to the said question is that ordinary earth was excavated by the petitioner's Joint Venture, the other issue which arises is whether the ordinary earth was used by the petitioner for any of the purposes specified in the notification dated 3rd February 2000. There is no other notification placed on record issued under clause (e) of section 3 of the said Act of 1957 dealing with the ordinary earth. If it is established before the Additional Collector that what is excavated is an ordinary earth which is not used for any of the purposes specified in the notification dated 3rd February 2000, the royalty paid by the petitioner for excavation will have to be refunded. If the Additional Collector comes to the conclusion that the petitioner's Joint Venture has not extracted ordinary earth but some other minerals which are covered by the definition of minor minerals under the said Act of 1957, the petitioner will have to satisfy the Additional Collector regarding its entitlement for refund.
- 12. In this view of the matter, by setting aside the impugned order passed by the Additional Collector, the matter will have to be remanded to the Additional Collector, Mumbai.

Accordingly, we pass the following order:

ORDER

(i) The impugned order dated 27th March 2018 is hereby quashed and set aside. We direct that the representative of the petitioner shall appear before the Additional Collector, Mumbai City on 3rd June 2019 at 11.00 a.m. for fixing the schedule of hearing. As observed earlier, the Additional Collector will decide whether the material excavated by the petitioner was an ordinary earth. If he finds that what is excavated by the petitioner was an ordinary earth and if he finds that it was not used for any of the purposes specified in the notification dated 3rd February 2000, the Additional Collector shall pass an order of refund of royalty paid on the excavation of ordinary earth as prayed for;

- (ii) If the Additional Collector finds that the petitioner excavated some other minor minerals, appropriate order shall be passed by the Additional Collector on the prayer for refund;
- (iii) We make it clear that the Additional Collector will make an adjudication in terms of what is

held in this judgment and order;

- (iv) We reiterate that the excavation of ordinary earth will not amount to excavation of minor minerals within the meaning of the said Act of 1957 and the said Rules of 2013, unless it is established that the ordinary earth excavated is used for the purposes specified in the notification dated 3rd February 2000;
- (v) The Additional Collector shall pass a fresh order on or before 31st August 2019;
- (vi) Rule is made absolute on the above terms.
- (vii) No order as to costs.

(M.S.SANKLECHA, J.)

(A.S.OKA, J.)

BANK GUARANTEE MATTER

Item No. 6 (v)

Date : 2nd August 2021

То

All MCGC Members of BAI,

Dear Sirs,

Sub.: Delhi High Court's final order against Bank, for forcing to extend Bank Guarantee claim period for one year.

With reference to the above, please recall the discussion and decision of our Managing Committee Meeting held at various places, to file a Writ Petition at Delhi High Court on the above matter.

In this regard our Member M/s. Larsen & Toubro, came forward and have filed a Writ Petition on behalf of BAI members, and obtained a final order, restraining the bank from the practice of extending the Bank Guarantee claim period for 12 months, by wrongly interpreting Sec.28 of the Contract.

This order came as a major relief for our members, who have to issue Bank Guarantees to the Department for various purposes. This order will help our members to save blocking of Margin Money, Bank Guarantee Commission and the fear of revocation of bank guarantee, by the client, during the extra claim period imposed by the bank.

It is also, not out of place to gratefully mention that, the entire legal expenditure of the Writ Petition, including the travelling expenses of the undersigned for Liaoning with Advocates, were fully borne by our respected member M/s. Larsen and Toubro

The order copy is sent herewith for kind information and record.

Thanks and regards

Raju John

Builders' Association of India (Apex Body of Construction Industry) G-1/G-20, 7th floor, COMMERCE CENTRE J. Dadajee Road, Tardeo Mumbai 400034 Tel.: (91-22) 23514134, 23520507, 23514802 Fax : (91-22) 23521328 Email : <u>baihq.mumbai@gmail.com</u>

<u>Item No. 6 (v)</u>

IN THE HIGH COURT OF DELHI

LARSEN & TOUBRO LIMITED Petitioners

V/S

PUNJAB NATIONAL BANK AND ANR. Respondent

Before Justice Jayant Nath

1) The present Writ Petition is filed by the petitioners seeking reliefs:-

(a) Issue a Writ, Order or Direction for quashing and setting aside the letters dated 18.08.2018 and 28.03.2019 both issued by Respondent No.1 to the Petitioners saying that the Claim period in the Bank Guarantee must be for at least 12 months.

(b) Issue of Writ for quashing and setting aside the letter dated 10.02.2017 and letter dated 05.12.2018 issued by Respondent No.2 to all Member Banks in relation to the minimum period for lodging a claim with the Bank under the Bank Guarantee.

- 2) The dispute in the present petition centres around interpretation of section 28 of the Indian Contract Act, 1872 (hereinafter referred to as the Act). The grievance of the petitioner is that based on an erroneous interpretation of section 28 of the Contract Act, respondent bank forces a mandatory and an unalterable claim period of a minimum 12 months for the bank guarantee. It is stated that the claim period is a time period contractually agreed between the creditor and principal debtor, which provides a grace period beyond the validity period of the guarantee to make a demand on the bank which occurred during the validity period.
- 3) Perusal of both the letters i.e dated 18.08.2018 and 28.03.2019 issued by PNB it claims that if a period in the Bank Guarantee which is less than 12 months would render the claim period void and will effectively increase the claim period under the bank guarantee to 3 years as per limitation Act.
- 4) Respondent No.2 in its communication addressed to the banks dated 10.02.2017 and 05.12.2018 states that it would be open for the banks to stipulate as a condition precedent that if the claim is not lodged before a stipulated period, the bank guarantee shall be revoked or terminated but the stipulated date cannot be less than one year in any event.
- 5) It is pleaded by the petitioners that by misrepretation of section 28 of the Act the bank insists that the claim period should be 12 months. Adverse fallout for the petitioner of such interpretation is that the petitioner is unnecessarily made liable to pay commission charges for such extended bank guarantee where as, as per the contract the claim period is much shorter.
- 6) In addition to the above, The petitioners also become liable to maintain collateral security for supporting such extended period which would be much shorter. The extended claim period effects the petitioners' capability to do business by entering into new contracts and also effects the fundamental rights of the petitioners under Article 19(1)(g) of the Constitution of India.

Skill Development in Construction Sector

Government of India established National Skill Development Corporation (NSDC) on 31st July 2008 as not for profit company licensed under Section 25 of the Companies Act, 1955. NSDC has targeted to train 150 million people by 2022, out of incremental demand of 240 million.

As mandated under NSDC's programme Construction Industry need to form a Construction Skill Development Council to establish occupation standards, operations and delivery mechanism, certification and accreditation and Labour Market Information System (LMIS). Ultimately in a meeting held on 23rd August 2012 in the office of Mr. Ramadorai, the then Adviser to Prime Minister on Skill Development and present Chairman of National Skill Development Corporation, Construction Sector Skill Development a Council of India was formed jointly by four Associations namely Builders' Association of India (BAI), Construction Federation of India (CFI), Confederation of Real Estate Developers Association of India (CREDAI), and National Highway Builders' Federation (NHBF). Members of the Governing Council are as follows:-

Name of Member	Name of Organisation
Mr. Ajit Gulabchand	Chairman, C.F.I.
Mr. S.N. Subramanian	C.F.I.
Mr. B. Seenaiah	Past President, BAI
Mr. Sushanta Kumar Basu	Past President, BAI
Mr. Lalit Kumar Jain	Chairman, CREDAI
Mr. C. Shekar Reddy	President, CREDAI
Mr. V.C. Verma	President of NHBF
Col. Surinder Kuda of M/s. Ashoka Buildcon	NHBF
Mr. Niranjan Hiranandani	Additional Industry Nominee
Mr. Phillie Karkaria	Additional Industry Nominee
Mr. Devendra Choudhary, Additional Secretary, Ministry of power	Planning Commission Nominee
Mr. J. Ganguly	Additional Industry Nominee Technical
	Adviser to be decided by Governing Council later.

CSDCI aims to develop, establish, standardize and sustain Industry Competency Frameworks, Skills Levels, Occupational Standards, Build, create and deliver Capacity, Investment and Skilling outcomes which shall meet or exceed customer expectations through ethical, transparent and effective management of the Construction and Infrastructure Industry Skill Development Fund.

CSDCI endeavours to establish, constantly monitor, update and sustain corporate values & ethics for all its participants, employees, industry members and related stakeholders.

VISION

Be the leading apex body of the Construction & Infrastructure Industry in Development & support of Skilling Solutions and advocacy of all connected Services for ensuring the skill needs of the Construction Industry.

The basic objective behind the formation of CSDCI is to create a credible and effective mechanism with the support of relevant and interested stakeholders to manage the task of skill development across the country and meet the current and future skill needs of the construction industry.

CSDCI ROLE

Developing National Occupation Standards, Curriculum and Assessment Guidelines.

Building the capacity - Training providers, Trainers and

Assessors.

Skill and Assess - Responsibly ensure quality training and conduct fair assessments.

Certify - Certifications of the trained manpower as per NOS and align them to NSQF levels".

CSDCI office is at present situated at 204, Ashirwad Complex, D-1, Green Park, New Delhi - 110 016 and they use BAI Delhi office Conference Hall for holding its Conference. This arrangement is considered as a contribution from BAI as a 'kind'.

It is now decided by CSDCI to shift the Corporate office of CSDCI to Gurgaon, Haryana and in this regard, Shri S.K. Basu, Past President, BAI in consultation with Shri B. Seenaiah, Past President, BAI, requested BAI to permit the use of a table space at our Delhi office as the registered office of CSDCI.

The matter was discussed in the Managing Committee of BAI and as directed by the Managing Committee, a Memorandum of Understanding (MOU) have been signed between Builders' Association of India (BAI) and Construction Skill Development Council of India (CSDCI) to provide a space at BAI office situated at D-1/203, Ashirwad Complex, Green Park Main, New Delhi - 110 016 and also to place CSDCI Logo / Nameplate outside the office premise.

Construction Workers Training / Assessment

Brief Report on Construction Workers Training / Assessment

Builders Association of India (BAI) signed MoU with Construction Skill Development Council of India (CSDCI) on 20th June 2019 at New Delhi for the certification of 1,02,500 construction workers under RPL TYPE 4 ("Best in Class Employer"). As per the proposal sent to CSDCI, BAI was to assess 1,02,500 construction workers upto 31.3.2020 in seven trades.

BAI officially launched the process of certification of workers on 26th July 2019 by organizing first orientation session of Assessors at Patna - Bihar in association with CSDCI. 57 candidates attended the orientation programme on 26th July 2019 for assessing / certifying the construction workers in various trades and out of 57 candidates, login-ID of more than 50 candidates were created in CSDCI / NSDC which is the first step for any candidate to become an Assessor and assess / certify the construction worker,

After completing the required formalities of creation of the Assessors login-id who attended the orientation programme and and login-id of the construction sites where the construction workers to be assessed, the certification / assessment of construction workers started in the State of Bihar from October 2019. By the end of October 2019, 10 site locations were got approved from CSDCI / NSDC and assessment / certification of construction workers started. BAI assessed / certified 100 workers in October 2019, 422 workers in November and 445 workers in December 2019, 1190 workers in January 2020, 1637 workers in February 2020 and 1595 workers in March 2020, totaling 5389 workers upto 31st March 2020. Another 1033 have also been enrolled on NSDC Portal, upto 31.03.2020, but could not be assessed due to declaration of lockdown by the Govrnment because of pandemic Covid-19.

In continuation ot its efforts of Certification / Assessment of construction workers, BAI organised orientation programme for second batch of assessors at Pune on Monday, the 10th February 2020 at Institution of Engineers - Pune Centre in Firodia Hall which was organised and co-ordinated by Shri D S Shirole, Chairman - Skill Development Committee, Builders' Association of India. The orientation was conducted by Shri Hemant Dhallu (nominated by CSDCI) and attended by 43 candidates. The assessment could not be started there because of declaration of lockdown.

As on date BAI have received an amount of Rs.1,80,346/-, payment in respect of 522 workers @ Rs.346/- and submitted three invoices for Rs.16,83,982/- to CSDCI for the remaining 4867 workers assessed till 31.3.2020. The payment has been delayed due to lock-down. It is given to understand that the CSDCI is processing the payment

NHAI Matter

New Incumbent BAI President R. N. Gupta takes up construction sector issues

Immediately after assuming office as President of BAI, Shri R. N. Gupta took up various issues confronting the Indian building and construction sector by writing to the concerned Union Ministers, Secretaries, etc. We are printing below the said letters.

Ref: 5/2021-2022 dated 5th April, 2021

Shri Nitin Gadkari Ji, Minister for Road Transport & Highways and Micro, Small and Medium Enterprises (MSME) Government of India, Transport Bhawan, New Delhi 110001

Sub.: Construction Industry Issues

Respected Shri Nitin Gadkiri Saheb,

Builders Association of India (BAI) established in 1941, is the apex body of Indian Construction Industry having about 20,000 construction companies as its members, with 200 centres (Chapters) spread throughout the country. BAI acts as a bridge between the Government and construction industry on policy advocacy of the Government and Contribute to the Country's economic development.

Respected Sir, at the outset, BAI is grateful for your kind addressing our members on 9th January, 2021, through online mode.

Our members during the meeting have raised the following points for kind consideration.

We once again request you to kindly look into the matter.

1. Sir, to prevent the contractors from incurring heavy losses due to the sudden abnormal price increase of Cement and Steel a Regulatory Authority to be considered to be introduced in Cement and Steel Sector to avoid wild fluctuation of pricing in the market. It is a known fact to one and all that the price increase of Cement and Steel is not due to the market forces, whereas it is only due to cartelization by the Manufacturers with the purpose of profiteering. This unethical practice of the major construction material manufacturers could only be controlled by introducing a Regulatory Authority. We therefore request the Hon'ble Minister to kindly recommend to the Hon'ble PM for appointing a Cement and Steel Regulatory Authority.

- 2. Sir, kindly recommend to devise a mechanism to reimburse the increase in cost of construction material with certified Bills of the authorized manufactures. This is more so required as the Price index published by RBI is not reflecting the actual increase due to various reasons. We also request you to kindly recommend to include price variation reimbursement in all contract documents to avoid time and cost overrun of the contract Documents.
- 3. Sir, we request you to kindly streamline the reimbursement of contractors' bills with a systematic payment system. This will help the contractors to avail cash flow facilities as also to effectively deal with the Banks. Sir, as known to you, the Departments in most of the cases create abnormal delay in releasing the payment of contractors, resulting the Banks to treat the accounts as NPA and block the future transaction. Sir, to circumvent this anomaly, it would be appreciated if the Government/Department, considering to introduce Bills Discounting Scheme to bail out the contractors from the strict norms of Bank's NPA system.

- Sir, we also request you to kindly streamline 4. GST Implementation with systematic written rules as most of the field officers are ignorant about the compliance method and introduce their own method making it difficult for the contractors to implement it. In this regard, BAI request the Department to organise a workshop to train all concerned on intricacies of GST provisions with learned Taxation officials and contractors so that, unnecessary litigation and subsequent issues could avoided. We also request the Government to issue a Notification to the Works Authorities to accept any change of law on increased payment of Tax and the same should be reimbursed to the contractors'.
- 5. Sir, there are many anomalies in prequalification of contractors, particularly in NHAI. We request you to kindly streamline the same. In this regard, BAI request you to kindly arrange an interactive meeting with NHAI Officials. BAI also request the Hon'ble Minister to kindly encourage regular interactions of contractors and Department officials to stream line the smooth functioning.
- 6. Sir, Revenue Department used to harass the contractors with payment of Royalty on minor mineral and even stop the trucks and work causing much harm to the completion of the project. We request you to kindly arrange help the contractors by coordinating between the two Departments as payment of Royalty is to made to another wing of the same Government. In other words, Works Authorities should facilitate the payment without causing any delay of execution of project. Sir, as known to this will help the

contractors to concentrate on the execution of projects rather than running over various authorities for permissions.

- 7. Sir, we are really happy to note the concern of the Union Government and to ease the cash flow of the industry the Government have issued various notifications relaxing various contract conditions. However, many State and Public Service Undertaking have not yet implemented implementation of Union Government's notification, particularly the one which relaxes the conditions, by all State Government so that, the Contractors could avail the benefit and execute the projects.
- 8. Sir, the Union Government were prompt to come to help the contractors during the locked down period, most of the State Governments including the States which are ruled by the same party as of the Centre Government have not yet implemented the provisions of the notification in the State. BAI request the Hon'ble Minister to kindly consider issuing necessary circular or notifications to implement guidelines of the Union Government.

We sincerely look forward to a positive response from your good office.

Thanking You,

Yours faithfully,

R.N. Gupta President Builders' Association of India

30th ALL INDIA BUILDERS' CONVENTION

11th, 12th and 13th March 2022, Radisson Blu Resort Temple Bay, Mamallapuram

Conferences and conventions bring together the people who are on the same wave length from all over the country and hence for this BAI has the concept of "All India Builders' Convention".

Hence the "30th All India Builders' Convention" was organized from 11th March to 13th March 2022 in historic venue Radisson Blu Resort Temple Bay which is located along the shores of Bay of Bengal at Mamallapuram near Chennai.

BAI Southern (Chennai) Centre has successfully hosted 6th, 8th, 17th and 24th All India Convention during the year 1962, 1977, 1997 and 2011. The privilege of hosting 30th All India Convention was once again bestowed on BAI Southern (Chennai) Centre by the Managing Committee at its meeting held on 20th February 2021 at Coimbatore. Since, the Convention also coincided with the 80th Anniversary of BAI and 70th Anniversary of Southern Centre all the veterans of BAI Southern (Chennai) Centre discussed and planned to organise the mega convention under the guidance of Sevaratna Bhishma Shri R. Radhakrishnan, Past President and Past Trustee of BAI.

Indian construction industry and infrastructure projects have undergone a sea of changes in the last two decades. The activity is galloping at a speed, which is difficult to comprehend. There is more technical involvement and one must have adequate training experience and expert technical knowledge at hand to ensure sound construction. Also the construction structure should not appear monotonous and stereotyped and must be aesthetically appealing too. That is why, the Organising Committee of "30th All India Builders' Convention" chosen the theme as 'Role of Construction in Nation Building', which will focus on accelerated growth, cost reduction and ways to achieve economies of scale and constructions to please the eye too.

As discussed and approved in the Second Managing Committee meeting held on 26th August, 2021 via Video Conference, the Organising Committee circulated the details of the delegate fees details and hotel accommodation at venue and nearby places to all the members and requested the interested participants to confirm their bookings before 31st October 2021 for ensuring their pleasant and

comfortable stay.

The mega Convention was initially slotted on 11th, 12th and 13th February, 2022 but due to the third wave of Covid-19 and massive surge of cases as a precautionary measure the Government of Tamil Nadu imposed various restrictions over all the events from 6th January 2022 onwards and a complete lockdown on Sundays. With heavy heart, the Organising Committee was compelled to reschedule the Convention on dates 11th, 12th and 13th March, 2022 at same venue and negotiated with the various hotel's to change the room booking dates adjusting the advance amount paid by the delegates and the hotels honoured the Organising Committee's request. Delegates whose hotel bookings were not able to reschedule were accommodated in much more grand and expensive hotel after bearing the additional cost involved to enable the delegates a hassle free stay during the Convention

The Organsing Committee and BAI Southern (Chennai) Centre continuously contacted all the Centre Chairmen, State Chairmen and Vice Presidents and ensured registration of delegates from all over the Country and collected advertisements, Technical Papers from BAI Centres and various companies for bringing out the Souvenir-cum technical volume. The Committee also collected itinerary of all the Delegates and provided hassle free transportation from their alighting point (i. e. airport/Railway/Bus Stations) to venue.

On 11th March, 2022 the venue wore a festive look and a warm welcome given to all delegates. Since more than 1000 delegates, their spouses and Sponsor delegates arrived, registration process was continuously carried out till lunch.

An exhibition of building materials was also held along with 30th All India Builders' Convention. All sponsors exhibited their products in their stalls which was very useful and informative to all the Delegates.

On 12th March 2022 the Technical Session of 30th AIBC was inaugurated by Shri V. G. Sakthikumar, Managing Director, Schwing Stetter India. Others who graced the dais during the inauguration were Dr. Ram Niwas Gupta, President; Bhishma Shri R. Radhakrishnan, Convention Chairman, Past President & Past Trustee; Shri Mu. Moahan, Imm. Past President and Chairman, Organising Committee; Shri R. Prakash, Chairman, Technical Session and Shri L. Shantha Kumar, Chairman, Southern (Chennai) Centre.

Shri Mu. Moahan delivered the welcome address, Dr. Ram Niwas Gupta addressed the delegates informing the benefits of such Technical Seminars and Bhishma Shri R. Radhakrishnan in his address informed the delegates that the Technical session is very important to disseminate the knowledge and knowing the latest technology. Shri Shakthi Kumar was honoured with a shawl, special cardamom garland and a memento. Shri R. Prakash delivered vote of thanks.

After the inauguration, the first session was on Recycling and Waste Management. The main speaker was Shri M. Kumar, B. E. FIE, Consultant Technical, TIDCO & SIPCOT, Chennai.

The Second Session was on basic material for Structural Management. The main speaker was Prof. Dr. L. Ramajeyam, Ph. D, M. E. (Strut.), F. I. E. F. IV., M. I. S. T. E. C. Engg (Ind.) Dean Civil Engineering, Meenakshi Sundararajan Engineering College Former Principal, P. T. Lee. C. N. Polytechnic College.

Shri I. Kulasekaran, M. Tech (Structures), Executive Engineer (Civil)in Department of Telecommunication/BSNL expressed his views on Pre Cast Building. In the midst of the session JCW and Pulkit gave product presentation.

Thereafter the customary 'Open House' was held which was chaired by Dr. Ram Niwas Gupta, President. Shri R. Radhakrishnan, Past President & Past Trustee, Chairman, Convention Committee; Shri Mu. Moahan, Imm. Past President, Shri Neerav Parmar, Vice-President; Shri Sanjib Goyal, Vice-President; Shri Pradeep Nagawekar, Hon. Gen. Secretary; Shri Gyan Madhani, Hon. Gen. Treasurer; and Shri Raju John, Executive Secretary, graced the dais during the 'Open House'.

During the 'Open House' Resolutions of 30th All India Builders' Convention were proposed to the delegates by Shri R. Radhakrishnan, Past President & Past Trustee, Chairman, Convention Committee and the same approved after discussion (printed at the end of this report). It was also decided that the resolutions to be sent to Hon'ble Prime Minister of India and also to concerned Ministries of Government of India.

In the Post lunch session 30th All India Builders' Convention was inaugurated by Hon'ble Chief Minister of Tamil Nadu Thiru M. K. Stalin. Thiru T. M. Anbarasan, Hon'ble Minister for Micro, Small and Medium Enterprises (MS&ME), Government of Tamil Nadu; Thiru E. V. Velu Hon'ble Minister for Public Works, Government of Tamil Nadu; Thiru Durai Murugan, Hon'ble Minister for Water Resources, Government of Tamil Nadu; Thiru G. Selvam, Hon'ble Member of the Parliament; Thiru S. S. Balaji, MLA Thiruporur constituency and Thiru Ruby Manoharan, MLA Nanguneri Constituency also attended. Others who graced the dias are Dr. Ram Niwas Gupta, President; Bhishma Shri R. Radhakrishnan, Past President & Past Trustee & Convention Chairman; Shri Mu. Moahan, Imm. Past President Chairman, Organising Committee: Shri S. Ayyanathan, Vice President, South-II; Shri R. Sivakumar, State Chairman, Tamil Nadu, Pondicherry & Andaman Nicobar; Shri L. Shantha Kumar, Chairman, Southern (Chennai) Centre and Shri J. R. Sethuramalingam, Hon. Secretary & Shri L. Venkatesan, Hon. Treasurer Convention Organising Committee.

Bhishma Shri R. Radhakrishnan in his welcome speech, expressed his happiness and conveyed his thanks to the Hon'ble Chief Minister of Tamil Nadu for being the Chief Guest and all Ministers for their attending the Convention. He also recalled the assurance given by former Chief Minister Late Dr. M. Karunanidhi for introducing 'Karikalan' Award for Builders' fraternity for Excellence in Construction.

The Hon'ble Chief Minister of Tamil Nadu while addressing the Delegates, thanked Bhishma Shri R. Radhakrishnan for giving this opportunity. He also praised the Builders' fraternity and said the Theme Role of Constrution in Nation Building was rightly chosen as Builders are part in Nation and State Building and largest employer providing employment to unorganised sector. He also informed that the Government will consider 'Karikalan Award' for Excellence in Construction and other demands placed by BAI. Hon'ble Chief Minister was honoured with a special Cardamom garland and Sengol.

Hon'ble Chief Minister of Tamil Nadu Thiru M. K. Stalin also released the 'Souvenir-cum-Technical Volume' of 30th AIBC.

Hon'ble Chief Minister also honoured by presenting a memento, all the Ministers, Dr. Ram Niwas Gupta, President; Bhisma Shri R. Radhakrishnan, Convention Chairman; Shri Mu. Moahan, Chairman, Organising Committee; Shri L. Shantha Kumar, Chairman, BAI Southern (Chennai) Centre; Shri Vinod Chacko, Communications Head, L & T; Shri V. G. Shakthi Kumar, Managing Director, Schwing Stetter and Shri Vinod Garg, Managing Director, Pulkit.

On day three i.e. 13th March, 2022 on an invitation from Schwing Stetter to all Delegates, a visit to Industrial Exhibition and Demonstration at Schwing Stetter Plant in Cheyyar was organized. Buses for delegates were arranged and the delegates came to know how the equipment being manufactured in Cheyyar Unit of Schwing Stetter and demonstration of these equipments were shown.

In the post lunch session on 13th March, 2022, the 'Valedictory Session' of 30th All India Builders' Convention was held. Dr. Ram Niwas Gupta, President, BAI was the Chief Guest. Bhishma Shri R. Radhakrishnan, Chairman, Convention Committee delivered the valedictory address. Others who graced the dais during the 'Valedictory Session' were, Bhishma Shri R. Radhakrishnan, Chairman, Convention Committee; Shri Mu. Moahan, Imm. Past President, BAI; Shri Neerav Parmar, Vice-President; Shri S. Ayyanathan, Vice-President; Shri Sanjib Goyal, Vice-President; Shri V. Venkateswara Rao, Vice-President; Shri Pradeep Nagawekar, Hon. Gen. Secretary; Shri Gyan Madhani, Hon. Gen. Treasurer; Shri R. Sivakumar State Chairman, Tamil Nadu, Pondicherry & Andaman Nicobar; Shri L. Shantha Kumar, Chairman, BAI Southern (Chennai) Centre and Shri Raju John, Executive Secretary.

All the Past Presidents, Vice Presidents, State Chairmen, HQrs. Office Bearers and Organising Committee & Sub Committee members were felicitated by Dr. Ram Niwas Gupta.

Bhishma Shri R. Radhakrishnan, Past President & Past Trustee, Chairman, 30th All India Builders' Convention while concluding his valedictory address sought the consent of Members' present in the 30th All India Builders' Convention to pass a resolution "It is RESOLVED that, BAI Members will adhere to the Rules & Regulations of BAI at all the times while dealing with BAI Matters. It is also RESOLVED that, BAI members will keep the decorum and discipline while attending BAI's meetings & keep its flag flying high." The members unanimously approved the resolution and applauded the words of wisdom.

During the 'Valedictory Session' of 30th All India Builders' Convention, Bhishma Shri R. Radhakrishnan, Past President & Past Trustee BAI was bestowed the title of 'Pride of BAI' and a memento with citation engraved on it was presented to him. A 'Press Conference' was held during the 30th AIBC, which was addressed by, Dr. Ram Niwas Gupta, President, BAI; Bhishma Shri R. Radhakrishnan, Past President & Past Trustee, Chairman, 30th All India Builders' Convention; Shri Mu. Moahan, Imm. Past President, BAI; Shri Pradeep Nagawekar, Hon. Gen. Secretary and Shri R. Sivakumar State Chairman, Tamil Nadu, Pondicherry & Andaman Nicobar.

During all the three days of convention, Organising Committee had arranged tour for the accompanying delegates and cultural progammes and fellowship dinner.

Earlier, post lunch on 11th March, 2022, the Fourth Meetings of the Managing Committee and General Council was hosted by BAI Southern (Chennai) Centre. Dr. Ram Niwas Gupta, President, BAI presided over the meetings. Others who graced the dais during the meetings were : Shri Mu. Moahan, Imm. Past President, BAI; Shri Neerav Parmar, Vice-President; Shri S. Ayyanathan, Vice-President; Shri Sanjib Goyal, Vice-President; Shri V. Venkateswara Rao, Vice-President; Shri Pradeep Nagawekar, Hon. Gen. Secretary; Shri Gyan Madhani, Hon. Gen. Treasurer; Shri R. Sivakumar State Chairman, Tamil Nadu, Pondicherry & Andaman Nicobar; Shri L. Shantha Kumar, Chairman, BAI Southern (Chennai) Centre and Shri Raju John, Executive Secretary. MC/GC Members from all over India participated.

BAI Awards for 2020-21 which was earlier announced during the 80th AGM of BAI were given to Centres which were adjudged best in various disciplines. The awardees were :

- Overall Best BAI Centre (Below 200 Members) : Hassan and Thrissur Centres
- Overall Best BAI Centre (Above 200 Members) : Southern (Chennai), Mysore and Mumbai Centres
- Image Building Activities by a Centre : Hapur, Cochin and Tiruchirapalli Centres
- Organising Best Training Programme or Seminar
 Durgapur, Coimbatore and Mumbai Centres
- Maximum Membership Growth : Kanyakumari Centre
- Best Efforts by any Centre for Quality Construction : Pune Centre
- > Best Builders' Day Celebrations : Ghazidabad,

Karnataka (Bangalore) Centre and Tirunelveli Centres

- Best publication by a BAI Centre : Southern (Chennai) Centre
- Best performing State Chairmen : Shri U. M. Gurushanthappa, Karnataka; Shri P. Harikumar, Kerala; Shri R. Prakash, Tamil Nadu, Puducherry & Andaman Nicobar; Shri Bharat G. Wagh, Maharashtra and Shri Kirti M. Thacker, Gujarat
- Best Vice President's : Shri Baburao Laxmanrao

Shakkarwar and Shri K. Chinnaswamy

- Best Performing Chairmen of BAI's Functional Committees : Dr. Anand J. Gupta, Housing / RERA Committee; Shri Neerav Parmar, Indian Construction Journal Committee; Shri K. Subramani, Green Building Committee and CA. M. Raveendaran, Taxation Committee
- A special award was presented to Rajasthan (Jaipur) Centre for hosting the best MC & GC meetings in a organised manner.

30th All India Builders' Convention Radisson Blu Temple Bay Resort, Chennai 11th to 13th March 2022. RESOLUTIONS

Member's presents in the 30th All India Builders' Convention held at Chennai between 11th – 13th March 2022, from all over India, after deliberations have passed the following resolution to be submitted to the Hon'ble Prime Minister with copy to all concerned Union Ministries and State Governments.

- It is RESOLVED that, the Government of India should consider establishing a separate Ministry for Building and Construction Industry due to the heavy investment opportunities expected to be in Building and Construction Sector – that is, Infrastructure Development and Housing – in the next two decades.
- 2) It is RESOLVED that, the Government of India should recommend to Reserve Bank of India (RBI) for relaxing the Non Performing Asset (NPA) Norms for contractors, as the repayment of the loan by the contractors are mainly due to the non payment / delayed payment of bills by the Works Authorities of the Government Department.
- 3) It is RESOLVED that, the Government contracts should include in their tenders, a clause for resolving of disputes only through Institutionalised Arbitration instead of Adhoc Arbitration, which is as per the Arbitration Amendment Act 2019.
- 4) It is RESOLVED that, NITI Aayog should give directive to all the State PWD that, they should adopt CPWD contract conditions, so we have uniform form of contract across the country. It is also RESOLVED that, NITI Aayog should

release the Standard Contract Document for EPC Contractors, finalised by all concerned.

- 5) IT IS RESOLVED That, all contracts, either Government or Private should have 'Star Rate' with inherent 'Price Variation Clause' for reimbursement of increased prices of Major Raw materials, like Cement, Steel, Bitumen etc.
- 6) It is RESOLVED that, the Government of India should consider relaxing Coastal Regulation Zone (CRZ) Rules due to the large scale urbanisation and consequential requirement of more housing units expected in the next two decades.
- 7) It is RESOLVED that, the Government of India should consider promoting construction of steel composite structures as it is faster and economically beneficial. It is also RESOLVED that, the Government of India should encourage use of Precast material for quicker completion of construction projects, both in housing and commercial complexes.
- 8) It is RESOLVED that, the Government of India should consider releasing the land bank to Real Estate Developers for constructing Affordable Houses to fulfil the dream of the Government to provide "Housing for All by 2022".
- 9) It is RESOLVED that, the Government of India should accept the recommendation of Shri Vijay Kelkar Panel on PPP and BOT projects, so that Public-Private-Partnership (PPP) projects in infra sector will have more takers.

- 10) It is RESOLVED that, the Government of India should encourage research and establish a Unit for exploring to find alternate material in place of sand, as sand dredging is banned by the Supreme Court. This will also be environmental friendly.
- 11) It is RESOLVED that, the Government of India should consider constituting a 'Cement & Steel Regulatory Authority' as Cement & Steel Manufacturers are known for indulging in cartelisation with profiteering purpose.
- 12) It is RESOLVED that, the Government of India should consider rationalising the Labour Laws by combining all the social security welfare measures with a TDS form of collection. This will facilitate the builder and contractor to concentrate on his business as Government will take care of the social security welfare of the workers.
- 13) It is RESOLVED that, the Government of India should consider establishing a single point window for permission of major infra projects as well as housing projects.
- 14) It is RESOLVED that more deserving contractors from building and construction industry should be encouraged and given 'Padma Awards' as it is being given to other industries/professionals.
- 15) It is RESOLVED that, the Government of India should consider easing the implementation procedure of Goods and Service Tax (GST) Rules for Construction Industry.
- 16) It is RESOLVED that, the Real Estate Regulatory Act (RERA) should include the sanctioning authorities and service providers from the Government side also with in the provision of the Act for achieving the desired result envisaged by the legislature.
- 17) It is RESOLVED that, the Government should provide land at free of cost for creating skill upgradation Centres at various parts of the country. It is also RESOLVED that, the Government should permit the use of Labour Welfare Cess collected under the Building and Other Construction Workers Welfare Cess Act, 1996 for skilling the construction workers.

- 18) It is RESOLVED that, the Government should utilise the funds available with Building and Other Constructions Workers Cess Act, 1996 (BOCW) for payment of Provident Fund & other Social Security benefits to the Construction Workers.
- 19) It is RESOLVED that, the Government of India should include representatives from Builders' Association of India (BAI) in the Committees constituted by the Government of India and also representation in the Government for the development of Construction Industry.
- 20) It is RESOLVED that, the Government of India should consider exempting the levy of Goods and Service Tax (GST) for the membership collected by Charitable Institution like Builders' Association of India (BAI) as it's main object is enhancing the image of Construction Industry.
- 21) It is RESOLVED that, before calling tender for work, the Government agencies should allocate proper budgetary fund for such work, to avoid delay of reimbursement to the contractors as also to avoid subsequent litigation.
- 22) It is RESOLVED that, the Government of India should ensure the availability of land at the contractors' disposal at the time of awarding the contracts. In other words, the execution of projects should not be delayed due to acquisition of land.
- 23) It is RESOLVED that, the Government of India should consider establishing Internship Programme / Skill Upgradation Institutes / Agencies for fresh Diploma and Degree Engineers before recruiting them for doing the actual job.

It is RESOLVED to request Hon'ble Prime Minister for an appointment on his convenience to discuss / appraise the problems faced by the Construction Industry.

R. RADHAKRISHNAN Past President & Past Trustee, BAI Chairman, 30th All India Builders' Convention Committee

BAI : Income Tax Matter

Item No. 13 (i)

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL NO. 92 OF 2016

Commissioner of Income Tax (Exemptions) .. Appellant

v/s.

Builders Association of India

..Respondent

Mr. Ashok Kotangle i/b Padma Divakar for the appellant Mr. Vipul Joshi i/b Sameer Dalal for the respondent

CORAM : M.S. SANKLECHA & ANUJA PRABHUDESSAI, J.J. DATED : 4th MAY, 2018.

P.C.

 This Appeal under Section 260-A of the Income Tax Act, 1961 (the Act) challenges the order dated 12th January, 2015 passed by the Income Tax Appellate Tribunal (the Tribunal). The impugned order is in respect of Assessment Year 2009-10.

2. The following re-framed question of law arises for our consideration :-

"Whether on the facts and in the circumstances of the case and in law, the Tribunal was right in law in setting aside the cancellation of Registration u/s 12AA(3) of the I.T. Act, 1961?

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3. The respondent assessee which is an Association for Civil and Construction Industry was granted Registration under Section 12A of the Act on 24th March, 1989. For the subject assessment year, the Director of Income Tax (Exemptions) by an order dated 8th February, 2011 in exercise of his powers under Section 12AA(3) of the Act, cancelled the registration granted on 24th March, 1989 under Section 12A / 12AA of the Act. This only on the ground that the respondent was carrying on business in the nature of trade, commerce or business having receipts in excess of Rs.10 lakhs, therefore, excluded from the ambit of charitable purpose under section 2(15) of the Act by the proviso thereto.

4. Being aggrieved with the order dated 8th February, 2011, the respondent carried the issue in an appeal to the Tribunal. By the impugned order, the Tribunal found as a fact that the receipts of the respondent were on account of subscription of members, holding exhibitions, seminars, publishing Journals for its members etc. Thus, not an activity carried out for outsiders for commercial purposes. Moreover, it held that the requirement for cancellation of the registration under Section 12AA(3) of the Act is that the assessee's activities should either be not genuine or not be carried out in

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accordance with the objects for which the registration was granted. None of the aforesaid two requirements were found wanting on the part of the respondent assessee by the Commissioner of Income Tax. In the above view, it held that the respondent assessee would not hit by the proviso to Section 2(15) of the Act, which stood amended w.e.f. Assessment Year 2009-10.

5. Mr. Kotangle, learned Counsel appearing for the Revenue very fairly states that the issue arising herein stands concluded against the Revenue and in favour of the respondent assessee by the decisions of this Court in *Director of Income Tax (Exemptions) Vs. North Indian Association, 393 ITR 206* and *Director of Income Tax (Exemptions) Vs. Khar Gymkhana, 385 ITR 162.*

6. In the present facts, we find that the Tribunal has rendered a finding of fact that the respondent is not carrying on any activity in the nature of trade, commerce or business to be hit by the proviso to Section 2(15) of the Act. This finding of fact has not been shown to be perverse in any manner. Thus, in the present facts, the question for consideration does not give rise to a question of law. In any event, as submitted by the Revenue the question stands concluded by the

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decision of this Court in North Indian Association (supra) and Khar Gymkhana (supra) against the Revenue.

7. In the above view, the question as proposed does not give rise to any substantial question of law. Thus, not entertained.

8. Therefore, appeal is dismissed. No order as to costs.

(ANUJA PRABHUDESSAI, J.)

(M.S. SANKLECHA, J.)

Note: If any member required full information may visit our website: www.baionline.in

Uday S. Jagtap

NEW CHARITABLE TRUST REGISTRATION

FORM NO. 10AC

(See rule 17A/11AA/2C) Order for registration

1	PAN	AAATB0212F
2	Name	BUILDERS ASSOCIATION OF INDIA
2a	Address	
	Flat/Door/Building	G1/G20 7TH FLOOR COMMERCE CENTER
	Name of premises/Building/Village	J DADAJEE ROAD
	Road/Street/Post Office	Tulsiwadi S.O
	Area/Locality	Mumbai
	Town/City/District	MUMBAI
	State 6	Maharashtra
	Country	INDIA
	Pin Code/Zip Code	400034
3	Document Identification Number	AAATB0212FE2021101
4	Application Number	455599010280322
5	Unique Registration Number	AAATB0212FE20211
6	Section/sub-section/clause/sub-clause/proviso in which registration is being granted	01-Sub clause (i) of clause (ac) of sub -section (1) of section 12A
7	Date of registration	05-04-2022
8	Assessment year or years for which the trust or institution is registered	From AY 2022-23 to AY 2026- 2027
9	Order for registration:	
	a. After considering the application of the applicant and the material available on record, the applicant is hereby granted registration with effect from the assessment year mentioned at serial no 8 above subject to the conditions mentioned in row number 10.	
	b. The taxability, or otherwise, of the income of the applicant would be separately considered as per the provisions of the Income Tax Act, 1961.	
	c. This order is liable to be withdrawn by the prescribed authority if it is subsequently found that the activities of the applicant are not genuine or if they are not carried out in accordance with all or any of the conditions subject to which it is granted, if it is found that the applicant has obtained the registration by fraud or misrepresentation of facts or it is found that the assessee has violated any condition prescribed in the Income Tax Act, 1961.	
10	Conditions subject to which registration is being granted	
	The registration is granted subject to the following conditions:-	

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	a. As and when there is a move to amend or alter the objects/rules and regulations of the applicant, prior approval of the Commissioner of Income Tax shall be sought along with the draft of the amended deed and no such amendment shall be effected until and unless the approval is accorded.
	b. In the event of dissolution, surplus and assets shall be given to an organization, which has similar objects and no part of the same will go directly or indirectly to anybody specified in section 13(3) of the Income Tax Act, 1961.
	c. In case the trust/institution is converted into any form, merged into any other entity or dissolved in any previous year in terms of provisions of section 115TD, the applicant shall be liable to pay tax and interest in respect of accreted income within specified time as per provisions of section 115TD to 115TF of the Income Tax Act, 1961 unless the application for fresh registration under section 12AB for the said previous year is granted by the Commissioner.
	d. The Trust/Institution should quote the PAN in all its communications with the Department.
	e. The registration u/s 12AB of the Income Tax Act, 1961 does not automatically confer any right on the donors to claim deduction u/s 80G.
	f. Order u/s 12AB read with section 12A does not confer any right of exemption upon the applicant u/s 11 and 12 of Income Tax Act, 1961. Such exemption from taxation will be available only after the Assessing Officer is satisfied about the genuineness of the activities promised or claimed to be carried on in each Financial Year relevant to the Assessment Year and all the provisions of law acted upon. This will be further subject to provisions of section 2(15) of the Income Tax Act, 1961.
	g. No change in terms of Trust Deed/ Memorandum of Association shall be effected without due procedure of law and its intimation shall be given immediately to Office of the Jurisdictional Commissioner of Income Tax. The registering authority reserves the right to consider whether any such alteration in objects would be consistent with the definition of "charitable purpose" under the Act and in conformity with the requirement of continuity of registration.
	h. The Trust/ Society/ Non Profit Company shall maintain accounts regularly and shall get these accounts audited in accordance with the provisions of the section 12A(1)(b) of the Income Tax Act, 1961. Seperate accounts in respect of each activity as specified in Trust Deed/ Memorandum of Association shall be maintained. A copy of such account shall be submitted to the Assessing Officer. A public notice of the activities carried on/ to be carried on and the target group(s) (intented beneficiaries) shall be duly displayed at the Registered/ Designated Office of the Organisation.
	i. The Trust/ Institution shall furnish a return of income every year within the time limit prescribed under the Income Tax Act, 1961.
	j. Seperate accounts in respect of profits and gains of business incidental to attainment of objects shall be maintained in compliance to section 11(4A) of Income Tax Act, 1961.
	k. The registered office or the principal place of activity of the applicant should not be transferred outside the jurisdiction of Jurisdictional Commissioner of Income Tax except with the prior approval.
	1. No asset shall be transferred without the knowledge of Jurisdictional Commissioner of Income Tax to anyone, including to any Trust/ Society/ Non Profit Company etc.
	m. The registration so granted is liable to be cancelled at any point of time if the registering authority is satisfied that activities of the Trust/ Institution/ Non Profit Company are not genuine or are not being carried out in accordance with the objects of the Trust/ Institution/ Non Profit Company.
	n. If it is found later on that the registration has been obtained fraudulently by misrepresentation or suppression of any fact, the registration so granted is liable to be cancelled as per the provision u/s section 12AB(4) of the Act.

o. This certificate cannot be used as a basis for claiming non-deduction of tax at source in respect of investments etc. relating to the Trust/ Institution.		
p. All the Public Money so received including for Corpus or any contribution shal routed through a Bank Account whose number shall be communicated to Office o the Jurisdictional Commissioner of Income Tax.		
q. The applicant shall comply with the prov with the Income Tax Rules, 1962.	 q. The applicant shall comply with the provisions of the Income Tax Act, 1961 read with the Income Tax Rules, 1962. r. The registration and the Unique registration number has been instantly granted and if, at any point of time, it is noticed that form for registration has not been duly filled in by not providing, fully or partly, or by providing false or incorrect information or documents required to be provided under sub-rule (1) or (2) of rule 17A or by not complying with the requirements of sub- rule (3) or (4) of the said rule, the registration and Unique Registration Number (URN), shall be cancelled and the registration and URN shall be deemed to have never been granted or issued. 	
if, at any point of time, it is noticed that for in by not providing, fully or partly, or by pr documents required to be provided under su complying with the requirements of sub- ru registration and Unique Registration Numb		
Name and Designation of the Registration Granting Authority	Principal Commissioner of Income Tax/ Commissioner of Income Tax	



BAI's 'Knowledge Disseminating Series 2021-22' video's on BAI's official YouTube Channel

Under the specific desire, instructions and guidance of BAI President Shri Mu. Moahan, that during the ongoing pandemic and lockdown, BAI should conduct 'online' events to keep BAI members and constituents of the Indian building and construction industry informed about latest developments, the office-bearers and the various functional committees of BAI organised 'online' events.

We have pleasure in informing you till date fourteen (14) such events have been organised and the videos of all of these events have been uploaded on YouTube channel of BAI i.e. 'Builders Association of India' (https://youtube.com/user/baihqmumbai).

Request you all to visit the YouTube channel of BAI, like & share the videos, subscribe to the channel and press the 'bell' icon to ensure you receive notifications of further uploads on the channel.

Details of the event's and the links to the specific event YouTube videos on the official BAI YouTube Channel (https://youtube.com/user/baihqmumbai)

- 'National Workshop on Works Contracts issues visà-vis COVID-19 Pandemic period' organised by Shri Pradeep Nagawekar, Hon. Gen. Secretary, BAI on Thursday 18th June, 2020. Speakers : Advocate Ketki Gadkari and Advocate Shivraj Patne. https:// youtu.be/Iy0cs7rjRQM
- 2. 'Workshop on Micro, Small, and Medium Enterprises (MSME) Registration – Advantages and Opportunities for Construction Industry' organised by Shri Baburao Shakkarwar, National Vice-President, Builders' Association of India (representing Western Region) on Wednesday 15th July, 2020. Speakers : Shri Maheshwar Narayan Prasad, DGM, SME, State Bank of India, Mumbai; Mr. Balvant Joshi, Joint Director of Industries, Government of Maharashtra and Mr. Pravin Deshmukh, former Joint Director of Industries, Government of Maharashtra. https://youtu.be/ dJ5jBZMc_ag
- 'Workshop on Latest Trends in Road Safety and Traffic Signages' organised by Shri Baburao Shakkarwar, National Vice-President, Builders' Association of India (representing Western Region) on Saturday, 8th August, 2020. Shri Hiren Dholakiya – Regional Sales Manager (West) – Transportation Safety Division, 3M India Ltd.; Shri Ashish Agrawal – Senior Application Engineer – Transportation Safety Division, 3M India Ltd. and Shri Amit Thatte, Director, M/s Kataline Infraproducts Pvt. Ltd., Nagpur. https://youtu.be/n0jzpTIbtTs

- 'Workshop on Concrete Mixing & Placing in Modern 4. Times' organised by Mechanization Committee & Modern Technology Committee of Builders' Association of India on Monday 17th August, 2020 at 06.00. Speakers : Mr Amit Haridas, QA/QC Improvement Consultant and Concrete Technologist; Mr. Thiyagrajan, Joint General Manager, Schwing Stetter India Pvt. Ltd. and Mr. Ajay Karambelkar, Head of Sales, Aquarius Engineers Ltd. https://youtu.be/ Pvt. 73C4qQPC6bM
- 5. 'Workshop on intricacies of SWAMIH investment Fund I – booster for Indian real estate industry' organised on Thursday, 20th August, 2020, by the Banking and Finance Committee, Builders' Association of India. Speaker : Shri Irfan A. Kazi, Chief Investment Officer, SWAMIH Investment Fund I, SBICAP Ventures Ltd. https://youtu.be/ NCgCKjLp8_M
- 'Workshop on Financial Planning in Current Market Scenario' organised on Saturday 29th August, 2020 by Shri Pradeep Nagawekar, Hon. Gen. Secretary, BAI. Speaker : Shri Ranjan Nagarkatte, Expert in Financial Planning. https://youtu.be/ 1ZUGOjg3Eyg
- 7. Talk on 'Indian Real Estate Scenario present and future' with Dr. Niranjan Hiranandani, MD, M/s Hiranandani Developers Pvt. Ltd. and President, NAREDCO as the keynote speaker was organised on Friday, 4th September, 2020 by the 'Housing and RERA Committee' of Builders' Association of India. https://youtu.be/Oa25rnO4_rk
- 8. Talk on 'Indian Construction Industry Scenario present and future' held on Wednesday, 16th September, 2020 with Shri Ajit Gulabchand, CMD, M/s Hindustan Construction Co. Ltd. and Past President, Builders' Association of India as the keynote speaker organised by Shri Pradeep Nagawekar, Hon. Gen. Secretary, Builders' Association of India. https://youtu.be/ 6hrshec2YmQ
- 9. 'Workshop on Green Buildings for a Sustainable India – Design Concepts and Green Material selection' organised by Green Building Committee of Builders' Association of India Saturday, 19th September, 2020. Speaker : Mr. Mahesh Kumar Manisamy, Principal Consultant, TransGreen Sustainability Solutions was the Keynote Speaker. https://youtu.be/lXzEteycxmA
- 10. 'Workshop on importance of Training Construction

Machinery Operators and Mechanics' held on Saturday, 10th October, 2020 and organised by 'Mechanization and Modern Technology Committee' of BAI. Speakers : Shri Arvind Garg, President, Infrastructure Equipment Skill Council & Past President, Indian Construction Equipment Manufacturers Association and Executive Vice President & Head, Mining & Construction Equipment Business – Larsen & Toubro Ltd. and Shri H. S. Mohan, Chief Executive Officer, Infrastructure Equipment Skill Council. https://youtu.be/ viiPaqQezzM

- 11. Talk on 'Challenges in Development of Smart Cities' organised by BAI's Housing and RERA Committee on Saturday 31st October, 2020. Keynote Speaker : Ar. Jyothi Gupta, Architect, Geospatial Data Scientist and Author, University College London, UK. https:/ /youtu.be/zOoRTpHho5U
- 12. 'Workshop on Automation, Artificial Intelligence (AI) and Internet of Things (IoT) in Construction' organised by Mechanization and Modern Technology Committee of Builders' Association of India (BAI) on Saturday, 21st November, 2020. Speaker(s) : Professor Koshy Varghese, IIT Madras and Shri Gowthaman A., Dy. Manager - Electronics & Automation, M/s SCHWING Stetter (India) Private Limited. https://youtu.be/gtRD0CSw8hw
- 13. Workshop on 'Importance of Training to Skilled and Unskilled Labour' organised by Skill Development Committee of BAI on Friday, 11th December, 2020. Speaker was Shri Subhash Devidas Pathak, B.E. Civil, MIE, C.E. (IEI), Senior Professional Engineer in Skill Development (ECI & CIDC, New Delhi). https://youtu.be/B9pT9BHExos
- 14. Workshop on 'Understanding the Four Labour Codes' was organised by Builders' Association of India on Friday 18th December, 2020. Speakers were : Advocate Sudhir Kumar Gupta, M/s S. K. Gupta & Associates (Solicitors & Advocates); Advocate Puneet Gupta, Practicing Consultant, Industrial & Labour Laws and Shri Govindaraju N. S., General Manager - Human Resource, M/s. Kern-Liebers India Pvt. Ltd. Valedictory Address was delivered by Shri Prashant Ambulgekar, Vice-President -Human Resource, M/s B. G. Shirke Construction Technology and Group Head - Human Resources, M/s Shirke Group. Workshop was moderated by Shri Pratik Vaidya, MD, M/s Karma Management Global Consulting Solutions Pvt. Ltd. https:// youtu.be/fbVQMNdr97k
- 15. Live 'online' interaction with Shri Nitin Gadkari, Hon'ble Union Minister of Road Transport & Highways and Micro, Small & Medium Enterprises was held on Saturday 9th January, 2020. Shri Baburao Shakkarwar, Managing Director, M/s Smita

Industries, Nanded and Vice-President, BAI and 'designated dignitary' of BAI formally welcomed the Hon'ble Minister and participants and also introduced the event. Shri Mu. Moahan, Director, M/s Metro Road Construction (M) Pvt. Ltd. and President, BAI, will delivered the opening remarks and also briefed the Hon'ble Minister about BAI, the Indian construction industry and the problems the industry is facing. Shri B. Seenaiah, Managing Director, M/s BSCPL Infrastructure Limited and Past President, BAI, point-by-point elaborated the issues already sent to the Hon'ble Minister. The Hon'ble Minister addressed the participants and clarified the issues raised, gave assurances, made suggestions, etc. Shri Arvind Patel, Managing Director, M/s Patel Infrastructure Ltd. and Chairman, BAI's National Highway Committee, https://youtu.be/aNNqxyRa6Yg

- 16. Workshop on 'Precast RCC Road Panels' Technology was organised by Shri Baburao Shakkarwar, Vice-President, BAI (representing Western Region) on Saturday, 16th January, 2021. Chief Guest : Shri Ulhas Prahaladrao Debadwar, Secretary (Roads), Public Works Department, Government of Maharashtra Guest of Honour : Shri Pradeep Nagawekar, Hon. Gen. Secretary, BAI Speakers : Dr. Vishrut Landge, Professor, Civil Engineering Department, Visvesvaraya National Institute of Technology, Nagpur Dr. Ranjan Soanparote, Professor, Applied Mechanics Department, Visvesvaraya National Institute of Technology, Nagpur, https://youtu.be/90kDo30m_yE
- 17. 'Workshop on Understanding UDCPR' was jointly organised by Builders' Association of India, Maharashtra State, led by Shri Bharat Wagh, State Chairman, BAI Maharashtra and BAI's Housing & RERA Committee led by Shri Anand J. Gupta, Chairman, BAI's Housing & RERA Committee on Saturday, 27th March, 2021. Shri Sudhakar Nangnure, Director of Town Planning, Maharashtra State was the Chief Guest and delivered the opening remarks. The Speakers were : Shri Avinash B. Patil, Jt. Director of Town Planning, Pune Division Shri Prakash Bhukte, Ex. Jt. Director of Town Planning, Town Planning & Valuation Department, Maharashtra, https://youtu.be/wPyK-LMmQ8A
- 18. 'Workshop on Understanding UDCPR Question and Answer Session' was held on Wednesday, 26th May, 2021. It was a sequel to the earlier 'Workshop on Understanding UDCPR' held on Saturday, 27th March, 2021. Due to paucity of time, many important questions sent by participants could not be taken up at that time. Hence this exclusive session was organised, wherein the speakerreplied questions raised earlier and some fresh questions. Shri Prakash Bhukte, Ex. Jt. Director of Town Planning, Town

Planning & Valuation Department, Maharashtra relied to the queries. Government of Maharashtra has notified 'Unified Development Control and Promotion Regulations' (UDCPR) 2020. The video of the workshop held on 27th March, 2021 has been uploaded on the official YouTube Channel of BAI and can be accessed at https://youtu.be/wPyK-LMmQ8A

- 'Talk on Importance of Skilling in Construction Industry – post pandemic' was held on Thursday, 17th June, 2021 under the aegis of Skill Development Committee (South –I) by Shri N.S. Muralidhara Chairman, Skill Development Committee (South – I). Keynote Speaker was Shri Jaiprakash Shroff, Chairman, M/s Shroff Group of Companies, Pune and Chairman, Kushal CREDAI Pune Metro, https:/ /youtu.be/biOxZrjAfZE
- Webinar on 'Issues, Challenges and Cost Savings in 20. GST for Real Estate Sector' with special reference to Joint Development Agreements was organised by BAI Eastern Region on Sunday, 20th June, 2021. The topics covered were : # Understanding of GST implications in JDA - Revenue Sharing vs Area Sharing # Impact of Recent Announcements in GST Council Meeting # Critical issues and challenges for Builders/developers # Avenues of Cost-Saving and Tax Planning The Speakers were: CA Madhukar N. Hiregange, Bangalore CA Sudhir V. S., Hyderabad Both the Speakers are from renowned CA firm M/s Hiregange & Associates, having 14 offices across India, with more than 35 years of experience in the practise of Indirect Taxes. The webinar was Presided by : Shri Sanjib Goyal, Vice-President, BAI The Chief Guest was Shri Ram Nivas Gupta, President, BAI The Guest of Honour was Shri Mu. Moahan, Imm. Past President, BAICA M. Raveendaran, Chairman, BAI's Indirect Tax Committee also graced the webinar The Inviters were : Shri Vijay Pradhan, State Chairman, BAI Jharkhand Shri Suresh Agarwalla, State Co-ordinator, BAI Assam Shri Pradeep K. Chowdhury, State Co-ordinator, BAI West Bengal Shri Ritesh Bawri, Secretary, BAI Eastern Region, https://youtu.be/a6qZ1GivAcA
- 21. In the interaction on 'World Record in Asphalt Road Construction – the inside story', Shri Jagdish Kadam, Chairman and Managing Director, M/s Raj Path Infracon Pvt. Ltd. was interviewed by Shri Ranjeet More, Past Vice President, BAI; Past Chairman, BAI, Pune Centre and the Convenor for the event. The event was organised by BAI in association with BAI Pune Centre on Saturday, 26th June, 2021. M/s. Rajpath Infracon Pvt Ltd, Pune created a World Record by constructing 39.671 kms of Asphalt road in 24 hours. The record was achieved on Pusegaon – Mhasurne Road, Satara District, Maharashtra. The entire project was completed in 3 shifts and at 6

locations, 15 Civil Engineers of PWD, 60 Civil Engineers of M/s Rajpath Infracon Pvt Ltd, Pune, 47 Supervisors, 23 Quality Control Engineers, 150 Drivers, 110 labourers M/s Rajpath Civil Infracon Pvt Ltd., etc. were engaged. Some of the major machinery deputed were - 8 modern Hot Mix Batch Plants, 7 Sensor Pavers, 12 Vibratory Rollers, 6 Pneumatic Rollers, 180 Hyas, etc. 6000 cu mtr metal and 1100 MT Asphalt were used. Shri Jagdish Kadam, Chairman and Managing Director, M/s Raj Path Infracon Pvt. Ltd. spoke on the planning and execution stages. Shri Ram Niwas Gupta, President, BAI was the Chief Guest. Shri Ulhas Debadwar, Secretary, Maharashtra PWD delivered the 'Words of Wisdom''. https://youtu.be/kTqaCDMg3YI

- 22. Webinar on 'Green Building and Sustainable Approach to Construction Practices' was organised by BAI's Green Building Committee on Saturday, 3rd July, 2021. Keynote Speaker was Dr. S. K. Manjrekar, Honorary Member, American Concrete Institute (2018), Industry Doyen, Construction Industry Development Council (CIDC) (2017) and Chairman & Managing Director, M/s Sunanda Speciality Coatings Pvt. Ltd. India. Chief Guest : Shri Ram Nivas Gupta, President, BAI Guest of Honour : Shri M. G. Somashekhar, Chairman, Mysore Chapter of Indian Green Building Congress (IGBC) Host : Shri K. Sriram, Past Vice-President, BAI Shri K. Subramani, Chairman, BAI's Green Building Committee presided over the webinar. https:// youtu.be/p9M8SaSSyyM
- 23. Webinar on 'Real Estate Scenario in Maharashtra Post MahaRERA' was organised by BAI Maharashtra State on Wednesday, 11th August, 2021. Keynote Speaker was Shri Ajoy Mehta, Chairperson, MahaRERA. Shri Randhir Bhote, State Chairman, BAI Maharashtra welcomed the dignitaries and participants. Shri Swapnil Kaulgud, Chairman, BAI Maharashtra 'Real Estate – RERA and all other issues Committee' introduced Shri Ajoy Mehta, Chairperson, MahaRERA. Shri Neerav Parmar, Vice-President, BAI gave the Concluding Remarks. Shri Pradeep Nagawekar, National Hon. Gen. Secretary, BAI delivered the Vote of Thanks. https://youtu.be/ nSNk-6PjXwc
- 24. 'Webinar on Precast in Mass Construction of Real Estate and Infrastructure Projects' was jointly organised by BAI's Housing & RERA Committee and American Society of Civil Engineers-India Section Western Region on Saturday, September 18, 2021. Keynote Speaker was Dr. Mustafa Mashal, Ph.D., P.E., SECB, CPEng, IntPE(NZ), M.ASCE and Tenured Associate Professor in the Department of Civil and Environmental Engineering at Idaho State University (ISU) in the United States, https:// youtu.be/jHv1dQnDP1I

- 25. 'Webinar on Structural Repairs in Housing and Infra Projects' was jointly organised by American Society of Civil Engineers-India Section Western Region, BAI's Housing & RERA Committee and India Chapter of American Concrete Institute, on Saturday October 9th, 2021. Keynote Speaker was Dr. Mo Ehsani, Centennial Professor Emeritus, Civil Engineering, University of Arizona, USA and President, M/s QuakeWrap Inc., USA. Chief Guest was Shri Ram Niwas Gupta, President, Builders' Association of India. Concluding Remarks were by Er. Rajendra Pawar, Former Secretary, Water Resources Management & Command Area Development, Water Resources Department, Government of Maharashtra and Vice-Chairman, Report Card Committee, American Society of Civil Engineers-India Section Western Region. https:// youtu.be/Yj_NCzS-7GA
- 26. National Conference on Goods and Service Tax (GST) - Impact on Construction / Infrastructure Sector was organised by Builders' Association of India on Monday 27th December, 2021. The conference was organised to understand the impact of GST rate changes, as per Notification No. 15/2021, dated 18.11.2021, the issues faced by Construction, Real Estate, EPC, Infrastructure and Project companies. An interesting 'Question and Answer' Session was also organised. https://youtu.be/ SxIbmFhtisU
- 27. Interactive Webinar on "Nano Housing workable solution to India's Housing Needs" was organised by Builders' Association of India, Maharashtra State and BAI's Housing and RERA Committee on Friday, 7th January, 2022. Dr. Suresh Haware, Chairman & Managing Director, M/s Haware Properties was the keynote speaker. Shri Randhir Bhoite, State Chairman, BAI Maharashtra delivered the welcome address. Shri Anand J. Gupta, Chairman, BAI's Housing & RERA Committee gave the opening remarks. Shri Mohinder Rijhwani, Chairman, BAI Mumbai Centre & Chairman, BAI Maharashtra 'Real Estate - RERA and all other issues Committee' introduced Dr. Suresh Haware. Shri Swapnil Kaulgud, Chairman, BAI Maharashtra 'Real Estate – RERA and all other issues Committee' gave the concluding remarks. Shri Dilip Shinde, State Secretary, BAI Maharashra proposed the Vote of Thanks. https://youtu.be/_B0CJcjRXdg
- 28. National Webinar on 'Union Budget 2022 vis-a-vis Construction Industry' was organised by BAI on Saturday 5th February, 2022, 4.00 p.m. The Keynote

Speakers were : CA Tarun Ghia, Chairman, BAI's Taxation-Direct Taxes Committee; Institute of Chartered Accountants of India's (ICAI), Chairman, Committee for International Trade and Services, Chairman, Economic & Commercial Laws Committee, Imm Past Chairman, Direct Taxes Committee CA M. Raveendaran, Chairman, BAI's Taxation-Indirect Taxes Committee Shri Pradeep Nagawekar, Hon. Gen. Secretary was the Convenor of the National Webinar and delivered the welcome address and introduced the speakers. Shri Ram Niwas Gupta, President, BAI gave the opening remarks. Shri Neerav Parmar, Vice-President, BAI gave the Concluding. Shri Mohinder Rihwani, Chairman, BAI Mumbai Centre proposed the Vote of Thanks. https://youtu.be/YCGhAhQU2H0

- 29. Webinar 'MahaRERA - latest additions and changes in compliances' was organised by Builders' Association of India, Maharashtra State on Friday, 11th February 2022. Keynote Speaker was, CA Aditya Anil Zantye, Treasurer, RERA Practitioners' Welfare Association; Co-Convenor, RERA Study Group, WIRC and Author & Speaker on MahaRERA matters Welcome address and opening remarks were given by Shri Randhir Bhoite, State Chairman, BAI Maharashtra Shri Sanjay Desale, Chairman, BAI Maharashtra's Taxation Committee introduced the keynote speaker. Concluding remarks were given by Shri Swapnil Kaulgud, Chairman, BAI Maharashtra's Real Estate – MahaRERA Matters Committee Vote of Thanks was proposed by Shri Sachin Deshmukh, Chairman, BAI Maharashtra's Real Estate – UDCPR Matters Committee, https:// youtu.be/ZakSxBBrgzc
- Workshop on Online Database Update by BAI 30. Members was organised by Shri Arun Sahai, Vice-President, BAI & Chairman and Shri Rajiv Goel, State Chairman, BAI Harayana & Co-Chairman, BAI Members & Vendors Directory Committee (Northern Region) on Monday, 14th February, 2022. BAI Members are required to visit https:// www.baionline.in/ and go to the 'BAI Members Directory' section (https://www.baionline.in/BAI-Members-Directory.html) and after logging in update their membership details. The workshop will educate BAI members about the methodology of logging in and updating their membership details. Chairmen, Office-Bearers and Senior Functionaries of all BAI centres are requested to further propogate this concept and video in their local BAI Whatsapp Groups. https://youtu.be/8XSCfru92fI

Please visit the YouTube channel of BAI, like & share the videos, subscribe to the channel and press the 'bell' icon to ensure you receive notifications of further uploads or developments on the channel.

BUILDERS' ASSOCIATION OF INDIA

BAI AWARDS 2020-21

to Centres which were adjudged best in various disciplines. The awardees were :

BAI Awards for 2020-21 which was earlier announced during the 80th AGM of BAI were given

S.No	Name of Award	Recommended for 2020-21	
1	Overall Best BAI Centre (Below 200 Members)	Hassan and Thrissur Centres	
2	Overall Best BAI Centre (Above 200 Members)	Southern (Chennai), Mysore and Mumbai Centres	
3	Image Building Activities by a Centre	Hapur, Cochin and Tiruchirapalli Centres	
4	Organising Best Training Programme or Seminar	Durgapur, Coimbatore and Mumbai Centres	
5	Maximum Membership Growth	Kanyakumari Centre	
6	Best Efforts by any Centre for Quality Construction	Pune Centre	
7	Best Builders' Day Celebrations	Ghazidabad, Karnataka (Bangalore) Centre and Tirunelveli Centres	
8	Best publication by a BAI Centre	Southern (Chennai) Centre	
9	Best performing State Chairmen	 Shri U. M. Gurushanthappa, Karnataka; Shri P. Harikumar, Kerala; Shri R. Prakash, Tamil Nadu, Puducherry & Andaman Nicobar; Shri Bharat G. Wagh, Maharashtra and Shri Kirti M. Thacker, Gujarat 	
10	Best Vice President's	 Shri Baburao Laxmanrao Shakkarwar and Shri K. Chinnaswamy 	
11	Best Performing Chairmen of BAI's Functional Committees	 Dr. Anand J. Gupta, Housing / RERA Committee; Shri Neerav Parmar, Indian Construction Journal Committee; Shri K. Subramani, Green Building Committee and CA. M. Raveendaran, Taxation Committee 	
12	A special award was presented to	Rajasthan (Jaipur) Centre for hosting the best MC & GC meetings in a organised manner.	

Shri Ayyamperumal, Tirunelveli Court Case matter. Suspension of Shri Ayyamperumal, BAI Tirunelveli Centre

iii)

February, 2022.

Shri Ayyamperumal, General Council Member from Tirunelveli Centre has approached the Local Munsif Court with a petition to the following:

- Legal Notice dated 12th January, 2022 sent by the Counsel of Shri Ayyamperumal, General Council Member from Tirunelveli Centre to Shri C. Periyasamy, Chairman, Tirunelveli Centre and against Shri Raju John, Returning Officer, BAI Elections 2022-23, instructing not to accept the election result sent by Tiruneveli Centre, which was held by the Centre on 11th January 2022.
- Legal Notice dated 21st January, 2022 sent by the same Counsel of Shri Ayyamperumal, General Council Member from Tirunelveli Centre, against both of the above, intimating the filing of a Petition before the II Additional Munsif Court, Tirunelveli and directing them to attend the Court on 9th

Shri P. Chindambram Advocate & Notary No.10C, Thillai Koothankar Street, Palayamkottai, TIRUNELVELI – 627 002 (TAMILNADU) (M) 9443416541

Dear Sir,

We are in receipt of your letter dated 12th January 2022, 21st January 2022 & 22nd January 2022, on the conducting of Election of BAI Tirunelveli Centre for the year 2022-23.

In this regard, without going to the merit of the contents of your letter, we would like to mention the following provisions of Rules and Regulations of Builders' Association of India (BAI). :-

(1) <u>Rule 43.2</u><u>Arbitration.</u>

"If any dispute arises in case of any matter whatsoever **including elections, etc.,** the same shall be referred to an Arbitration Committee consisting of three members, one member from Past Presidents nominated by the disputant and another member from Past Presidents nominated by the respondents and the third Umpire nominated by both the Arbitrators, who shall decide the matter pertaining to all disputes and the decision of such Committee shall be final and binding on all the parties. The

Copy to:

- (1) All Office Bearers of BAI Headquarter.
- (2) Office Bearers, General Council Members / Executive Committee Members of BAI Tirunelveli Centre for 2021-22.
- (3) Scrutinisers of BAI Organisational Elections 2022-23.
- (4) Shri V. Ayyamperumal, BAI, Tinunelveli Centre.

Petition the Advocate with copy to all concerned, including to the

Ref: 408/J/2021-22 dated January 24, 2022

Arbitration Committee shall have all the powers as per the Arbitration Act, 1996 and shall settle the matter within 4 months of referring of the dispute".

Legal Notice dated 21st January, 2022 sent by the

same Counsel of Shri Ayyamperumal, General

Council Member from Tirunelveli Centre, against

both of the above, directing to stop the entire election

program of BAI due to the PANDEMIC SITUATION

TO AVOID ELECTION PROCEEDINGS STOP TILL

THE NORMAL SITUATION ARISING ALSO.

In spite of the best effort from the State Chairman, Vice

President, Past President Shri MU Moahan and the Office

Bearers of the Centre, the member refused to withdraw

the Legal Petition, though he was informed about the

existence of Arbitration Clause and Jurisdiction Clause of BAI. Executive Secretary Shri Raju John, sent a reply to

Petitioner Shri Ayyamperumal, as under:

(2) <u>Rule 43.3_Jurisdiction.</u>

"In case any matter/dispute/case is filed in Courts of Law, against the Association, then the Courts in **Mumbai only shall have jurisdiction for the same**".

The above is for kind information and also for advising your client accordingly.

Thanking you,

Yours faithfully,

RAJU JOHN Returning Officer BAI Organisational Elections 2022-23

However, Shri Ayyamperumal after receiving the email dated 24th February 2022 and also the Agenda Documents of the Managing Committee Meeting held on 11th March 2022 at Hotel Radisson Blue, Mahabalipuram, through professional courier POD Number VPL334294855, which was delivered to him on 4th March 2022., sent the following reply to BAI HQ:

Sir,

In this regard, BAI Tirunelveli Centre Elections for the year 2022-2023 dispute is pending before 2nd Additional District Munsiff Court, Tirunelveli in O.S. No. 33/2022 hence your objections may be raised in before abovesaid Court Proceedings. Judgment will be pending all of us.

By,

V. AyyamPerumal,

Patron Member. Tirunelveli center

The above response from Shri Ayyamperumal showed the intention of continuing the Court matter even when he was fully aware of the existence of Arbitration Clause in

Shri C. Periasamy

Chairman, BAI, Tirunelveli Centre M/s. Chidambaram Builders No.5, Bharathi East Street, Thiyagaraja Nagar, Maharaja Nagar Post, TIRUNELVELI – 627 011

Dear Sir,

Sub.: Suspension of Shri Ayyamperumal from BAI Membership.

With reference to the above, please be informed that, the Managing Committee Meeting held on 11th March 2022 at Hotel Radisson Blue, Mahabalipuram, have discussed, in detail, about the Court cases filed by Shri Ayyamperumal, under the agenda item 4. To take of the court case filed by Shri V. Ayyamperumal, General Council Member, from Tirunlveli Centre, and propose action, according to BAI Rules and Regulation. The copy of the said meeting agenda was also sent to Shri Ayyamperumal through, email dated 24th February 2022, and also sent physical copy, through professional courier, bearing POD Number VPL334294855, which was delivered at his office on 4th March 2022.

The purpose of sending him the advance notice was to give him a chance to explain about his stand to the Managing Committee, where as he ignored the Committee's invitation notice too, thereby disregarded the opportunity of Natural Justice given to him.

The Committee after discussion, by looking into his obsession of sending legal notice to BAI, (on 24th February, 2018 too he send legal notice to BAI) even after knowing

BAI Rules.

Notice was also issued to Shri Ayyamperumal to present at the Managing Committee Meeting to be held at Chennai on 11th March 2022, to present his side of the matter. Shri Ayyamperumal not only refused to attend the meeting but also sent another legal notice against the Returning Officer to stop BAI Election process till the matter is decided by the Muncif Court, Tirunelveli.

This matter was then discussed by the Members of the Managing Committee under item No. 4 in its Meeting held at Chennai on 11th March 2022 and the House unanimously decided to suspend him as per the resolution passed by the MC Meeting as done in case of Shri Sachin Chandra's matter. The Executive Secretary was also directed to communicate the decision of the Managing Committee to Shri Ayyamperumal.

As directed by the Managing Committee, BAI Executive Secretary Shri Raju John, wrote the following letter to Shri C. Periasamy, Chairman, BAI Tirunlveli Centre and marked a copy of the said letter to Office Bearers of BAI Headquarter.

Ref.: 457/M/2021-22 dated March 21, 2022

the association has provided with Arbitration clauses for settling the disputes on all matters including Election as also the Jurisdiction Authority is only at Mumbai High Court, once the Arbitration is failed for whatsoever reasons, he is acting on his own even though he is a General Council Member of association. General Council is the highest policy making body of BAI and its members should behave more responsibly as model to other members. It is the primary duty of all members to adhere to the Rules and Regulation of the organisation and should also know its violation would naturally bring disciplinary action.

In this regard, the Managing Committee after discussion on the matter in detail, decided to recommend the immediate suspension of Shri Ayyamperumal, as per the extracts Resolution passed in the Managing Committee Members Meeting, passed, at its Meeting held on 18th July, 2020, which is reproduced below:

IT IS ALSO RESOLVED THAT, if any member approaches the Court against BAI, without exhausting the Arbitration clause provided in BAI Rules and

Regulation, he will be summarily suspended from being part of BAI activities".

Therefore you are requested to kindly proceed with the recommendation of the Managing Committee.

Thanking you,

- *Copy* : (1) *All Office Bearers of BAI Headquarter.*
 - (2) Shri S. Ayyanathan, Vice President, BAI, South-II.
 - (3) Shri R. Sivakumar, State Chairman, Tamil Nadu.

In response to the above letter, BAI Headquarter have received the following response from Shri C. Periasamy, Chairman, BAI Tirunlveli centre.

BUILDERS' ASSOCIATION OF INDIA All India Association of Engineering Construction Contractors & Builders TIRUNELVELI CENTRE Tirunelveli Builders' Trust, 9/186A, Tiruchendur Main Road, Krishnapuram, Tirunelveli - 627011 Mobile : 94431 20499. Email : baitirunelveli@gmail.com Correspondence Address : 5, Bharathi East Street, Thiyagaraja Nagar, Tirunelveli - 627011, Mobile : 94431 20499 Rtn. PHF. C. Periasamy Er. A. Manmathan Er. P. Duraimuthu Chairman Secretary Treasurer 94431 20499 94433 90971 Lr. No. 27/2021-22 dt. 29(03)2020 Rtn.PP. PHF.V. AYYAMPERUMAL, **Actives Associates** No. 1. Active Building. 10A, Manakavalam Pillai Hospital Road, Palayamkottai, Tirunelveli Sub : Disciplinary action against Ayyamperumal- reg. Ref: Letter received from Head Quarters, Mumbai Letter received from Head Quarter, Mumbai Ref. Letter No.457/M/2021-22 dated March 21,2022 this has reference to the letter cited above and also had discussion in detail about the court cases filed by you, it is approved for taking disciplinary action against you in the All India Managing Committee Meeting held on 11th March at Hotel Radisson Blu, Mamallapuram. IT IS RESOLVED THAT with immediate effect you are suspended from Builders Association of India and taking any part in the Association both at Tirunelveli Centre and BAI H/Qtrs. Mumbai. c.K. 15 2913122 PERIASAM Copy to Chairman (2021-22) Builders'Association of India 1) Sri. Ayyanathan, National Vice President, South-II, BAI, Tirunelveli Centre. 2) Hon'ble Secretary, Builders Association of India, Mumbai 3) Shri. Sivakumar, State Chairman, BAI, Tamil Nadu, Puducherry & Andaman Nicobar Island 4) Mr. Raju John, Executive Secretary, BAI, Mumbai Headquarters. Er. K. Venkatesan Er. P. Govindan @ Gopi Mr. V. Ayyamperumal Er. S. Selvakumar Vice Chairman Imm. Past Chairman & GCM Joint Secretary General Council Member Mr. M. Lazer Adaikalam Er. G. Muralidharan Er. T.A. Abdul Rahman General Council Member **Executive Member Executive Member**

RAJU JOHN Executive Secretary Builders' Association of India

CHANGES OF GUARD AT BAI 2021-22

BAI's Organisational Elections for 2021-22 culminated on Tuesday, 30th March, 2021, with Shri Pradeep Nagawekar, Hon. Gen. Secretary, BAI announcing the results from the BAI Secretariat in Mumbai.

Earlier, Shri Raju John, Executive Secretary and Returning Officer, BAI's Organisational Elections for 2021-22 handed over the results to Shri Bhagwan J. Deokar, Scrutiniser, BAI's Organisational Elections for 2021-22 and Past President, BAI.

Due to the ongoing pandemic and restrictions on gathering, only some members were present and the proceedings was being relayed live on the ZOOM App for members from across India to view.

Shri Ram Niwas Gupta was unanimously elected as the President of BAI for 2021-22.

Results of the election held for the post of 'Trustee of BAI for 2021-22' necessitated due to the sad demise of Shri Sham I. Chunkhare was also announced. Shri Jawahar Mutha was unanimously elected as 'Trustee of BAI for 2021-22'.

On Wednesday, 31st March, 2021, the 'Change of Guard' ceremony was held in the BAI Secretariat in Mumbai. Shri Lal Chand Sharma, Chairman, Board of Trustees, BAI & Past President, BAI did the honours of 'Installing Officer'. Due to the ongoing pandemic and restrictions on gathering, only some members were present and the proceedings was being relayed live on the ZOOM App for members from across India to view.

Shri Lal Chand Sharma installed Shri Ram Nivas Gupta as the President of BAI for 2021–22 by adorning him with the 'BAI President Medallion'. Shri Mu. Mohan presented the 'BAI Key' to Shri Ram Nivas Gupta symbolising handing over of charge.

Shri Lal Chand Sharma felicitated Shri Mu. Moahan by adorning him with the 'Imm. Past President Medallion'.

Shri Mu. Mohan felicitated Shri Ram Nivas Gupta and Shri Lal Chand Sharma by adorning them with a traditional South Indian Shawl.

Thereafter Shri Lal Chand Sharma installed Shri Neerav Parmar as Vice–President of BAI for 2021–22, representing Western Region; Shri Pradeep Nagawekar as Hon. Gen. Secretary, BAI for 2021–22; Shri Gyan Madhani as Hon. Gen. Treasurer, BAI for 2021–22; Shri Ved Khurana as State Chairman, BAI Delhi for 2021–22; Shri Rajiv Goel as State Chairman, BAI Haryana for 2021–22 and Shri Randhir Bhoite as State Chairman, BAI Maharashtra for 2021–22.

Shri Lal Chand Sharma also felicitated Shri Ram Avtar, State Chairman, BAI Delhi for 2020–21.

On the occasion, Shri Lal Chand Sharma also installed Shri Mohinder Rijhwani as Chairman of BAI Mumbai Centre for 2021–22.

Shri Mohinder Rijhwani, Chairman, BAI Mumbai Centre

felicitated all the newly installed office–bearers, office– bearers laying down office and other dignitaries present on the occasion with a 'Pheta' – traditional Maharashtrian headgear and a shawl.

Shri Neerav Parmar, Chairman, BAI's Indian Construction Journal Committee presented to Shri Mu. Moahan a volume containing 'Indian Construction' Journal issues from April 2020 to March 2021.

Shri Rajiv B. Krishnani, Past Vice–President; Shri Anand J. Gupta, Chairman, BAI's Housing & RERA Committee and Shri Prakash Panjwani, Imm. Past State Chairman, BAI Maharashtra felicitated Shri Ram Nivas Gupta.

Shri Sanjib Goyal, Vice-President, BAI (2021–22) addressed the gathering 'online' from Guwahati, Assam.

BAI WEBSITE 'www.baionline.in'

BAI launched its website 'www.baionline.in' at the Managing Committee Meeting at Nashik on 9th August 2008. With the launch of www.baionline.in, BAI too aims at giving its members top-of-the-line service.

As of now www.baionline.in offers the following services:

- ✓ All circulars meant for BAI Centres and senior functionaries will be hosted.
- ✓ Important Judgements, Circulars and Notifications by Government(s) and /or Departments will be hosted.
- \checkmark Tender information.
- ✓ Latest Price Index Numbers.
- ✓ Construction industry related exhibition/trade fair information.
- \checkmark Information on all publication of BAI and its Centres.
- ✓ Details of office-bearers of BAI.
- Links to important websites i.e. like minded national & international organisations, Government organisations concerning having dealings with construction industry, service providers, construction companies, etc.

BAI members / visitors can download :

- ✓ BAI Constitution (BAI Rules & Regulations)
- \checkmark Membership Application Form
- ✓ Membership Data Updation Form

BAI members can get their membership number through www.baionline.in.

Services to be introduced over a period, include :

✓ Website based email service to BAI members.

- ✓ 'News & Discussion Board' news concerning the construction industry will be hosted and members/ visitors can air their opinion on the same.
- 'Meeting Room' akin to the concept of 'chatting', senior functionaries can hold meetings via video conferencing.
- ✓ Archives of 'Indian Construction' and other publications by BAI Centres.
- ✓ Total detailed membership database of BAI.

'Wheeling & Dealing' – is a platform for BAI members and others for offering machinery to be given on hire or request machinery on hire / offer specialised service or request for specialised service, etc.

FINANCE OF THE ASSOCIATION:

The Headquarter, due to its better financial discipline, was generating surplus for the last 20 years and the current year also we have a surplus of Rs. 1,29,93,725/-. This is a major achievement, though there was a marked decline in interest income. It is also a fact that, the Trustees are prompt and alert in keeping the Fixed Deposits with Banks which offers the highest return.

FUNCTIONS OF BAI HEADQUARTER OFFICE:

BAI Headquarter and BAI Delhi Office with a stall of 11 members functioning exceptionally well under the control of Executive Secretary, Mr. Raju John.

MEETINGS :

During the financial year 2021-22 under report, 4 (Four) Managing Committee and 4 (Four) General Council Meetings were held at :

- 1. On 15th May 2021 at Zoom App
- 2. On 26th August 2021 at Zoom App
- 3. On 3rd December 2021 at Jaipur
- 4. On 11th March 2022 at Mahabalipuram, Chennai

BAI MEMBERSHIP / AFFILIATIONS

- Affiliated to International Federation of Asian & Western Pacific Contractors' Associations (IFAWPCA), Philippines.
- Founder Member of Construction Industry Development Council (CIDC), New Delhi.
- Member of IMC Chamber of Commerce & Industry, Mumbai.
- Member of Indian Council of Arbitration, New Delhi.
- Member of Employers' Federation of India, Mumbai.

- Member of Indian Roads Congress.
- Member of Federation of Indian Chambers of Commerce & Industry, New Delhi.
- Member and Promoter of Construction Skill Development Council of India (CSDCI), New Delhi.

BAI'S REPRESENTATIVES ON VARIOUS COMMITTEES.

- Shri Mu. Moahan, President, BAI as Member, Board of Governors of National Institute of Construction Management & Research (NICMAR).
- Shri Mu. Moahan, President, BAI as Member, Board of Governors of Construction Industry Development Council (CIDC).
- Shri Mu. Moahan, President, BAI as Member, Board of Governors of National Academy of Construction (NAC).
- Shri B. Seenaiah, Member, Review Committee for Contract Management System formed by Ministry of Statistics & Programme Implementation (MOSPI).
- Shri Mu. Moahan, President, BAI, as Member, National Council of Construction Federation of India (CFI).
- Shri Mu. Moahan, President, BAI in the focus group formed for WTO.
- Shri Mu. Moahan, President, BAI as a Chief Delegate of 44th IFAWPCA Convention.
- Shri Sushanta Kumar Basu represent BAI on the Working Group of Construction constituted by Planning Commission for the 12th Five Year Plan (2012-17).
- Shri S. Narsimha Reddy as Board Member on the Executive Board of IFAWPCA.
- Shri Mahesh M. Mudda on the Expert Committee and Shri Neerav Parmar on the State Level Advisory Committee of Building & Other Construction Workers (Regulation of Employment and Conditions of Service) Act 1996 for Government of Maharashtra.
- Dr. Anand J. Gupta on Central Advisory Committee constituted by the Ministry of Labour, Government of India, under the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act 1996.
- Shri H.S. Pasricha, Member, Central Advisory Contract Labour Board, Ministry of Labour, Government of India.
- Shri R.N. Gupta. Member, Central Public Works Department (CPWD) Technical Committee.

• Shri R.N. Gupta & Shri Rajiv Goel, Member, Ministry of Housing & Urban Affairs (MoHUA), Ministry of Human Resource Development (MHRD).

BAI's REPRESENTATIVES ON VARIOUS COMMITTEES.

- Shri R. N. Gupta, President, BAI as Member, Board of Governors of National Institute of Construction Management & Research (NICMAR).
- Shri R. N. Gupta, President, BAI as Member, Board of Governors of Construction Industry Development Council (CIDC).
- Shri R. N. Gupta, President, BAI as Member, Board of Governors of National Academy of Construction (NAC).
- Shri B. Seenaiah, Member, Review Committee for Contract Management System formed by Ministry of Statistics & Programme Implementation (MOSPI).
- Shri R. N. Gupta, President, BAI, as Member, National Council of Construction Federation of India (CFI).
- Shri R. N. Gupta, President, BAI in the focus group formed for WTO.
- Shri R. N. Gupta, President, BAI as a Chief Delegate of 44th IFAWPCA Convention.
- Shri Sushanta Kumar Basu represent BAI on the Working Group of Construction constituted by Planning Commission for the 12th Five Year Plan (2012-17).
- Shri S. Narsimha Reddy as Board Member on the Executive Board of IFAWPCA.
- Shri Mahesh M. Mudda on the Expert Committee and Shri Neerav Parmar on the State Level Advisory Committee of Building & Other Construction Workers (Regulation of Employment and Conditions of Service) Act 1996 for Government of Maharashtra.
- Dr. Anand J. Gupta on Central Advisory Committee constituted by the Ministry of Labour, Government of India, under the Building and Other Construction Workers (Regulation of Employment and Conditions

Annual Membership:

of Service) Act 1996.

- Shri H.S. Pasricha, Member, Central Advisory Contract Labour Board, Ministry of Labour, Government of India.
- Shri R.N. Gupta. Member, Central Public Works Department (CPWD) Technical Committee.
- Shri R.N. Gupta & Shri Rajiv Goel, Member, Ministry of Housing & Urban Affairs (MoHUA), Ministry of Human Resource Development (MHRD).

OFFICES OF BAI CENTRES

There has been a growing trend amongst BAI Centres to go in for their own office premises, with facilities for conducting meetings, training, etc. The premises owned by these Centres are registered under the name of "Trustees Builders' Association of India".

As on date, the Centres who have their own office premises are Andhra Pradesh (Hyderabad), Delhi, Eastern (Kolkata), Karnataka (Bangalore), Nanded, Nashik, Pune, Rajasthan (Jaipur), Sangli and Southern (Chennai).

INDIAN CONSTRUCTION' JOURNAL

Shri Neerav Parmar was the Chairman, Indian Construction Journal Committee for 2021-22. The printing of the magazine has been continued with a marked change and your journal is becoming more and more popular.

The journal has admittedly established a numero-uno position in construction related trade magazines as is evident from non-member subscribers, which includes, Engineering Institutes, Government Departments and Undertakings including many Works Authorities.

The Association is also sending around 1000 complimentary copies to like-minded organisations in the country and abroad, Government Authorities Engineering Colleges, Department Heads, Works Authorities etc. The rising paper, printing and postal costs coupled with low advertisement revenue forces BAI General Fund to cross subsidise the publication as it is not self sufficient.

BAI MEMBERSHIP SUBSCRIPTION 2021-22

The subscription for various categories of membership with the Association were as follows:-

Annual Subscription	Rs. 2,904
Entrance Fee	Rs. 100
'INDIAN CONSTRUCTION'	Rs. 200
GST	Rs. 541
Total	Rs. 3,745
Patron Membership	
One time Subscription - Membership	Rs.25,000

'INDIAN CONSTRUCTION'	Rs. 200
GST	Rs.4,500
Total	Rs.29,700
Affiliated Association Membership	
Annual Subscription	Rs. 5,324
Entrance Fee	Rs. 500
'INDIAN CONSTRUCTION'	Rs. 200
GST	Rs. 1,048
Total	Rs.7,072
Affiliated Association - Patron Membership	
Membership (One time Subscription)	Rs.30,000
'INDIAN CONSTRUCTION'	Rs. 200
Service Tax	Rs. 4,500
Total	Rs.34,550
Corporate Membership	
Membership (One time Subscription)	Rs.3,00,000
Annual Subscription	Rs. 10,000
Service Tax	Rs. 46,500
Total	Rs.3,56,500

NEW CENTRES

For the year 2021-22, BAI opened centres at Danapur in Bihar State, Bhubaneswar in Odisha State, Mohali in Punjab State, Sahibabad in Uttar Pradesh State, Dehradun in Uttarakhand, Chikamagalur and Mandya in Karnataka State, Idukki in Kerala State, Palani in Tamilnadu State and Pandharpur in Maharashtra State.

BAI has entered into the State of Punjab, Orissa and Dehradun with new Centres. 2021-22 was an eventful year for BAI as far as growth of the BAI movement is concerned.

MEMBERSHIP STRENGTH

As on 31st March 2022, the membership was 20,335 which included 17,385 Patron Members 2,950 Annual Members.

BUILDERS' DAY 2021

"Builders' Day" is celebrated by Builders' Association of India (BAI) every year during the last quarter to commemorate its founding in 1941. The Managing Committee of BAI decides on a theme for the year, on which all Centres of BAI celebrate "Builders' Day" of that year. For 2021 the Managing Committee of BAI has decided ' 'Role of Construction in Nation Building' ' as the theme.

About the theme

Every year BAI celebrates Builder's day with a theme that matches with the current aspirations of the nation. This year is also no exception.

Our Prime Minister announced a target of 5 Trillion USD economy in five years from the current 2.75 trillion USD. Although the target has suffered a major hiccup due to the

Wuhan virus caused pandemic, but still our aim is to achieve the target by 2024-25.

Our's is a welfare state and the "Government is of the people, by the people, for the people" as famously said by Late U.S.A President Abraham Lincoln. Hence, the beneficiaries of this massive economic growth must be the country's citizens.

The term "Nation Building" connotes to an aspiration for 'The rise of a state capable of providing public goods & services evenly across the country', as again famously said by Andreas Wimmer a renowned sociologist. Here "public goods or service " means the goods and services which are non excludable and non rivalrous . Non excludable means that it cannot exclude any person or a group of person, example, a road or a public building , and non rivalrous means whose consumption or use by one consumer does not prevent simultaneous consumption or use by many others, example, again, a road or a public building.

So, to achieve this target Government will have to focus on public goods and services, i.e, National Defense, Education, Health, Food distribution, Environmental protection etc; focussing means creation of new assets in the form of infrastructural work, like building Roads & Bridges, Public buildings like Schools, Hospitals, warehouses, Railways etc. etc.

And whose responsibility it is to build these-of course, the Construction industry's. Construction industry provides the foundation upon which a nation is built. It's a huge task and let us get prepared for the same. It's a challenge, let's turn it into an opportunity.



President Shri Niimesh Paatel

Vice-President's

Shri Manikant Shri G. Ved Anand Shri Mahendra Kumar Sethi Shri V. Srinivasa Murthy

Shri Rajendra S. Athawale

Hon. General Secretary Shri Gyan Madhani Hon. General Treasurer Shri Mohinder Rijhwani

State Chairmen

Andhra Pradesh Shri B. Raghava Rao

Delhi Shri Ved Khurana

Haryana Shri Rajiv Goel

Karnataka Shri R. B. Dayanand

Maharashtra Shri Dattatray Mule

Tamil Nadu Shri K. Jeganathan **Chhattisgarh** Shri K. Chandrasekhar Rao

> **Gujarat** Shri Arvind Patel

Jharkhand Shri Rohit Agarwal

Kerala Shri Najeeb Mannel

Rajasthan Shri Ravi Kumar Kheria

Telangana Shri K. Devender Reddy

Uttar Pradesh Shri Sanjay Tyagi

State Coordinator

Assam Shri Suresh Agarwalla

Madhya Pradesh Shri Anil Kumar Grover **Bihar** Shri Bhavesh Kumar

West Bengal Shri Anup Mazumder

Members of the Managing Committee representing Centres

- Shri A. N. Balaji Shri Dhanwant Lal Gupta Shri K. Muruganandam Shri N. G. Lokanathan Shri N. Ramalingam Shri P. P. John Shri Ram M. Bhatia Shri Sanjib Goyal Shri T. V. Chandrasekaran
- Shri D. R. Sekar Shri G. M. Ravindra Shri K. Rajakumaran Nair Shri N. Mohamed Abdul Khader Shri O. K. Selvaraj Shri P. Parameswaran Shri Ravindra Pradhan Shri Sanjiv B. Shah Dr. Tarro T. Manghnani Shri V. S. Jayachandran
- Dr. Dharmesh C. Awasthi Shri K. J. George Shri K. S. Someshwara Reddy Shri N. Raghunathan Shri P. N. Suresh Shri R. Prakash Shri S. Ramaprabhu Shri T. N. Sivakumar Shri V. Rajagopal

Members of the Managing Committee representing Patron Members

Dr. Anand J. Gupta Shri Basavaraj S. Totad Shri D. Ramesh Shri G. Santosh Reddy Shri B. Chandra Mohanan Shri N. M. Patel Shri P. Subramani Shri R. Sivakumar Shri Ashok Agarwal Shri Bhoopinder Singh Shri D. V. N. Reddy Shri K. Chinnaswamy Shri K. Venkatesan Shri Narendra Kumar Shri Prakash H. Menda Shri S. Ayyanathan Shri T. Kannappan Shri B. Sugunakar Rao Shri C. G. Deochake Shri Dinesh Nanji Patel Shri K. John Paul Shri L. Venkatesan Shri Naresh M. Painjane Shri Prakash Panjwani Shri L. Shantha Kumar

Members of the Managing Committee representing Affiliated Associations

Shri Arvind Patel Shri Gomathi Shankar Shri B. Ramesh Shri M. Jaishankar

Trustees BAI 2022-25

Shri Lal Chand Sharma Shri Mu. Moahan Shri N. Sachitanand Reddy Shri M. Thirusangu Shri N. M. Patel Shri Pradeep G. Nagawekar

Shri Rajendra Singh Kamboh

BAI Past Presidents

Year	Name	Year	Name
1941-1942	Shri M. P. Shah	1991-1992	Shri Lalit Sangtani
1942-1943	Shri Motichand G.Shah	1992-1994	Shri M. Karthikeyan
1943-1944	Shri E. M. Billmoria	1994-1995	Shri Tilak Raj
1944-1945	Shri Ranade	1995-1996	Shri H. H. Rijhwani
1945-1946	Shri P. P. Kapadia	1996-1997	Shri A. S. Chinaswamy Raju
1947-1950	Shri Motichand G.Shah	1997-1998	Shri N. D . Golani
1959-1951	Shri P. P. Kapadia	1998-1999	Shri C. L. Verma
1952-1954	Shri G. S. Dugal		Shri S. A. Vichare
1955-1957	Shri P. P. Kapadia	2001-2003	Shri V. Ramachandran
1957-1958	Shri Rao Sahib Bagwandas C.Hemrajani		Dr. Brahm Datt
1959-1961	Shri H. J. Shah	2005-2006	Shri B. N. Dikshit
1962-1963	Shri G. R. Jolly	2006-2007	Shri C. Raghava Reddy
1964-1965	Shri Y. G. Patel	2007-2008	Shri P. R. Mundle
1965-1966	Shri B. V. Apte	2008-2009	
1966-1967	Shri J. S. Ajmera	2009-2010	Shri A. K. Yussouf
1967-1968	Shri U. S. Patel	2010-2011	Shri Bhagwan J. Deokar
1969-1971	Shri R. G. Gandhi	2010-2011	Shri Cherian Varkey
1971-1972	Shri K. L. Sapra	2011-2012	Shri B. Seenaiah
1973-1974	Shri M. Nilakandan	2012-2014	Shri Sushanta Kumar Basu
1974-1978	Shri S. Harcharan Singh Duggal	2014-2013	Shri Lal Chand Sharma
1978-1980	Shri Harbans Lal Arora	2013-2018	Shri Avinash M. Patil
1980-1982	Shri M. N. Rajaraman		
1982-1984	Shri Amarjit Singh Choudhary	2017-2018	Shri H. N. Vijaya Raghava Reddy
1984-1986	Dr. T. N. Subba Rao	2018-2019	Shri A. Puhazhendi
1986-1988	Shri S. A. N. Ranganatha Achar	2019-2020	Shri Sachin Chandra (1-4-2019 to 23-12-2019)
1988-1989	Shri R.Radhakrishan	2020-2021	Shri Mu Moahan
1989-1990	Shri S. R. Kar Roy	2021-2022	Shri Ram Niwas Gupta
1990-1991	Shri Ajit Gulalbhand		

OBITUARIES

The Association lost the following members who left for the heavenly abode. BAI in their death has lost sincere and hardworking members.

- ✓ Shri Kishan Goradia left for his heavenly abode on 6th April, 2021. Shri Kishan Goradia was Chairman of M/s Dosti Realty Ltd., Patron Members of BAI from Mumbai Centre and father of Shri Deepak Goradia, President, CREDAIMCHI.
- ✓ Shri Sandeep Goyal left for his heavenly abode on 15th April, 2021.Shri Sandeep Goyal was a member of BAIfrom Jagdalpur Centre.
- ✓ Shri K.Sridhar, Past State Chairman, Karnataka State, BAI, expired on 25th April 2021.
- ✓ Shri Joshy Joseph left for his heavenly abode on 25th April, 2021. Shri Joshy Joseph was Past Chairman, BAI Nashik Centre.
- ✓ Dr. Manubhai Patel, M/s Michigan Engineers Pvt. Ltd. left for his heavenly abode on 1st May, 2021. He was the patron member of Mumbai Centre.
- ✓ Dr. Brahm Datt left for his heavenly abode on 3rd May, 2021. Dr. Brahm Datt was Director of M/s Som Datt Builders Pvt. Ltd., New Delhi and President of BAI during 2003-05.
- ✓ Shri Suresh Babu left for his heavenly abode on 8th August, 2020. Shri Suresh Babu was Managing Director, M/s V. Rajagopal & Co. and son of Shri V. Rajagopal, Trustee, BAI.
- ✓ Shri K. G. Rajagopal Reddy left for his heavenly abode on 24th April, 2021. Shri K. G. Rajagopal Reddy was Patron Member of BAI from Karnataka (Bangalore) Centre.
- ✓ Shri T. S. Sashi Kumar left for his heavenly abode on 13th May, 2021. Shri T. S. Sashi Kumar was Patron Member of BAI from Mysore Centre.
- ✓ Shri Saurabh Mittal left for his heavenly abode on 15th May, 2021. Shri Saurabh Mittal was Director of M/s SKB Builders India Ltd., Patron Members of BAI from Delhi Centre.
- Smt. Vasumati left for her heavenly abode on 15th May, 2021. Smt. Vasumati was mother of Shri Vallabhaneni Venkateswara Rao, Vice-President, BAI.
- ✓ Shri K. Venkat Reddy left for his heavenly abode o 15th May, 2021. Shri K. Venkat Reddy was proprietor of M.s Kayvee Enterprises, Patron Members of BAI from Hyderabad Centre and father of Shri K. Chandra Shaker Reddy, BAI Hyderabad Centre.

- Shri Samatham Rambabu left for his heavenly abode on 16th May, 2021. Shri Samatham Rambabu was General Council Member of BAI from Tanuku Centre.
- ✓ Shri Diliprao Wagh left for his heavenly abode on 17th May, 2021. Shri Diliprao Wagh was father-inlaw of Shri Ranjeet More, Past Vice-President, BAI. Shri Diliprao Wagh was the patriarch of the illustrious K. K. Wagh family of Nashik and a successful civil contractor.
- ✓ Smt. Lyla left for her heavenly abode on 17th May, 2021. Smt. Lyla was sister of Shri Najeeb Mannel, State Chairman, BAI Kerala.
- ✓ Shri Dinesh Hiranand Bhatia left for his heavenly abode on 17th May, 2021. Shri Dinesh Hiranand Bhatia was a Patron Member of BAI from Ulhasnagar Centre.
- ✓ Shri Shaligram Agarwal left for his heavenly abode on 18th May, 2021. Shri Shaligram Agarwal was father of Shri Sanjeev Agarwal, Chairman, BAI Durgapur Centre.
- ✓ Smt. Renuka Agarwal left for her heavenly abode on 26th May, 2021. Smt. Renuka Agarwal was mother of Shri Sanjeev Agarwal, Chairman, BAI Durgapur Centre.
- ✓ Smt. Vahuladevi left for her heavenly abode on 27th May, 2021. Smt. Vahuladevi was wife of Late Shri Sriramulu V., brother of Shri V. Rajagopal, Trustee, BAI.
- ✓ Shri Nitin Rajmal Shah left for his heavenly abode on 30th May, 2021. Shri Nitin Rajmal Shah was Director of M/s RPS Infraprojects Pvt. Ltd., Patron Members of BAI from Mumbai Centre and elder brother of Shri Ketan Shah, Executive Committee Member of BAI Mumbai Centre.
- ✓ Shri R. Srinivasan left for his heavenly abode on 8th June 2021. Shri R. Srinivasan was incumbent Chairman of BAI Kumbakonam Centre.
- Shri A. Kumar left for his heavenly abode on 10th June, 2021. Shri A. Kumar was Past Chairman, BAI Tiruppur Centre.
- Smt. Sushi Gopal Harisinghani left for her heavenly abode on 30th July, 2021. Smt. Sushi Gopal Harisinghani was wife of Shri Gopal Harisinghani, Past Chairman, BAI Mumbai Centre and mother of Shri Ravi Harisinghani, Executive Committee Member, BAI Mumbai Centre.

- ✓ Shri Jagdishprasad Gupta left for his heavenly abode on Sunday 4th July, 2021. Shri Jagdishprasad Gupta was father of Shri Anand Gupta, Chairman, BAI's Housing and RERA Committee.
- ✓ Shri Mohan Katariya left for his heavenly abode in the early morning of Wednesday 14th July, 2021. Shri Mohan Katariya was Past Vice-President and Past Trustee of BAI.
- ✓ Smt S. Bala manemma, left for her heavenly abode on 6th August 2021. She was the mother of Shri S.K.Harish Babu, Past State Chairman, BAI Andhra Pradesh State.
- ✓ Shri G. Anjayya, left for his heavenly abode on 29th August, 2021. He was Patron member, Butibori (Nagpur) Centre.
- ✓ Shri V. R. Kaliappa Gounder left for his heavenly abode on 14th September 2021 Shri V. R. Kaliappa Gounder was the father of Shri K. Viswanathan, Past Vice President, BAI.
- ✓ Shri Amrut Bhiku Gadhi left for his heavenly abode on Monday, 20th September, 2021. He was the father of Shri Pradip Gandhi, Chairman, BAI Raigad District Centre, Maharashtra.
- ✓ Shri M. S. N. Murthy left for his heavenly abode on 22nd September, 2021. He was one of the founder members of BAI Mysore Centre.
- ✓ Shri. P. Dayakar Reddy left for his heavenly abode on 22nd September 2021. He was Executive Committee member of BAI Hyderabad Centre.
- ✓ Shri N. Krishnappa left for his heavenly abode on 22nd September, 2021. Shri N. Krishnappa was father of Shri K. Manjunath, General Council Member of BAI from Shimoga Centre.
- ✓ Smt. Madhavi Gurushanthappa wife of Mr. Gurushanthappa Imm. Past State Chairman BAI Karnataka & Past Chairman of BAI Mysore Centre left for her heavenly abode on 6th October, 2021. Smt. Madhavi Gurushanthappa was also Past President of "Spoorthi - The Ladies Wing of BAI Mysore Centre" and was editor of the monthly magazine of BAI Mysore Centre "Mysore Shilpi".
- ✓ Shri Natwarlal Patel left for his heavenly abode on 22nd October, 2021. Shri Natwarlal Patel was Director of M/s Maruti Infrastructure Ltd., Patron Members of BAI from BAI Gujarat (Ahmedabad)

Centre and Paternal Uncle of Shri Nimesh Patel, Past Vice-President, BAI.

- ✓ Smt. Vidyavati Goyal left for her heavenly abode on 3rd December, 2021. Smt. Vidyavati Goyal was mother of Shri Ram Avtar, State Chairman, BAI Delhi.
- ✓ Shri N. M. Singh left for his heavenly abode on 5th December, 2022. Shri N. M. Singh was PastVice President, BAI Eastern region.
- ✓ Shri N. R.Parashar left for his heavenly abode on 11th December, 2022. Shri N. R. Parashar was Past State Chairman of BAI Chattisgarh.
- ✓ Dr. Kirty Dave left for his heavenly abode on 16th December, 2022. Dr. Kirty Dave was a very renowned Arbitrator and Patron Member of BAI Mumbai Centre.
- ✓ Shri Madanlal ji Sethi left for his heavenly abode on 19th January, 2022. He was elder brother of Shri Mahendra Sethi, Patron member of Rajasthan (Jaipur) Centre.
- ✓ Shri Walter N. A. Nazareth left for his heavenly abode on 19th January, 2022. Shri Walter N. A. Nazareth was Chairman Emeritus of M/s Monsher Group, Patron Member of BAI Mumbai Centre.
- ✓ Shri Ramram Ganpatrao Maknikar left for his heavenly abode on 28th January, 2022. Shri Ramram Ganpatrao Maknikar was Past Chairman of BAI Latur Centre.
- ✓ Shri Balasaheb Devram Wagh left for his heavenly abode on Sunday 6th February, 2022. Shri Balasaheb Devram Wagh was father-in-law of Shri Ranjeet More, Past Vice-President, BAI. Shri Balasaheb Devram Wagh was from the illustrious K. K. Wagh family of Nashik and a successful educationist.
- ✓ Smt. Pushpa Agrawal left for her heavenly abode on 12th February, 2022. Smt. Pushpa Agrawal was mother of Shri Naresh Agarwal, Past Chairman, BAI Ghaziabad Centre.
- ✓ Shri Ashok Chopda left for his heavenly abode on 16th February, 2022. Shri Ashok Chopda was Past Chairman of BAI Ahmednagar Centre.
- ✓ Dr. Dushyant Tyagi ji left for his heavenly abode on 03rd March 2022. He was a senior member from Uttar Pradesh State.

Attendance Sheet of MCGC Members Forming Part of Annual Report For The Year 2021-22 Attendance (Out of Four Meetings)

Name	Attendance	Name	Attendance
Shri R.N. Gupta - President	4	Shri Sanjib Goyal, Vice President	4
Shri Arun Sahai, Vice President	3	Shri V. Venkateswara Rao, Vice President, South-I	4
Shri S. Ayyanathan, Vice President, South-II	4	Shri Neerav Parmar, Vice President, BAI	4
Shri Mu. Moahan, Imm. Past President	4	Shri Pradeep G. Nagawekar, Hon. Gen. Secretary	4
Shri Gyan Madhani, Hon. Gen. Treasurer	4		
	Past	Presidents	
Shri B.N. Dikshit	2	Shri B. Seenaiah	3
Shri Cherian Varkey	2	Shri V. Ramachandran	0
Shri R. Radhakrishnan	4	Shri A. K. Yussouf	0
Shri P. R. Mundle	0	Shri Ajit Gulabchand	0
Shri S. A. Vichare	0	Shri Bhagwan J. Deokar	4
Shri Lalit Sangtani	0	Shri Sushanta Kumar Basu	4
Shri Lal Chand Sharma	4	Shri Avinash M. Patil	3
Shri H. N. Vijaya Raghava Reddy	4	Shri A. Puhazhendi	1
	State Chairmen	/ State Co-ordinators*	
Shri D. Pankaj Reddy, Andhra Pradesh	4	Shri Dilip Singh Kushwaha, Chhattisgarh	3
Shri Ved Khurana, Delhi	3	Shri Arvind V. Patel, Gujarat	2
Shri Rajiv Goel, Haryana	4	Shri Vijay Pradhan, Jharkhand	2
Shri M. Ramesh, Karnataka	4	Shri Najeeb Mannel, Kerala	4
Shri Sanjay Sharma, Madhya Pradesh*	2	Shri Randhir D. Bhoite, Maharashtra	4
Shri Rameshwar D. Khandelwal, Rajasthan	4	Shri R. Sivakumar, Tamil Nadu	4
Shri V. Bhaskar Reddy, Telangana	4	Shri Ravindra Tyagi, Uttar Pradesh	1
Shri Pradeep K. Chowdhury, West Bengal*	4	Shri Suresh Agarwalla, Assam	1
	Т	rustees	
Shri Ravindra Pradhan	3	Shri Lal Chand Sharma	4
Shri V. Rajagopal	1	Shri O.K. Selvaraj	2
Shri B. Sugunakar Rao	2	Shri C. G. Deochake	2
Shri Jawahar Mohanlal Mutha	4		
Members Of	The Managing	Committee – Representing Centres	
Shri Baburao L. Shakkarwar	4	Shri K. Muruganandam	1
Shri G. Ved Anand	4	Dr. Rajiv B. Krishnan	2
Shri K. Subramani	3	Shri N. Mohamed Abdul Khader	1
Shri K.J. George	0	Shri K. Rajakumaran Nair	1
Shri Laxman D. Kotwani	1	Dr. Anand J. Gupta	3
Shri N. Sivakumar	0	Shri S. Shiva Prakash	3
Shri P. Hari Kumar	3	Shri G. Diwakar	2
Shri P. Subramani	3	Shri K. Devender Reddy	4
Shri Prabir Kumar Mukherjee	2	Shri B. Anandhan	3
Shri Prakash H. Menda	3	Shri Abhay Garde	2
Shri Prince Joseph	2	Shri S. Parthasarathy	3
Shri R. Prakash	4	Shri P.P. John	3

BUILDERS' ASSOCIATION OF INDIA

Name	Attendance	Name	Attendance
Shri R.R. Shridhar	4	Shri T.V. Chandrasekaran	3
Shri S.D. Kannan	3	Shri B.R. Ravichandran	2
Members	Of The Managing Com	mittee – Representing Patron Members	·
Shri Narendra Kumar	3	Shri Naresh M. Painjane	4
Shri N. Nageswara Rao	0	Shri Ashok Agarwal	4
Shri S. Narasimha Reddy	1	Shri N. Sachitanand Reddy	4
Shri Basavaraj S. Totad	3	Shri D.V.N. Reddy	4
Shri M.V. Antony	1	Shri Dinesh Nanji Patel	1
Shri M. Thirusangu	1	Shri L. Venkatesan	4
Shri K. Viswanathan	4	Shri N. Ramalingam	3
Shri S.K. Chandrasekar	1	Shri S. Ramaprabhu	2
Shri K. Ramanujam	3	Shri A.N. Balaji	3
Shri N.M. Patel	3	Shri K. Venkatesan	4
Shri Ram M. Bhatia	4	Dr. Tarro T. Manghnani	4
Shri Vilas K. Birari	1	Shri Prakash Panjwani	2
	Representative Of Affi	liated Association Members	
Shri Kishor Viramgama	0	Shri S. Karunanithi	2
Shri Mohan J.	0	Shri B. Ramesh	0
	Members Co-opted	To Managing Committee	
Shri V. M. Fazal Ali	3	Shri J.R. Sethuramalingam	4
Shri Jagdish M. Parekh	2		
	Speci	al Invitees	
Shri A. K. Srivastava	0	Shri Anil Grover	0
Shri Anil Kumar Yadav	1	Shri Arivoli A.	0
Shri Arun M.G.	1	Shri Avinash Ravalkar	1
Shri B. Palanivel	0	Shri Bijoys K Abraham	0
Shri C. Lakshmanan	1	Shri Chander Ajwani	1
Shri D.L. Gupta	2	Shri D.P. Singh	1
Shri Deepak Bhojwani	2	Shri Dinesh Kumar Patel	1
Shri H. Saravana Subbiah	0	Shri Harshad S. Shah	0
Shri Inder Aggarwal	1	Shri J. Thomas Prem Kumar	0
Shri Jeyaraman S.	2	Shri K. Chandrasekar	0
Shri K. Jyothikumar	1	Shri K. Kesavan	3
Shri K. Mohandoss	0	Shri K. Sivakumar	2
Shri K.A. Johnson	1	Shri Keshav Chandnani	2
Shri M. Baaldwin Bruce	2	Shri M. Murugan	1
Shri Mahesh Gangadhar Mahajan	2	Shri Manikrao Ramchandra Hendre	1
Shri Mathew Philip	1	Shri Mohan D. Satpute	2
Shri N.G. Lokanathan	2	Shri N.K. Gounasegarane	0
Shri N.K. Thakur	0	Shri N.S. Shetty	1
Shri Narayana Murthy P.K.P.	2	Shri Narendra Panani	0
Shri Nitin M. Shah	0	Shri Paresh Vachhani	0
Shri Piush Agarwal	0	Shri Pramod Subhashrao Nimbalkar	0
Shri R. Sivanathan	0	Shri Rajendra Bhupal Khanderajure	1

Name	Attendance	Name	Attendance
Shri Rajendra M. Upadhye	1	Shri Ram Chandra Chouhan	2
Shri Ram Janam Singh	0	Shri Ramesh Kashela	2
Shri Ramesh Marda	1	Shri Rangu Chandnani	1
Shri Ravi Jaggi	0	Shri Ritesh Bawri	
Shri Rohit Kumar Chawla	0	Shri S. Rangaraj	1
Shri S. Sankar	0	Shri Saanchit Gupta	0
Shri Sekar M.	2	Shri Sujith Sreenivasan	0
Shri Sunil G. Mathreja	0	Shri Suresh G. Moorjani	0
Shri Suresh Vaswani	0	Shri Tajuddin J.	1
Shri Thomas J. Pooniyil	0	Shri U.M. Gurushanthappa	1
Shri V. Sivarajan	0	Shri Yoganandan G.	1
	Chairperso	ns Of Committee	
CA M. Raveendaran	4	Dr. Anand J. Gupta	4
Dr. Dharmesh C. Awasthi	3	Dr. Rajiv B. Krishnani	2
Dr. Tarro T. Manghnani	4	Shri Arun Sahai	3
Shri Attaluri Nagamalleswara Rao	3	Shri CH. Ramakotaiah	4
Shri Chandrakant P. Raipat	3	Shri D.S. Shirole	1
Shri D.V.N. Reddy	4	Shri G. Ved Anand	4
Shri Ganesh Chandra Kabi	2	Shri K. Subramani	3
Shri K. Venkatesan	4	Shri K. Viswanathan	4
Shri Kirti M. Thacker	4	Shri M. Thirusangu	1
Shri Mahesh M. Mudda	2	Shri Mahinder Kumar Sethi	3
Shri N.S. Muralidhara	2	Shri Narendra Kumar	3
Shri Neerav Parmar	4	Shri Neerav Parmar	4
Shri P. Parameswaran	4	Shri Prakash H. Menda	3
Shri Pratap B. Salunkhe	2	Shri R.R. Shridhar	4
Shri Rajiv Goel	4	Shri Ram Avtar	4
Shri S. Ayyanathan	3	Shri S. Narasimha Reddy	1
Shri Sanjay Tyagi	1	Shri Sanjib Goyal	4
Shri Sudip Kumar Dutta	2	Shri Tarun Ghia	0
Shri V. Venkateswara Rao	4	Shri V.G. Sakthikumar	3
Shri Ved Khurana	3		
	Name Of C	Centre Chairmen	
Dr. V. Gangadhar, Adilabad Centre	0	Shri P. Kumaran, Ramanathapuram Centre	0
		Shri A. Prabahar, Chettinadu Centre	0
Shri A. Ramadass, Villupuram Centre	0	Shri A. Vijayakumar, Ponneri Centre	0
Shri Abhay N. Choksi, Nashik Centre	2	Shri Achin Garg, Western UP Electrical Centre	0
Shri Ajay Tyagi, Bagpat Centre	0	Shri Aji Abraham, Angamaly Centre	1
Shri Amar Kalyani Birajdar, Solapur Centre	1	Shri Anil Bafna, Jagdalpur Centre	1
Shri Anil C. Kothari, Ahmednagar Centre	1	Shri Anil Kumar K.V., Aluva Centre	0
Shri Anukul Chandra Das, Haldia Centre	1	Shri Arvind Agnihotri, Kanpur Centre	0
Shri Ashok Atkekar, Pune Centre	4	Shri Ashok Dayaramani, Ulhasnagar Centre	0
Shri Ashok R. Jethwani, Parbhani Centre	0	Shri Ashwani Kumar Sharma, Faridabad Centre	0
Shri Aswin Ipe Philip, Ettumanoor Centre	0	Shri Attaluri Nagamalleswara Rao, Amaravati Centre	2

Name	Attendance	Name	Attendance
Shri B. Ramesh, Changanacherry Centre	1	Shri B. Shivalingappa, Shimoga Centre	2
Shri C. Ganesan, Namakkal Centre	1	Shri C. Megan, Thanjavur Centre	2
Shri C. Periasamy, Tirunelveli Centre	2	Shri C. Rajan, North Malabar Centre	0
Shri C. Satish Kumar, Poonamallee Centre	2	Shri CH. Nagi Reddy, Ravulapalem Centre	0
Shri Charanjit Singh Chadha, Jabalpur Centre	0	Shri CT. Annamalai, Pudukkottai Centre	0
Shri Deepak Oswal, Wai Centre	0	Shri Devendra K. Sharma, Moradabad Northern Rly. Centre	0
Shri Dharmaraj P.N., Alleppey Centre	1	Shri Dinesh Pradhan, Dhanbad Centre	0
Shri Donthineni Subba Rao, Guntur Centre	0	Shri E. Srinivasa Rao, Visakhapatnam Centre	1
Shri G. Jayasimha Reddy, Greater Hyderabad Centre	1	Shri G. Santosh Reddy, Nalgonda Centre	3
Shri G. Srinivas Reddy, Medak Centre	1	Shri G. Udaya Kumar, Dindigul Centre	3
Shri G. Udaya Kumar, Dindigul Centre	3	Shri G.M. Ravindra, Karnataka (Benglore) Centre	2
Shri G.V. Rajesh Kanna, Kodaikanal Centre	2	Shri Gaurang Vyas, Karnavati Centre	0
Shri Gaurav Kedia, Greater Jaipur Centre	2	Shri H.R. Tripathi, Bharuch Centre	0
Shri H.S. Anand, Hassan Centre	0	Shri Hariom Sharma, Meerut Centre	0
Shri Harish Bhati, Greater Noida Centre	0	Shri Hemant Khanna, Bilaspur Centre	0
Shri I. Oscar Fernando, Tuticorin Centre	2	Shri Inani Purshottam L., Raichur Centre	0
Shri Jaganaath Dhondiba Dighe, Sangamner Centre	0	Shri Jai Kumar Agarwal, Aligarh Centre	0
Shri Jolly Varghese, Kochi (Cochin) Centre	2	Shri Joshy Chandy, Kottayam Centre	2
Shri K. Ajit Narayan, Mysore Centre	2	Shri K. Chandra Sheker Reddy, Hyderabad Centre	2
Shri K. Gandhi, Kumbakonam Centre	1	Shri K. Kumar, Thiruvallur Centre	1
Shri K. Natarajan, Thiruporur Centre	1	Shri K. Panneer Selvam, Coimbatore Centre	1
Shri K. Ramesh Babu, Kalpakkam centre	4	Shri K. Ravi Shankar, Tiruvannamalai Centre	3
Shri K. Satyanarayana Rao, Karimnagar Centre	1	Shri K. Sekhar Babu, Vizag Steel City Centre	0
Shri K. Senthil Kumar, Udumalpet Centre	0	Shri K. Yuvaraj, Maduranthagam Centre	1
Shri K.R. Sunil, Calicut Centre	1	Shri K.V.S. Buchi Rayudu, Tanuku Cente	1
Shri Kanaparthi Seethaiah, Khammam Centre	1	Shri Kanmal Jain, Kanker Centre	0
Shri Kawaljeet Singh Oberoi, Durg-Bhilai Centre	0	Shri Krishan Singh Rathore, Rajasthan (Jaipur) Centre	3
Shri Kunal Jain, Kundli Centre	4	Shri Kunal Krushnakumar Sonar, Dhule Centre	1
Shri L. Narsing Rao, Kamareddy Centre	0	Shri L. Shantha Kumar, Southern (Chennai) Centre	4
Shri M. Harsha Vardhan Reddy, Vikarabad Centre	0	Shri M. Kesava Raju, Rajahmundry Centre	0
Shri M. Nagarajan, Tirupur Centre	0	Shri M. Selvaganapathy, Tenkasi Centre	2
Shri M. Sivananda Swamy, Mahaboobnagar Centre	0	Shri M. Surender Rao, Nizamabad Centre	2
Shri M.K. Anantha Reddy, Chitradurga Centre	0	Shri Manish Kumar, Patna Centre	2
Shri Manish Poddar, Gurgaon Centre	0	Shri Manoj Kumar Singla, Delhi West Centre	2
Shri Manoj More, Nanded Centre	2	Shri Manvir Singh Tyagi, Ghaziabad Centre	2
Shri Mohinder Rijhwani, Mumbai Centre	4	Shri Mukesh Bansal, Bhopal Centre	1
Shri N. Durai Rayappan, Thiruthuraipoondi Centre		Shri N. Rajesh Reddy, Nellore Centre	0
Shri Naresh Jain, Karnal Centre	0	Shri Niyas M.K., Kodungallur Centre	1
Shri Om Prakash Vijayvargiya, Indore Centre	0	Shri P. Bhaskar Reddy, Medachal Centre	2
Shri P. Pradeep, Nilgiri Centre	0	Shri P. Shivakumar, Perambalur Centre	2
Shri P. Sunil Kumar Jain, Kallakurichi Centre	0	Shri P. Venkateswhar Reddy, Warangal Centre	0
Shri P.K. Jayakanthan, Kanchipuram (Chengalpattu) Centre	3	Shri P.N. Suresh, <i>Thrissur Centre</i>	4
Shri Pawan Goel, Panipat Centre	1	Shri Pelexy K. Varghese, Muvattupuzha Centre	2
Shri Pradeep K. Nagrare, Nagpur Centre	0	Shri Pradeep Kumar, Delhi East Shahdara Centre	0

BUILDERS' ASSOCIATION OF INDIA

Name	Attendance	Name	Attendance
Shri Pradip Amrut Gandhi, Raigad Centre	0	Shri Prahlad Sudam Patil, Shahada Centre	0
Shri Prasun Raipat, Jharkhand (Ranchi) Centre	2	Shri R. Rajesh, Kanyakumari Centre	1
Shri Rajeev Khattar, Agra Centre	0	Shri Rakesh Sharma, Chandigarh Centre	0
Shri Ram Avtar, Delhi Centre	4	Shri Ravinder Nagar, Gautam Budh Nagar Centre	0
Shri Ravindra Jayantilal Shah, Por-Ramangamdi Centre	0	Shri RM Meenakshisundaram, Avadi Centre	1
Shri Rohit Deorah, Guwahati Centre	3	Shri S. Arivukkarasan, Karaikal Centre	1
Shri S. Balaji, Mayiladuthurai Centre	0	Shri S. Giriprasad Reddy, Ranga Reddy Centre	0
Shri S. Ilango Durai, Dharapuram Centre	0	Shri S. Jothibaskaran, Thiruvarur Centre	1
Shri S. Kalidoss, Nagapattinam Centre	0	Shri S.P. Ravishankar, Erode Centre	1
Shri Sachin Vilasrao Patil, Kolhapur Centre	0	Shri Saji Kumar Thalikkunnil, Kerala (Trivandrum) Centre	1
Shri Sajil Satheek, Kollam Centre	1	Shri Samadhan S. Aherrao, Malegaon Centre	0
Shri Sandeep Kumar Jindal, Delhi South Centre	2	Shri Sandeep Nanavati, Vadodara Centre	3
Shri Sanjay Shantaram Patil, Jalgaon Centre	0	Shri Sanjay T. Rooge, Ichalkaranji Centre	3
Shri Sanjeev Agarwal, Durgapur Centre	1	Shri Sanjeev Bansal, Delhi North Centre	3
Shri Sanjiv Dixit, Lucknow Centre	0	Shri Satish Kasana, Allahabad Centre	0
Shri Settu Natesan, Theni Centre	2	Shri Shafik Bapusaheb Modi, Phaltan Centre	1
Shri Shriraj Vishvanath Dixit, Satara Centre	0	Shri Sigimon Abraham, Thripunithura Centre	1
Shri Siju C. Abraham, Thiruvalla Centre	1	Shri Sola Ramasubramania Raja Karthik, Madurai Centre	3
Shri Soma Venkata Ramana Reddy, Yadadri Centre	2	Shri Subhash Chandra Jha, Modi Nagar Centre	0
Shri Subhash Devidas Bharsakale, Amravati Centre	0	Shri Subhash Sharma, Bareilly Centre	0
Shri Subrata Das, Eastern (Kolkata) Centre	1	Shri Sunil Garg, Hapur Centre	1
Shri Sunil Mishra, Butibori (Nagpur) Centre	2	Shri Surender Pal Singh, Jamshedpur Centre	0
Shri Suresh Ramrao Pensalwar, Latur Centre	1	Shri Sushil Agarwal, Raipur Centre	3
Shri Swadesh Ranjan Paul, Silchar Centre	0	Shri Swapnil Ramesh Kaulgud, Sangli Centre	0
Shri T. Kannappan, Puducherry Centre	2	Shri Tarak Shelat, Gandhinagar Centre	0
Shri V. Lavakumar, Tambaram Centre	1	Shri V. Narendra Babu, Vijayawada Centre	0
Shri V. Perumal, Neyveli Centre	1	Shri V. Venkatesan, Chengai Centre	3
Shri V.S. Arjunan, Vellore Centre	1	Shri Vaibhav Tyagi, Meerut Cantt. Centre	0
Shri Vijay R. Patel, Gujarat (Ahmedabad) Centre	3	Shri Vikas Agarwal, Kanpur – South Centre	0
Shri Vikrant Tambe, Baramati Centre	3	Shri Vipul Tyagi, Muzaffarnagar Centre	0
Shri Yatin R. Pai, Goa Centre	2	Shri Yogendra Jayantilal Talati, Surat Centre	0
Shri Yoginder Singh, Loni Centre	1		

Builders' Association of India

(All India Association of Engineering Construction Contractors and Builders)



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AHMEDNAGAR CENTRE

Shri Anil C. Kothari was installed as the Chairman of BAI Ahmednagar Centre for 2021-22.

Ahmednagar Centre organised Felicitation Programme on 27th August 2021 in the honour of Shri Randhir Bhoite, State Chairman, and Maharashtra. Centre was also felicitated Trustee, Shri Jawahar Mutha Saheb, Chairman Shri Anil Kotahi, Shri Mahesh Gundecha, senior member Shri Jagtap, Kolhar and all team Ahamednagar.

Ahmednagar Centre completed election process time and result sent to the BAI-HQ.

Members of the Ahmednagar centre has participated in all programme organised by the Centre and HQ.

AMARAVATHI CENTRE

Centre conducted four Executive Committee meeting in the year of 2021-22.

On 16th April 2021 - Representations submitted for Request for payment under NDB project through Project Director (NDB) and regarding Works Contracts in R&B and Water Resources Departments – Submission of Work Bills – Introduction of CFMS Phase II– Certain relaxation Order to The Principal Secretary, TR&B, Govt of Andhra Pradesh, Amaravathi.

All National MCGC meetings were attended by the Centre Chairman and other functionaries of the centre.

Annual Accounts / balance sheets for the financial 2021-22 were sent to the BAI-HQ in time. The election process of the the Centre, for the year 2022-23 was completed and result was sent to BAI-HQ.

KARNATAKA(BANGALORE) CENTRE

The First Executive Committee Meeting was a zoom meeting which was held on 10th July 2021. During the meeting Executive Committee, General Council and Managing Committee Members were introduced. It was discussed about the proposed Co-opted Members and Invitees for the Executive Committee for the year 2021-22 along with proposed list of Sub-Committee Chairmen.

The Second Executive Committee Meeting was held on 31st August 2021 at Builders' NGV Club. During the meeting Executive Committee, General Council and Managing Committee Members were introduced. It was discussed about the proposed Co-opted Members and Invitees for the Executive Committee for the year 2021-22 along with proposed list of Sub- Committee Chairmen. There was a Product presentation by M/s. Jean Mueller India Pvt. Ltd.

The Third Executive Committee Meeting was held on 28th September 2021 at Builders' NGV Club. There was discussion about the Builders' Day celebration. Vice Chairman informed about the Builders Day would be celebrated in the month of November and requested all the members to suggest the names for Bharath Rathna Sir M. Visvesvaraya Memorial Awardee and Seniors Builders. He further informed that the proposed Bharath Rathna Sir M. Visvesvaraya Memorial Awardee is Shri V. Srinivasa Murthy - Past State Chairman, Karnataka, BAI and Sri K.R. Kumar. The proposed Senior Builders' awardees are Sri G. Sathyamurthy, Shri K.S. Someshwara Reddy, Sri Muralidhara, Sri D. Kempanna, Sri B. Babu Rao, Sri T.K. Doddanna - M/s. Sree Krishna Constructions, Sri Mahesh, Sri R. Umesh, and few others. Further he informed that it was decided to honour only BAI Member

The Fourth Executive Committee Meeting was held on 27th October 2021 at Builders' NGV Club. Chairman informed about the Builders Day would be held on Wednesday 24th November 2021 at Princess Green, Palace Grounds, Bangalore. He also proposed name of Chief Guest for the meeting. The Committee unanimously approved the same. Sri M. Ramesh – State Chairman, Karnataka, BAI had informed about the XXX All India Builders Convention to be held from 11th to 13th February 2022 at Radisson Blu Resort Temple Bay, Mahabalipuram, Tamil Nadu. He also informed about the early bird concession is ¹2,000 on or before 31st October 2021.

The Fifth Executive Committee Meeting was held 24th November 2021 at Builders NGV Club along with the Honouring of Artisans function. There was discussion about the Builders' Day celebration to be held on Wednesday 1st December 2021 at Jayamahal Palace Hotel.

The Chief Guest would be Dr. C.N. Ashwathnarayan, Minister of Science and Technology, Higher Education & IT, BT, Government of Karnataka, for Bharath Rathna Sir M. Visvesvaraya Memorial Awardee was conferred to Shri B.T. Mohan Krishna, Chief Engineer, BBMP. The Seniors Builders awardees were Sri D. Kempanna – Class I Contractor, President, KSCA, Sri Sushil Mantri, CMD, Mantri Developers Pvt. Ltd and Sri M. Thibbegowda-Class I Contractor & Developer. The Committee unanimously approved the same. Sri N. Chethan Kumar – Chairman, Diary Committee informed that the Diary will be in process once the rate will finalize and it will be release during the Executive Committee Meeting during the month of December 2021.

On the occasion 70 Artisans were honoured at Builders' NGV Club. The Chief Guest for the function was Sri Akram Pasha, I.A.S., Commissioner Labour Department, Government of Karnataka, Guest of honour was Sri M. Ramesh – State Chairman, Karnataka, BAI and Sri H.N.

Vijaya Raghava Reddy –Past President, BAI graced the occasion. Sri G.M. Ravindra, Chairman, Karnataka (Bengaluru) Centre, BAI presided over the function. Sports was organized for the Artisans and there was prize distribution for the winners. Hon. Secretary Sri Abdul Sattar proposed the vote of thanks.

Builders Day was held on 1st December 2021 at Jayamahal Palace Hotel. The Chief Guest was Dr. C.N. Ashwathnarayan, Minister of Science and Technology, Higher Education & IT, BT, Government of Karnataka, Guest of Honour was Sri Anucheth M.N., I.P.S., DCP, Bengaluru Central Division along with Sri M. Ramesh -State Chairman, Karnataka, BAI and Sri H.N. Vijaya Raghava Reddy – Past President, BAI graced the occasion. Sri G.M. Ravindra, Chairman, Karnataka (Bengaluru) Centre, BAI presided over the function. Bharath Rathna Sir M. Visvesvaraya Memorial Awardee was confirmed to Shri B.T. Mohan Krishna, Chief Engineer, BBMP. Sri D. Kempanna - Class I Contractor, President, KSCA, and Sri M. Thibbegowda- Class I Contractor & Developer were the two senior Builders who were honoured for their outstanding contributions in the construction sector. Sri K.S. Someshwara Reddy and Sri G. Venkatesh as masters of ceremonies guided through the evening. Sri Abdul Sattar, Hon. Secretary proposed vote of thanks. The meeting was adjourned for dinner with cultural programs.

The Sixth Executive Committee Meeting was held on 29th December 2021 at Builders NGV Club. There was discussion about Annual General Meeting to be held on 19th January 2022. There was a product presentation by M/s. InBuildo Readymix Plaster. During the Meeting Engineering Diary 2022 was released by Sri H.N. Vijaya Raghava Reddy, Past President, BAI and a copy was distributed to all the members present. He congratulated Sri N. Chethan Kumar – Chairman, Diary Committee for bringing our informative and beautiful Diary.

The Special Annual General Meeting was held on 19th January 2022 at 5.00 P.M. at Builders NGV Club. The Agenda was circulated to all the members and Vice Chairman informed that it is about the guidelines for in house elections which was discussed in SGM in 2015. The guidelines approved and circulated in the previous SGM dated 18.2.2015 was superseded by new guidelines.

The Annual General Meeting was held on 19th January 2022 at 6.30 P.M. at Builders NGV Club. During the AGM the Office Bearers, Executive Committee and General Council Members of Builders' Association of India, Karnataka (Bangalore) Centre was unanimously elected for the year 2022 – 2023

The Seventh Executive Committee Meeting was held on 23rd February 2022 and the eight Executive Committee meeting was held on 29th March 2022 at Builders NGV Club.

COIMBATORE CENTRE

Coimbatore Centre total 12 Executive Committee Meetings and 12 Monthly Meeting were organised in the year of 2021-22. Six meetings were organised via Zoom App and six were organised via offline / physical. All meetings attended by the Office Bearers, Past Chairman, MC, GC, EC members.

On 12.07.2021 Our Centre Chairman Er. K.Panneerselvam with office bearers & met Mr. P.Murthy Minister of Commercial Taxes and Registration at Ramakrishna Auditorium. All our members conveyed their grievance of construction industry, being faced now. Demand for reduction of 12% GST for government contractors to 18% to 12% for private contractors.

A petition was submitted to the district administration 13.07.2021 on behalf of the All India Builders Association Coimbatore Centre to vaccinate its members and the workers who work for them.

1st preliminary Meeting to discuss about state level implant training programme for civil engineering student for the year 2021 - 2022 was held on 19.07.2021 by Via Zoom App. in the Presence of Office bearers, Committee Chairman Participated.

On 26.07.2021 15th Days Virtual Intership Programme (Series - 3) was held by Zoom Processor in which our Centre President Er. K.Panneerselvam welcomed them. Builders Association of India Tamilnadu State President Er.R.Sivakumar started their meeting. All India National Vice President SOUTH II Er.S.Ayyanathan Feliciation by the meeting and lectured the students on Scope in Civil Engineering. The special guest at the meeting was The Past chairman of our centre and All India National Past Vice President SOUTH II Mr. K. Chinnaswamy, Alternative Construction Materials M/s. K.R.K.Blue Metals office bearers and senior leaders of our centre and members of MC, GC, EC were present. Many companies of Coimbatre Centre supported seminar an lectured were also given by the senior members and Technical persons..

Builders Day Celebrations 2021 -Headed by Our Chairman Er.K.PanneerSelvam at Gokulam Park, Coimbatore on 28th November 2021. Theme : ' Role of Construction in Nation Building 'Our Past National President Bhishma R.Radhakrishnan & Chief Guests Hon'ble MinsterV.Senthil Balaji, Electricity & Prohibition and Excise State Chaiman Mr. R.Sivakumar attanded our Builders Day.Guest Of Honors : Er.Mu.Mohan Imm.All India Past President -BAI in the Presence of Office Bearers MC, GC, EC and BAI Members.

On 03.12.2021, Our Centre Chairman Er.K.Panneerselvam interview and publish about half page size construction activities in the Hindu News Paper.

Our Chairman Er.K.Panneerselvam Releasing the Diary

for the Year 2021 - 22 at BAI office on 24th December 2021.

30.12.2021 BAI Coimbatore Centre Welfare Society AGM, was held at Jenneys Club. The New office bearers Mr.R.Karanaboopathy, Chairman, Mr.K.Rajavel, Vice Chairman, Mr.K.Chinnaswamy - Secretary, Mr.V.Sivarajan - Treasurer & in the presence of office bearers, Society members was Present.

COCHIN CENTRE

BAI Cochin Centre Executive Committee Meetings are held in 3rd Thursday of every Month 12 Executive Committee Meetings Held in 2021-22.

BAI Cochin Youth Forum was formed in 2018 and Youth Meetings are conducted at BAI Chamber, Kadavanthara. BAI Cochin Youth forum has 35 members currently.

BAI Cochin Ladies Forum was formed in 2019 and Ladies Forum Meetings are conducted at BAI Chamber, Kadavanthara.

Chairman Shri Jolly Varghese and Team submitted representation to Hon MP Shri.Benny Behanan (Member of Parliment Chalakudy) to recommend Honble Prime Minister to constitute a separate ministry for construction industry ,Regulatory Authority for Steel and cement, slandered contract documents, Reduce the GST Rate 5%. Chairman Shri Jolly Varghese and Team with Past Nation VP Sri.Fazal Ali Submitted representation to Hon MP Shri.Hibi Eden(Member of Parliament Ernakulam) against unjustified price hike of construction materials and various recommendation for betterment of current crisis management.

A Virtual Session by Shri Cherian Varkey about the challenge in construction sector during and after COVID-19 Shri. Cherian Varkey shared his experience and views about the impact of pandemic crisis in construction industry. Technical session arranged by Shri K. Lava, Past Chairman on Green Building concept and its importance , implementation, and certification procedure, session attended by the many members of the centre. Technical session organised by Shri M.V. Antony on MSME matter and talked about its benefits and waiver of EMD, reduced interest rates for bank Loans.

Quality improvement programme organised by the centre through 24 sessions. The 24 session course intends to cover all aspects of construction like surveying ,various type of foundation including piling, Architectural drawing ,R.C.C, Quality control, Masonry, plumbing, Tiling, Painting Quantity survey, Material and labour management etc. All sessions were conducted by the most eminent professionals of the Industry.

Chairman BAI Cochin Centre Er.Jolly Varghese attended FM Radio Interview.

Onam Souvenir was launched and handed over the

souvenir to Past State Chairman Sri.Prince

Joseph by Sri.Sumit Goel .The Souvenir was distributed to all BAI Cochin Centre participant members.

Past Chairman Shri CKS Panicker Secretary Shri Mijulal and Shri Price Joseph received National Award on behalf of BAI Cochin Centre for Best Builders Day Celebration. And Shri.Prince Joseph received National Award for Best State Chairman. BAI Cochin Centre won 3 BAI Kerala State Awards for Best Training Programme, Best Builders Day and Best Membership Campaign for 2020-21.

In August 2021 BAI Cochin Centre organized a Vaccination drive –"**Back To Life Initiative**" in association with State Labour Department and Health Services Department for provided free vaccination for all migrant Labours. Vaccination was provided to 1000 migrant Labours. Also organized a Legal Awareness programme for migrant Labours in association with District Legal Service Authority (DLSA). BAI Cochin Centre organised Executive Committee Meeting and celebrated the Onam Festival, meeting attended by State Chairman Sri.Najeeb Mannel and other Office Bearers of the Centre.

In September 2021 meeting conducted by the Labour Committee's members under the Labour Committee Chairman Shri Chandramohan with Labour union and other Committee members of Cochin Centre. Members discussed about loading, uploading labour rate 2021-23.

In October 2021 Training Session organized by Cochin Centre at BAI Chamber on Health and welfare of Migrant Labours for BAI members, session associated with State Health and Labour Departments. Launched of Memorandum of labour wages Settlement of Union Labours by Past National President Sri. Cherian Varkey, Sri.MV Antony, Chairman Sri.Jolly Varghese and other Team members.

Builders Day 2021 inaugurated by Hon. Mayor of Kochi City Adv. M Anilkumar on 26th November 2021 in presence of State Chairman Sri. Najeeb Mannel, Chairman Sri.Jolly Varghese, Secretary Sri.Sunilkumar S, Treasurer Sri. Savad K Muhammed and Past National President Sri.Cherian Varkey and Founder Members of BAI Cochin Centre were hounored on Builders' Day 2021.

In November 2021 Members of Cochin Centre actively participated in Niyamasabha March organized by BAI Kerala State and other Government Contractor's Association.

Annual General Body Meeting and Election of Office Bearers was held on January 2022 at Gokulam Park Hotel. Election Committee Chairman announced New Office Bearers for 2022-23.

Attended the All India Builder's Convention held at Mahabalipuram Chennai on March 2022 by the Office bearers of the centre.

DELHI CENTRE REPORT

Delhi Centre remained very active during the year 2021 -22 as Shri R N Gupta Ji, very senior member of BAI - Delhi Centre and Vice President for the year 2019-20 & 2020-21 was elected the National President for the year 2021 - 22. Senior members from Delhi and Haryana very excited and made their best efforts in making the year busy and eventful. Senior members met very frequently, as and when required to hold meetings, to accompany the President in the meetings with the Government officials in Delhi and other states. More than 15 meetings were held in the office of BAI (Conference hall) which was attended by senior members, Centre Chairmen of Delhi, Haryana & Chandigarh for their efforts in making meetings possible, through their links and connections, in the various Government Departments associated/ involved in construction related activities.

Delhi Centre organised Installation function on 24th April 2021 through Video conference. Chief Guest was the programme of Shri R.N. Gupta, President, Shri Lal Chand Sharma, Chairman, Board of Trustee and Past President. Ceremony participated was Senior members of the Centre and State.

FELICITATION FUNCTION OF PRESIDENT - BAI

On 18th August 2021, Delhi Centre organised a gala Felicitation function at Essex Forms, Hauz Khas, New Delhi to honour Shri R. N. Gupta on his election as National President of Builders' Association of India for the year 2021-22. The felicitation Function was attended the office bearers of BAI namely Shri Mu Moahan, Immediate Past President, Shri Arun Sahai, Vice President North, Shri Neerav Parmar, Vice President West, Shri Lal Chand Sharma, Chairman, Board of Trustees & Past President, Shri Pradeep G. Nagawekar, Hon. Gen. Secretary, Shri Gyan Madhani, Hon. Gen. Treasurer, Shri Raju John, Executive Secretary, Shri Ved Khuana, Shri Rajiv Goel, Shri Ram Avtar, Chairman, BAI Delhi Centre, Shri Mahendra Kumar Sethi, Shri Ravi Kheria and other Senior members from Southern Centre, Delhi, Haryana, Rajasthan & UP. Cultural programs were also arranged which was followed by Dinner.

OPENING OF BAI CENTRE AT MOHALI (PUNJAB)

On 11th September 2021, BAI Centre in association and support of senior members of Delhi, Haryana and Chandigarh, opened a new BAI Centre in the northern state of Punjab at Mohali. The Centre opening ceremony was attended by Shri R N Gupta, National President, BAI, Shri Arun Sahai, Vice President - North, Shri Ved Khurana, State Chairman-Delhi, Shri Rajiv Goel, State Chairmen-Haryana, Shri Ram Avtar, Chairman-Delhi Centre, Shri Sandeep Gupta, GC Member, Chandigarh Centre, other senior members of Chandigarh Centre and new members of the Mohali Centre. Shri Naveen Mehta of M/s. Giradhari Lal Construction Pvt Ltd. was installed as Chairman of the newly opened Centre by President Shri R N Gupta. All the new members of the Mohali Centre were introduced by Shri Naveen Mehta ji and they were distributed their Patron Membership Certificates of BAI. Shri Mehta thanked the senior members in showing confidence in him and assured that he, along with members of the Centre, will enrol more members in BAI as well as try to open more Centre in the state.

MEETINGS WITH CPWD / STATE PWD

Senior members of Delhi Centre have been meeting with the Government officials in the various departments, associated with the construction, to discuss the issues confronted by the members in executing the projects as to get the solutions for the difficulties arising out the announcements made by the Government at the central/ state level. Members have been interacting, more frequently, with officials of CPWD for their support and co-operation in finding the solutions for the problems arising out of the new regulations/ instructions announced by the Government relating to the construction industry. It is felt that CPWD is considered the leading department in implementing the Government policies relating to the construction activities and if CPWD issues Circulars/ Office Memorandum in the right spirit, it has far reaching consequences which effects the contractors of all categories at all India level. Secondly, once CPWD accepts and issued Circular for implementing those instructions, it is easy for the other construction related departments/ PSUs to follow them. Keeping in view the importance of CPWD in getting the solutions of their problems, members from Delhi Centre have been focusing more on interacting with officials of CPWD. During the year we have been able to get many Circulars issued which have been beneficial to the contractors.

A team of BAI members comprising Shri R N Gupta-President, Shri Ved Khurana, State Chairman-Delhi, Shri Kunal Jain, Chairman-Kundli Centre, Shri L C Ralhan, GC Member, Delhi Centre and Shri Satnam Singh Arora, Executive Officer- BAI Delhi Office and lead by President met DG-CPWD Shri Shailendra Sharma in office at Norman Bhawan where other senior officials of the department were also present. Detailed representations were sent to the department, based on the points/issues received from the members, for their consideration. The meeting with the officers held in a very friendly atmosphere and instant decisions were taken. For the issues, which were required to be studied in thoroughly, a committee was constituted to go into the details for taking the final decision.

The orders issued by CPWD, after frequent meetings and continued persuasion, have been circulated to all members of the BAI as well as displayed at the website as achievement. The details of the Circulars are given hereunder.

1. Circular No. DG/10CA/58 & DG/10CA/82 dated

20.07.2021 revising the coefficient rate, relying on the revised 'Base Price and Cost Indices of Clause 10CA'.

2. Circular No. DG/SE/ENLIST.RULES/63 dated 30.12.2021extending the validity of all CPWD Contractors whose validity expiring on 30.12.2021, extending upto 30.06.2022. This was one of the major demands put forward in the meeting held on 13.12.2021.

Besides these two major achievements, we have been able to get many more Circulars issued but not mentioned here which have beneficial for the BAI members as well contractors.

OPENING OF BAI CENTRE IN DEHRADUN (UTTRAKHAND)

BAI DELHI CENTRE has achieved another milestone by opening Centre in the northern state of Uttarakhand in Dehradun. The centre opening ceremony was held on 2nd March 2022 at NSIC CLUB, Mathura Road, New Delhi. Senior members of BAI who attended the opening ceremony were Shri R N Gupta, National President, Shri Arun Sahai, Vice President- North, Shri Lal Chand Sharma, Chairman-Board of Trustees & Past President, Shri Ved Khurana, State Chairman-Delhi, Shri Rajiv Goel, State Chairmen-Haryana, Shri Sanjay Tyagi, State Chairman- UP, Shri Ram Avtar, Chairman-Delhi Centre, Shri Manoj Singla, Chairman- Delhi West Centre, Shri Kunal Jain, Chairman-Kundli Centre and many more senior members and functionaries from Delhi, Haryana, Chandigarh, Punjab, Rajasthan, UP as well as from the newly Centre of Dehradun. Shri Abhay Tyagi from M/ s. Rajeshwar Build Tech LLP was installed as the first Centre Chairman of Dehradun Centre by Shri R N Gupta ji. All the senior members on the dais spoke on the occasion. Other members of the Centre were introduced by Shri Tyagi, and they were distributed their Patron Membership Certificates. Shri Abhay Tyagi while expressing his gratitude for giving him the responsibility of the newly opened Centre, assured them of his full attention and support in expending the BAI in the state. Shri Gupta appreciated the efforts of Shri Ram Avtar and other senior members in their efforts of expanding the presence of BAI in the new states of North India. BAI Delhi Centre have already opened a new centre in the state of Punjab at Mohali six months ago.

Cultural program was held which was followed by Dinner. Everybody appreciated Shri Rajiv Goel in organizing the event in a nice manner.

We are pleased to write here that BAI Delhi Centre have achieved this rare feast of opening new centres in two states i.e., Punjab and Uttarakhand in the year 2021-22. Since year 2016-17, Delhi Centre have able to open four new centres in Delhi, five centres in Haryana and one Centre in UT of Chandigarh. Not only opening new Centres, BAI Delhi Centre have been playing the role of big brother and extending all possible helping hand in solving their problems.

Only two states have been left in northern India where BAI have no presence i.e., state of Himachal Pradesh and Jammu & Kashmir. Efforts are been made to open new centre in these states at the earliest possible.

The audited Balance Sheet for the year 2020-21of all the Centre in Delhi were sent to BAI HQ in the prescribed time. All office bearers of centres in Delhi also attended all the meetings conducted by HQ and MC & GC meetings for the year 2021-22. Election process of all the centres in Delhi were held in the time bound manner and result forwarded to HQ for their necessary actions.

DINDIGUL CENTRE

During the pandemic period we were very much glad to inform you our Services to the Public. Donated Covid fund or Rs. 1 Lakh to Chief Ministers relief fund, Donated O2 Ventilator Rs. 80,000/-, N95 mask, Medimask, and Sanitizers to Primary Health Centre Donated Groceries, Rice, Masks and Sanitizers @ worth of Rs. 50,000/- to 50 public workers in Dindigul Corporation. Also organised Covid vaccination camp for workers.

We conducted Technical Meeting with the Heading "Sri Durga Steel " to our members in association with Dindigul Centre Members meeting on use in Steel @ Buildings etc., We conducted Technical Meeting with the Heading "Chettnadu M.Sand" to our members in association with Dindigul Centre Members meeting on use in M.Sand @ Buildings etc., We conducted Technical Meeting with the Heading "MYK Laticrete" to our members in association with Dindigul Centre Members meeting on use in Chemical @ Buildings etc.,

Dindigul Centre conducted our General Body Meeting on 27, 28 November 21 @ Hotel Carlton, Kodaikanal and we in all together elected our Office bearers for 2022-2023 unanimously.

Centre have properly submitted our audited account for the year 2021-2022. We have paid our centres HQ share to Mumbai. (Rs 8,95,089.00) for 197 (98 Partons + 99 Members) Members. Centre have Paid our centres Share to our State office. We have also contributed our Centre advertisement to BAI State Diary 2022. We conducted our Centre DAIRY Release 2022

We conducted many family Get-together as a Grand Function as our concluded programme. Centre have also contributed our Centre advertisement to BAI State Convention Souvenir 2022.

DURGAPUR CENTRE

The Installation of the Centre was held on 25th July, 2021 and Shri Sanjeev Agarwal and Team of Office bearer was installed on that day.

Due to COVID, restrictions of gatherings in hotels / restaurants, monthly meeting could not be done physically, hence monthly virtual meetings and sometimes physically with limited members were conducted on last Wednesday of every month.

Builders' Day was celebrated on 30.10.2021 evening and Shri Sanjeev Goyal, Vice President was Chief Guest, Shri S.K. Basu was Guest of Honour and Shri Shailendra Jayal, Chief General Manager (Projects), ISP, Burnpur, SAIL as the Chief Speaker and they all spoke on the Builder's Day Theme.

Eastern Region meeting was also organized on 30.10.2021 afternoon and members from Eastern Centre. (Kolkata), Haldia Centre and Assam Centre were present in good numbers.

I welcome the distinguished members of our Centre on the occasion of Annual General Meeting held on 30th January, 2022 at Huchukdanga Resort & Park in Durgapur.

In this year, we had inducted 11 (Eleven) New Patron Members and 6 (Six) New Annual members.

GANDHINAGAR CENTRE

Installation Ceremony of BAI Gandhinagar Centre (Gujarat). We are pleased to inform you that Opening & Installation Ceremony of New Gandhinagar Centre (Gujarat) was held on dated 15th April 2021 at Ahmedabad. Hon. Shri Arvind Patel- Chairman-Gujarat Contractors Association & BAI State Chairman was chief guest at this Occasion. Gandhinagar Centre & office bearers 2021-22. Total 30 participant attended the event.

On 28th of April was celebrated as "World day for safety & Health of construction sites." A seminar was organized on this day, at Gandhi Labour Institute at Ahmedabad, by five associations, Gujarat Contractors Association, Builders Association of India, The Gujarat Institute of Civil Engineers and Architects, The Gujarat Institute of Housing and Estate Developers and Bandhkam Mazdoor Sanghathan. In large No of members and workers attended this important seminar. BAI All Centres to celebrates and organize such seminar on every 28th of April, for Safety & Health for construction workers. It is our duty to see that, construction workers should safe & Healthy at all sites.

Support to GCA Regarding price increase of steel, cement, asphalt, sand, gravel, bricks and other building materials used in the ongoing development works in the state of Gujarat, permission to use imported asphalt and to resolve outstanding issues of contractors :

Contractors in Gujarat Government Roads and Buildings Department, Irrigation Department, Corporations, Panchayats, Urban Developments Department, Police Housing, Municipalities and other departments are doing works at old prices for years. In the last 6 to 8 months, the prices of steel, cement, asphalt, sand, gravel, bricks and other building materials, as well as transportation and artisans and labor have increased by about 30 % to 40 %. As the ongoing works are not possible to be completed by the contractors, a meeting of Gujarat Contractors Association was held at Ahmedabad on 22-011-2021 to get price hike, permission to use imported asphalt and to take urgent steps to resolve outstanding issues of contractors. Support was announced by Builders Association of India (Ganghinagar Centre).

Social Activists like Blood Donation Camp-15th Aug celebrations jointly with other organization total 200 participant attended the event.

On 5th October 2021 On behalf of BAI chairman and committee members, newly elected ministers of Gujarat state were felicitated by Flower. BAI was also introduced. The ministers assured that you can bring any queries and we will always be ready to solve those queries.

Executive Committee Meetings held by every month overall total 8 meetings were held in a year 2021-2022.

The 2nd State Level meeting of Builders' Association of India, Gujarat State Origination On Saturday 23rd, October, 2021 at 4.00 P.M. at Courtyard by Marriott, Ramdevnagar Cross Road, Satellite, Ahmedabad, total 70 participant attended the Meeting.

Activities of the Centre:- GST Matter, Tender EMD, Bill Payments of Contractors, Hot Mix Bitumen Plant Pollution Issue, Star rate issue small tender package issue, New formula for Price Escalation steel & Cement solved with Govt. Authority in good faith of members.

Membership Position of Gandhinagar Centre are patron membership – 33.

GOA CENTRE

Centre were conducted virtual / physical meetings called by the Chief Minister of Goa and other government department with regard to solve the problems being faced by the Contractors in execution of the projects in the Pandemic Covide-19 situation.

Shri Randhir Bhotie visited Goa centre and met with Goa Chairman Shri Yateen Pai, Vikram Prabhu Diapk Talulikar and Shri Gajanan Sawant.

Centre Chairman attended all MCGC meetings organised by BAI, HQ.

HALDIA CENTRE

Permanent office of Haldia Centre was inaugurated by Shri S K Basu, past National President, BAI in presence of Shri G C Gupta, Past All India Vice President and Shri Mukti Binod Das, Past State Chairman, West Bengal. Free vaccination camp for Covid 19 was organised for site labours and needy people which benefited 1198 people. More than 1500 people were distributed food packets who were affected by cyclone YAAS.

Haldia Centre were inducted 15 new members now total strength of the centre is 52 members.

Meetings were held regularly and various problems of members discussed along with new innovative ways to improvise business.

Annual audited account were sent to BAI, HQ.

HYDERABAD CENTRE

The BAI Hyderabad Centre, Installation ceremony was held on 1st April 2021 Centre Chairman on this ceremony Office bearers of the centre were installed.

During the year the members have attended the SSR meeting for the year 2021-22. The have met Engineer-in-Chiefs of the Engineering Departments, and Ministers of R & B, Panchayat Raj on the occasion of Diwali.

The members are continuously have meetings with the HoDs on various issues pertaining to the construction industry and the payments to the contractors.

Centre conducted six Executive Committee meetings in the year of 2021-22 to discuss about the current issues and solving the same.

The BAI Hyderabad Centre has organized Award program on 27.12.2021 and awards given in various categories like, Irrigation, Buildings, Roads, Bridges, in the various ranges of turnover.

The Hyderabad centre has also facilitated Senior members of the centre Shri S.K.Harish Babu Past Chairman, Shri Dinesh N. Patel General Council Member on the occasion.

ICHALKARANJI CENTRE

Ichalkaranji Centre many Executive Committee and General Body meetings were conducted during the years 2021-21.

Attended all BAI HQ / centre / state level meeting, conference and seminar via Zoom Video App / office mode during the year of 2021-22.

Ichalkaranji Centre arranged / conducted discussion programme on 19th August 2021 on Housing Industry. In this meeting, the Centre invited Shri Neerav Parmar, Vice President, Shri Randhir

The Election Process of the centre completed in time and the results sent to BAI-HQ.

IDUKKI CENTRE

On 27th August 2021 meeting held regarding formation of

BAI Idukki centre lead by state Chairman Shri. Najeeb Mannel. In presence of Shri Jyothi Kumar, State secretary, Shri. Rajeev Warrier, State Treasurer, Er. Sajil Satheek, Chairman Kollam Centre, Er. Dr. Lamanto, Secretary Kollam Centre, Er. S.R Sajeev, Past Chairman Kollam Centre. Finally, Idukki Centre sponsored by Kollam Centre as mother charter. Behalf of that meeting our charter members Shri. K V Soman, Resil P Rajan, Kalyan Soman, Jais Joseph, Amal G Nath, Soman were representing BAI Idukki.

The state committee installation was held on 11th September 2021 at Thrisangu Heaven resort, Kuttikanam, our whole members were participated and introduced themselves to the state committee barriers in the presence of Kollam centre chairman. The whole committee felt proud in the formation of our centre on behalf of our honourable chairman Sri. K V Soman with a 22 members within a month. Our first unofficial charter General body was held on 26th September 2021 at Edassery Hotel, Kattapana. The State Chairman Shri. Najeeb Mannel, Kollam centre chairman, Er. Sajil Satheek, centre secretary Dr. Lamanto, member ship convenor Shri.S. R Sajeev are to be the part of our General Body. The Centre ceremony date fixed on 27th November 2021 according to the charter ceremony Idukki BAI conducted several zoom meetings and live meeting to visit the venue, place of accommodation etc. Centre creates a charter ceremony organisation committee. All the members were fully initiate with the there on duties for the charter ceremony.

The great day with happiest moments on 27th November 2021 Idukki Centre Ceremony held at Thekkady the elephant court Resort. On the Presence of State Chairman Shri. Najeeb Mannel, Shri. K V Soman (IDK Chairman elect), Shri. Jais, Er.Resil, Er.Bijo attended the press meet of the Centre Ceremony our state chairmen speak about the K-RAIL, and Idukki chairman Shri. K V Soman said about the land issue on the LA patta also the improper master plan scheme of Thodupuzha municipality.

Attended Kollam Center meeting called by Chairman Er.Sajil Sathik. Najeeb Mannel the installed the Idukki Center & Shri K V Soman took over the Charged of Centre Chairman.

After that Shri. Najeeb Mannel installed all the members of Idukki BAI, on that occasion. Chief Guest was the ceremony are past KSEB Hon'ble Minister and Current Udumbanchola MLA Shri. M M Mani. The Ceremony were planned to inaugurated by MP.Adv.Dean Kuriakose unfortunately without the presence in the stage and blessing the ceremony was inaugurated via video presentation. The inaugural ceremony was by Shri. M M Mani, and the presence of valuable state chairman, Secretary, treasurer and all the state chairter members. Felicitation speech by the Past state chairman Paul T Mathew, Kochi Chairman Shri. Jolly Varghese. Mementos gifted by the sponsors were given to the members, a newly key of Mani to company given to the member. For all Charter Idukki were given a hand gift for all the Kerala centres.

The ceremony came to an end with the vote of thanks by the charter secretary Er. Resil P Rajan. For our centre ceremony the following companies are sponsored 1. Manitou 2. Xmple – elite trading thiruvalla 3. Jaguar sanitary 4. V-guard wires and switches 5. Schwing setter.

Due to the covid-19 issues our first official live general body was held on 18th January 022 at Lions Club auditorium with the presence of our 17 members. Meeting attended by the Centre Chairmn, Shri K.V. Soman, Shri Secretarym Er. Resil, Vice Chairma Shri K. A. Cherian and other Officer berarer of the Centre.

After the formation of BAI Idukki, we were attended the upcoming installation of every centres like Ettumanoor, Kottayam, Muvattupuzha, Thripunuthura, Aluva, Thrissur, Kochi & Pathamanthitta.

On 3rd December 2021 BAI National conference at Jaipur were attended by our four members chairman Shri. KV Soman, Kalyan Soman, Jais Joseph, K.A Cherian as representing the centre.

About the master plan scheme for Thodupuzha we supported the LENSFED march to the Thodupuzha Municipality. Condolences: Our BAI member's condolence and meet the centre people family members on their prayers.

KANCHIPURAM CENTRE

Twelve Executive Meeting, three General Body meeting and one Annual General Body meetings were conducted during the year of 2021-22. All the members are participated in the said meetings. And also conducted many virtual and physical seminars on the various issues during the year of 2021-22.

Centre collected of Rs.1,07,501 for Covid -19 CM Fund and send to the State office. All national MCGC meetings were attended by the Centre Chairman, GC MC Members of the Centre and other functionaries of the centre including.

On 15th August 2021 celebrated Independence Day 2021 by hoisting flag at our centre.

"Engineer's Day" was celebrated excellently at our centre on 15.09.2021. And on the same day centre conducted Seminar on topic "Geo Polime Concrete". Dr. Suganya Murali, M.E., Sai Ram Engineering College visit our centre and conduct "Technical Session". Our Centre member Mr. T. Porpatham, M.E. (Sri Annai Builder's) give elaborate speech regarding M. Sand & M. Sand life in Technical session.

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Polime Concrete". Dr. Suganya Murali, M.E., Sai Ram Engineering College visit our centre and conduct "Technical Session". Our Centre member Mr. T. Porpatham, M.E. (Sri Annai Builder's) give elaborate speech regarding M.Sand & M. Sand life in Technical session.

On 29th October 2021 celebrated Builders' Day Programme with the Theme of "**'Role of Construction in Nation Building'.** Nearly 400 members were participated in this celebration. Ceremony was grandly celebrated. In Builders Day programme we registered of E-Sharam Centre Member's Labour in large number.

During the 9th Executive Committee meeting Centre was also organized "Skill Development" training programme.

On 30th December 2021 Former Chairman Meeting held at our centre Discussion made for appointment of office administrative members. Also discussion made for appointment of EC, MC & GC members. Diary and Daily Calendar was published and distributed to our members.

KARAKAL CENTRE

On 1st April 2021 the Centre started working with new Office Bearers. It organized Nine Executive Committee in last year.

On 6th May 2021 submitted petition for members demand in the bending bills settlement and other demands to the Superintending Engineer, PWD. And submitted same petition to the Chief Engineer, PWD too on 10th June 2021.

A petition was submitted to the Local Minister and MLAs to address our demands on 29/06/2021.

On 11^{th} July 2022 the first General Body meeting was held and all Office Bearers and other senior members were presented in the meeting.

A petition was submitted to PWD Minister on 06/08/2021, 23/08/2021 and 13/09/2021. On 15th August 2021 celebrated the Independence Day. Our center Chairman hoisted the National Flag and distributed sweets to school children and members.

A Demand petition was submitted to Collector and Municipal Commissioner on 13/09/2021. On 01/12/19-The membership subscription collection is completed and the subscription list is sent to the BAI-HQ. A Demand petition was submitted to Chief Minister & PWD Minister on 20/10/2021.

On 26/12/2021 Funeral services were held at the Tsunami Memorial Square.

On 27th December 2021 centre were organized the second General Body meeting, meeting attended by Centre Chairman and executive Committee members. The third general body meeting was held on 19/01/2021 for selection of new office bearers. As 2022-23 Chairman Er.V.G RAMAKRISHNAN and other office bearers was elected unanimously.

The Republic Day celebrated in the office and the national flag raising on 26/01/2022.

From Karikal Centre 14 Members participated in the All India Builders Convention at Mahabalipuram Chennai.

KERALA (TRIVANDRUM) CENTRE

In the month of April 2021 an Executive committee meeting was conducted on 07.04.2021. via zoom online platform. In the month of May 2021 several of our members attended the State committee Meeting on 10th May via zoom online platform. A service Project was conducted by our centre on May 7th for use at Govt.GH. Our Centre joined hands with CREDAI Trivandrum to donate medical supplies PPE kits, gloves, masks etc to DMO Trivandrum as part of Covid care. Our centre contributed 2 lakh to this cause. Past Chairman Er.V.S. Jayachandran handed over the consignment to the DMO in the presence of centre Chairman Er.Sajikumar and Secretary Sabari Rathen. Television Media coverage was also there.

In the month of June 2021 an Executive committee meeting was conducted on 02.06.2021. Several of our members attended the State committee Meeting on 13.06.21. Muvattupuzha and Thrissur Centre organized a seminar on benefits under MSME for Construction Industry on 15.06.21. The Chief Guest was state Chairman Shri.Najeeb Mannel and Guest of Honour was Past National Vice President, Shri.R.Murugan. Our members actively participated in the session.

BAI Trivandrum organized a Vaccination Drive for Members and staff/ family at SP Well Fort Hospital Trivandrum on June 26th and 27th. Centre Chairman, Secretary and Treasurer were present during the drive. 175 persons were benefitted from this.

In the month of July 2021 an Executive committee meeting was conducted on 07.07.2021 and a General body meeting on 14.07.2021 via zoom online platform. Our Centre organized three Technical Talks for our Members During the General Body meeting. (1).Special Address on "MSME Act" by Smt.Lakshmi S., Company Secretary (2) Technical talk on "Finance for MSME's" by Shri.M.R.Babu, AGM, MSME, SBI (3) Technical Talk on "Exploring possibilities in MSME for Builders and Contractors" by Shri.G.S.Prakash, Jt. Director and Head, MSMEDI. 60 members actively participated.

In the month of August 2021 an Executive committee meeting was conducted on 04.08.2021. Vaccination drive for migrant workers in association with Labour Dept Trivandrum was conducted on 18th August at Govt LP school Anayara Tvm. Total number of workers benefitted were 150. In the month of September 2021 an Executive committee meeting was conducted on 08.09.2021 and a General body meeting on 22.09.2021 via zoom online platform. During the GB, we conducted a Technical interactive session by SBI officials tiltled "Financial Hand Holding for Small and Medium Business- The way forward by SBI". State Chairman Shri. Najeeb Mannel inaugurated the programme. Mr. Dinesha Aroor DGM SME LHO, Mr.Rajesh Y DGM REHBU LHO, Mr.Dinesh P AGM SME LHO, Mr.Sabu AGM SME AO Tvm were the panelists. Shri.Ganesh P. our Senior member handling Strategic Alliance, introduced the speakers and moderated the session. All members actively participated in the session.

In the month of October 2021 an Executive committee meeting was conducted on 13.10.2021 via zoom online platform. On October 20th, in protest of the assault of our member Shri.Arun Unnithan by a trade union leader at DLO office, district wide strike was organized by the centre with full support of all members. All offices and work sites were shut down. Press meet was conducted and press release was made in all papers. The centre had filed police complaint in the local police station against the union leader which led to his arrest.

In the month of November 2021 an Executive committee meeting was conducted on 06.11.2021 via zoom online platform. Our centre members took part in the assembly march and protest organized by State Chairman, Shri.Najeeb Mannel on 10th November at Palayam Trivandrum. Past National Vice President Shri.R.Murugan was also present and addressed the gathering.

In the month of January 2022 an Executive committee meeting was conducted on 28.01.2022. Chairman and Secretary attended the State Committee meeting and the installation ceremony held at Muvattupuzha on 06.01.2022.

In the month of February 2022 an Executive committee meeting was conducted on 03.02.2022. In the month of March 2022, Few of our members attended the All India Builders Convention held at Chennai. Past National Vice President Er. R. Murugan and Past Chairman Er. Harikumar P. attended. Er. Harikumar P. received the best State Chairman award.

KOTTAYAM CENTRE

After the brief lull in activities due to the Covid-19 pandemic, it was back to normal in terms of activities and events conducted by the Kottayam centre and also our participation in events organized by other centres.

- During the year,10 meetings of Office Bearers and Members of the centre were held.
- New members, Mr.Mohan Mathew and Mr.John Philip Kaduthodil were inducted into the Kottayam Centre,BAI.

- Installation Ceremony of Chairman and the Office Bearers, of the Centre was held at Maya Heritage,Aymanam,Kottayam on the 19th of July,2021.
- Builders' Day was celebrated on the 17th of December,2021 at Backwater Ripples,Kumarakom. Mr.V.N.Vasavan, Minister of Kerala, was the Chief Guest of the function.
- Members from Kottayam Centre attended the Builders' day celebration of other Centres.
- From the Centre, GC Member for the year 2021-22 was Mr.John Paul and Special Invitee to the MC, Mr.Mathew Philip. Four GC and MC meetings held via Zoom Video Conferencing with an exception to the GC/MC Meeting in Jaipur which was conducted physically, were attended by Joshy Chandy,John Paul and Mathew Philip.
- A 9 member group comprising John Paul, Mathew Philip, Vinod Ninan, Jacob Mathew Vellapally, M.C. Thomas, Alex V. Chacko, John P. Kaduthodil, Alex Mathew and Mathew V. Jacob, from the centre attended the XXX All India Builders Convention in Mamallapuram, Chennai on the 11th, 12th and 13th of March, 2022 with representation of GC Member Mr.John Paul and MC Member, Mr.Mathew Philip for the GC/MC meetings as well.
- Installation ceremonies of new members and Office Bearers of other Centres were attended.

KOLHAPUR CENTRE

While we all suffered from pandemic situation of COVID-19 when Kolhapur Centre conducted meeting on 19th August 2021 regarding discussion on Gio Tagging system for bidding tenders from irrigation department, revised GST problem, and other issues. Meeting attended by the Shri Randhir Bhoite, State Chairman, Maharashtra, Shri Sachin Patil, Shri Pratap Kondekar and team of Kolhapur Centre.

Kolhapur Centre also organised several Executive Committee and General Body meetings to discuss about increase membership and other issues of the members.

Kolhapur centre taken lead to opened new Sindhudurg Centre.

EASTERN (KOLKATA) CENTRE

Due to worldwide devastating pandemic, since 2019, all type of works was in a stalemate situation. In spite of all odds, Sri Subrata Das Chairman of BAI, Eastern (Kolkata) Centre, appealed to his esteemed members to extend their co-operation for the sake of the society. And the response was excellent. We are glad to inform that we had collected a sum of Rs. 1,00,000/- and handed over the same to Shri Dipak Maharaj of Bharat Sevashram Sangha.

During this hard time 25 no new patron members joined and a cheque amounting Rs 7,42,500/- was handed over to the Shri Raju John, Executive Secretary of the Builders' Association of India during 3rd MC/GC Meetings held on Friday 3rd December 2021 at Hotel Crowne Plaza, Jaipur, Rajasthan. Many senior members from our centre had attended this meeting inspite of hazardous situation.

Sarbasree Subrata Das (Chairman), Pradeep K Chowdhury (W B State Coordinator), Sudip Dutta (G.C. Member), Subrata Das (Diamond Scaffolding) Sanjay Dasgupta, Aditya Vikram Dasgupta, Premises Bhattacharyya and Jagabandhu Ghosh have attended XXX All India Builders Convention held on 11th, 12th & 13th February 2022 at Radisson Blu Resort Temple Bay, 57 Covelong Road, Mahabalipuram, Tamil Nadu 603104.

We have celebrated Builders Day'21 on the theme "Role of Construction in Nation Building" on 13th November, 2021 at Space Circle Clubs & Resorts Pvt Ltd. At VIP Road, Raghunathpur, Kolkata – 700 052.

'BAI Organisational Election 2022-23' at our centre has been completed on 2^{nd} February, 2022.

New Elected Chairman Sri Sanjay Dasgupta, Vice Chairman Shr Amlan Biswas, Hon. Secretary Sri Swapan Paul and Hon. Treasurer Sri Rajib Manna. Apart from them other elected Executive Committee are Sarvasree Subrata Das (Immediate Past Chairman), Pardeep K. Chowdhury (WB StateCo-ordinator) Sudip Dutta, Subrata Das (Diamond Scaffolding), Subhomoy Guha Roy. Over and above few more fresh, young and energetic patron members are included in this Executive Committee namely, Sarvasree Aditya Vikram Dasgupta, Premises Bhattacharyya, Raja Mukherjee, Sarbendu Dutta, Sumanta Ghosh and Sourav Ghosh.

MADURAI CENTRE

On 18th August 2021 Installation Meeting held at hotel Ramrathna Residency. Labour Welfare Committee Discussion Meeting held on 21.08.2021 at hotel Ramrathna Residency. Madurai Centre total Five Executive Committee Meeting were held in the year of 2021-22. Madurai Centre organized a Diary Release Function on 23.12.21 at Poppys Hotel. BAI Madurai Centre Election Meeting was held on 05.2.22 at Hotel Metropole.

Attend State level Meeting by Madurai Centre Chairman, Shri Office bearers. On 29th July celebrated Builders day function at Madurai President's Hotel.

We have increased Membership Strength of the Centre. And also trying to increase more the membership strength.

Election process of electing GC members and office bearers of the centre were held in the time and sent to BAI, HQ for necessary action in the matter.

MOHALI CENTRE (PUNJAB)

Brief Report on Function organised on the opening of Mohali Centre (Punjab) on Wednesday, the 11th September 2021 at Mohali.

BAI Delhi Centre has another feather in its cap by opening a new BAI Centre in the northern state of India in Punjab at Mohali on 11th September 2021 in association with other senior members of Delhi Centre as well as members from other centres. The Centre has started opening new centres in Delhi as well as in the adjoining states of Delhi. Four centres have been opened in the state of Haryana at Gurgaon, Karnal, Kundli, Faridabad and Panipat. One Centre have been opened in the UT of Chandigarh and this is the first centre in the state of Punjab at Mohali. The centre opening ceremony was held at Mohali, which was attended by the following senior functionaries and members from Delhi, Haryana & Chandigarh attended the function.

- 1. Shri R N Gupta, National President BAI
- 2. Shri Arun Sahai, Vice President North
- 3. Shri Ved Khurana, State Chairman Delhi
- 4. Shri Rajiv Goel Past State Chairmen- Haryana
- 5. Shri Ram Avtar, Chairman-Delhi Centre
- 6. Shri Sandeep Gupta, GC Member from Chandigarh

Shri R N Gupta, President stared the function and welcomed all the senior members of BAI members from Delhi, Haryana, UP, Chandigarh, and also the new members of Mohali Centre in Punjab. For information of the new members of the Centre, he gave the brief introduction of Builders' Association of India to enable the members to understand BAI and the benefits they can derive by joining this Association. He also introduced senior members who were present on this auspicious occasion. Shri R N Gupta thanked Shri Ran Avtar, Shri Rajiv Goel and Shri Ved Khurana for their efforts in making it possible to open new centre in Punjab State. Shri Arun Sahai, Shri Ram Avtar, Shri Rajiv Goel and Shr Ved Khurana also spoke on the occasion and introduced the members to the gathering. Shri Rajiv Goel introduced Shri Naveen Mehta of M/s. Girdhari Lal Construction Pvt. Ltd & other members who have joined BAI from Mohali Centre. Shri Ram Avtar also introduced Shri Naveen Mehta as Chairman of the Centre. Shri Naveen Mehta also appreciated Shri Ram Avtar ji & Shri Rajiv Goel Ji for showing confidence in him and lead a Centre. Shri R. N. Gutpa formally installed Shri Naveen Mehta as Chairman of Mohali Centre and other members in BAI. They were also distributed their Patron Membership Certificates. Shri Mehta in his address thanked the senior members of BAI for showing faith in him to lead the centre and assured that he will put all his efforts in making Mohali Centre strong and will work very hard to associate more and more members in BAI.

During the past pandamic year center aided support to help each and every members, site workers and frontline staff. We have make an effort to assess and support the needy person. The following activities are being undertaken during the year for betterment of society:

Attended the largest construction equipment event in South Asia, conference on 20th April 2022 at CII, Chandigarh on behalf of BAI and having special plenary Session on sustainable & smart urban infrastructure: Distributed woollen clothes and blankets to the Labour at Pgimer, Chandigarh and food to on daily basis. Provided free medical check-ups and treatment at Government hospitals on need basis. Mohali Center also added new members in our association, we have contributed our state share in time. Mohali Center Works in social, Business and devoutly for association.

MUMBAI CENTRE

The COVID-19 pandemic second wave which hit Mumbai in April 2021 and the resultant lockdown hit each and every citizen very badly. But, the worst hit were the daily wage earners - who were living on a hand to mouth existence. Government of Maharashtra took steps to bring solace to these persons. Steps were also taken in the health care area, wherein all necessary equipment, personal kits, etc. were made available wherever necessary. Many NGO's and philanthropic persons also got involved and raised funds, donated to Government funds, held food distribution camps, etc.

Hon'ble Chief Minister, Maharashtra has issued '**Break the Chain'** Order no. DMU/2020/CR.92/DisM-1 dated 04/04/2021, wherein amongst other things, as regards construction sites, some instruction were given, which was not suitable. Hence, immediately BAI Mumbai Centre Chairman, Shri Mohinder Rijhwani wrote a letter to the Chief Minister as regards the extension of time limit in Reduction of Development Cess and the Revised Premium Rates extending the time limit till 31st December, 2021. The media also took cognisance of the letter and it was widely covered by the print media.

Considering the need of nowadays business in view of spate of legislations, announcements, etc. being made by the Central and State Government's on various issues, it was being felt necessary to keep BAI members and building and construction industry players informed in detail of the same. Mumbai Centre started 'Monthly Lecture Meeting Series from November 2019 in R. G. Gandhi Conference Room of BAI in Tardeo, Mumbai on the issues are ranging from Infrastructure Development, Real Estate, Redevelopment, Self-Redevelopment, Redevelopment of Dilapidated Buildings, RERA, GST, Labour Laws, Income Tax, Arbitration, etc. Apart from BAI members there participants were from the building and construction industry establishment viz. company's proprietor, CEO, senior officers and RERA / GST / Labour / Taxation concerned executives, concerned government authorities, etc..

All the lecture meetings have received overwhelming response. The lecture meetings are 'videographed' and are uploaded on BAI Mumbai Centres 'YouTube' Channel 'Builders Association of India Mumbai Centre'. April 2021 onwards the lectures are being held on the virtual media via video conferencing. The response to this is also overwhelming, wherein now the participants from across India and sometimes international too.

The details of lectures held from April 2021 onwards are detailed below :-

Lecture No. 16/2021-22, Friday 25th June, 2021- Workshop on Construction Site Management – post pandemic – post lockdown, Dr. S. K. Manjrekar, Honorary Member of American Concrete Institute (2018), Industry Doyen -Construction Industry Development Council (CIDC) (2017) and Chairman & Managing Director – M/s Sunanda Speciality Coatings Pvt. Ltd. India.

Lecture No. 17/2021-22, Wednesday, 7th July, 2021- BAI Mumbai Centre and ICICI Bank, Webinar on 'How to Avail Bank Guarantee in Just 3 Hours'c. Speaker :Shri Balbeer Singh, Product Manager, ICICI Bank.

Lecture No. 18/2021-22, Friday 20th August, 2021:- BAI Mumbai Centre & Civil Engineering & Construction Review (CE&CR), Webinar on 'Potential of Industrialised Building Construction in Boosting Housing Market in India'. Speaker :Dr. Bishwajit Bhattacharjee, Emeritus Professor, Civil Engineering Department, IIT Delhi.

Lecture No. 19/2021-22, Friday 24th September, 2021:-BAI Mumbai Centre & Civil Engineering & Construction Review (CE&CR),Webinar on 'Near Future Design and Construction Practice'. Speaker: Dr. V. V. Arora, Former Jt. Director & Head, National Council for Cement and Building Materials.

Lecture No. 20/2021-22, Saturday, 16th October, 2021:-BAI Mumbai Centre and M/s Global Prism Infratech Pvt. Ltd. Webinar on Latest Trends in Building information modelling (BIM). Speaker: Shri Sawan Sakale, Director, M/s Global Prism Infratech Pvt. Ltd.

Lecture No. 21/2021-22, Friday, 29th October, 2021:-BAI Mumbai Centre and M/s ICICI Bank

Webinar on 'Understanding Letter of Credit'. Speaker :Shri Krishnendu Das, Subject Matter Expert – Trade, ICICI Bank Ltd.

Lecture No. 22/2021-22, Friday, 24th December, 2021 : -BAI Mumbai Center and M/s Dextra India Pvt. Ltd. Webinar on 'Role of Dextra Grouted Connection in Precast Construction'. Speaker:

Shri Satish Priyadarshan V., Precast Product Line

Manager, M/s Dextra India Pvt. Ltd.

Lecture No. 23/2021-22, Saturday 29th January, 2022:-Webinar on Data Science for Smart Building. Speaker : Ar. Jyothi Gupta, Architect, Geospatial Data Scientist and Author, University College London, UK.

Lecture No. 24/2021-22, Thursday 24th February, 2022:-Webinar on Solving Bulk Payment Problems. Speaker :Shri Rupesh Singh, Product Manager – Digital Payment Solutions, M/s ICICI Bank.

Lecture No. 25/2021-22, Thursday 10th March, 2022 :-Webinar on Coastal Regulatory Zone (CRZ) vis-à-vis Mumbai City and Mumbai Suburbs – latest developments. Speaker: Dr. Gopal Chiplunkar, Chairman, CRZ Sub-Committee and Chairman, MOEF/Forest Sub-Committee, Practicing Engineers, Architects & Town Planners Association of India (PEATA).

The Centre is inviting philanthropic persons and/or companies to support the lecture meeting series by financially supporting it. The support so received will be acknowledged by mention of name and brief profile of the supporting person / company before, during and after the lecture(s). The support will also be acknowledged on the YouTube channel and will also be mentioned in the description of the particular lecture in YouTube. Due mention in the form of an appropriate complimentary advertisement and product / company profile write-up will also be done in the pages of 'Mumbai Construction'.

Western Region Meeting

Centre hosted the 'Second BAI Western Region Meeting 2021-22' along with Builders Day 2021-22 on Saturday 26th February, 2022. The twin events were held in MCA Recreation Club in BKC. Shri Ajit Gulabchand was the Chief Guest and delivered the keynote address during the 'Construction Industry Day 2021-22' in the evening of Saturday 26th February, 2022.

MANAGING COMMITTEE AND GENERAL COUNCIL MEETINGS

During the financial year under report 4 (four) Managing Committee (MC) and 4 (four) General Council (GC) Meetings were held :

- 1. On 15th May 2021 at Zoom App
- 2. On 26th August 2021 at Zoom App
- 3. On 3rd December 2021 at Jaipur
- 4. On 11th March 2022 at Mahabalipuram, Chennai

And attended seventy-nine Annual General Meeting of BAI by the Mumbai centre MCGC members and other Office Bearers of Mumbai Centre which was held on 19th February 2021 in Coimbatore.

"30th All India Builders' Convention" held in

Mahabalipuram (Chennai) from 11th to 13th March, 2022

The attendance of the Managing Committee and General Council members from Mumbai Centre in above meetings across India was good during the year 2021-22

BAI AWARDS 2020-21

Mumbai Centre was presented 'BAI Awards 2020-21'-Overall Best BAI Centre (Above 200 Members) and Organising Best Training Programme or Seminar during the Fourth Meetings of the Managing Committee and General Council of BAI 2021-22' held in Mahabalipuram (Chennai) on 11th March, 2022.

BAI Mumbai Centre performed 'Shree Satyanarayan Puja on Wednesday 20th October, 2021' in the BAI Mumbai Centre office-premises wherein Office-Bearers and Senior Functionaries of BAI Mumbai Centre were present during the Puja – many of them with their better half. Shri Randhir Bhoite, State Chairman, Maharashtra along with his family was also present.

The Forty-fourth AGM of BAI Mumbai Centre was held on 8th January, 2022. Shri Mohinder Rijhwani, Chairman, BAI Mumbai Centre chaired the meeting. Others who graced the dais during the AGM were : Shri Harshad Shah, Vice-Chairman; Shri Jaiprakash Bhatia, Hon. Secretary; Shri AniruddhaNakhawa, Hon. Treasurer; Shri NarendraPanani, Hon. Jt. Treasurer and Shri S. Madhusudan, Head-Communications, BAI. The Annual Report, Audited Balance Sheet and Income & Expenditure Account of Mumbai the Centre for the year ending 31st March 2021 were presented to the members.

BAI MAHARASHTRA STATE OFFICE IN MUMBAI

Apart from contributing its financial share towards BAI Maharashtra State office, your Centre has also given its office for 'BAI Maharashtra State Office'. The Centre's staff is also assisting in managing the affairs of BAI Maharashtra State.

BAI Mumbai Centre continued to support BAI head office as and when called upon to give data, feedback, information, etc. regarding GST, RERA, for BAI head office to take up the issues with Government of India.

MUVATTUPUZHA CENTRE

We have been conducted executive and general body meetings in every month.

500 jerseys were given to the disaster management Team led by MP Dean Kuriakose, to providing our support to them. For updating news and information to our members and the public, we have started an exclusive website for BAI Muvattupuzha Centre.

We conducted two family meets in this year, to foster the relation between the members and the family.

It is very proud to us, we published a centre magazine which named as **"BUILDERS' MAGAZINE"** to inform, educate and entertain to the readers.

On 06th January 2022 we have conducted an Installation ceremony for new office bearers of the centre. Our national President Shri.R N Gupta State Chairman Shri.Najeeb Mannel and state ministers were invited as the chief Guests to the programme. In this ceremony, we congratulated all the top winners of 10th, Plus Two and Professional students from the members' family.

We are planning to conduct a course and a special training to engineering students especially in civil engineering for developing their skills and practical knowledge. This programme will be conducted with the leadership of Professional Trainers.

MYSORE CENTRE

On 7th April 2021Installation ceremony of the new team for the year 2021-22 was held at Harmony Glendale, Opposite Mysuru Airport, Mysuru. The Chief Guest was Sri H.V. Rajeev – Chairman Mysore Urban Development Authority, The Installing Officer was Sri K. Sriram, former National Vice President, BAI, The Guests of Honour Sri M. Ramesh, State Chairman, BAI Karnataka 2021-22 and Sri T. N. Hemanth Managing Trustee, MBCT ®, Mysuru were present on the occasion.

On 16th April 2021 Installation ceremony of Spoorthi -The Ladies Wing of BAI Mysore Centre, new team For the year 2021-22 was held at Hotel Kalyani, Mysuru. BAI Mysore Centre Chairman Sri K. Ajith Narayan was invited as Guest of Honour for the programme along with Hon. Sec. Sri A.S. Yoganarasimha.

On 22nd April 2021- In a bid to overcome this deadly Covid pandemic, our own member, Yogatma Mr. Srihari, deliver a lecture on the yogic exercises, pranayama practices etc along with a few modification to our life styles and daily habits, to contain this pandemic. It was a wonderful and informative talk. As a sequel to the talk show that we had from Yogatma Srihari, we presented the yoga exercises to practice.

On 28th April 2021, The First Executive Committee Meeting of the year was held at Virtual (Zoom) Meeting 7.00 pm.

On 7th May 2021 we created an advisory panel on Covid and its care, remedies, prevention and cure was discussed on the Zoom calls. Further, those of our members and any member of their family, staff or labour who have not yet been vaccinated and are above the age of 45 were asked to please give their names to arrange the vaccination to them.

On 15th May 2021 1st MC & GC Meeting of BAI 2021-22 attended by the members on the zoom video conference app.

On 18th May 2021, M/s Vijayavani, a leading and popular newspaper was invited the office bearers of BAI and CREDAI for a virtual talk show to discuss on Covid 19 and the development of Mysore, along with Mr. Rajeev, Chairman MUDA.

On 26th May 2021 Second Executive Committee Meeting of the year was held at Virtual (Zoom) Meeting at 7:00pm.

On 27th May 2021 A webinar Product Presentation on "Water Proofing Solutions" sponsored by M/S Asian Paints. Our members Mr. C S Srikanth & Mr. M.D. Praveen Pal has put in lot of efforts in arranging this. M/s Asian Paints have also assured of their participation in our future events.

On 2nd June 2021, in a joint initiative of BAI Mysore Centre & CREDAI, invited all the members for tete e tette with The Commissioner Mysore City Corporation, Ms. Shilpa Nag, who expressed her desire to address to all our members at 7.00pm.

On 4th June 2021, BAI Mysore Centre - World Environment Month Celebration team organized Virtual Environmental talk on the topic "Green & Sustainable Technologies for Ecosystem Restoration", by Sri. Shamsunder, Head and Associate Professor, dept., of Mech., Engg. NIE, Mysore to Kick start World environment month celebration.

On 5th June 2021, We attended 1st BAI Karnataka State Level Meeting 2021-22 at 11:00 am on the Zoom video conference app.

We pleased to inform that from BAI Mysore Centre have given vaccination to our members and their families with the help of MCC, Mysore on 5th June to 10 members, on 7th June to 25 members @ Mohandas Tulasidas hospital. Hon. Sec Sri A.S. Yoganarasimha thanked Sri K. Dasharath for taking initiative and supporting us and Sri M.V. Vinod Kumar & team for constant support.

On 12th June 2021, BAI Mysore Centre - World Environment Month Celebration team organized Virtual Environmental talk on the topic 'Eco-system Restoration and re-wilding'. The Eminent Speaker was Sri Hanumanth C.R., Member of Project Governance Committee, Jungles capes, an NGO. (www.junglescapes.org). Jungles capes have restored about 4000 acres of forests so far. Hon. Sec Sri A.S. Yoganarasimha thanked Sri C.R. Hanumanth for his eco friendly talk.

On 14th June 2021, Online Dance competition was organized by Cultural Committee for BAI Members Children's.

On 17th June 2021 The webinar on SKILL DEVELOPMENT for construction workers by Sri. Jaiprakash Shroff, was organised by Skilled Development Committee (South -I), BAI

Few Members from BAI Mysore Center has attended the

meeting.

On 19th June 2021, BAI Mysore Centre - World Environment Month Celebration team organized Virtual Environmental talk on the topic a Zoom Talk on "IT IS TIME FOR THE NATURE " The Keynote Speaker was Dr. T S Harsha, Asst Professor, Dept. of Environmental Studies, KSOU, Mukthagangothri at 7:00 pm.

On 21st June 2021, In response to WEMC team called many of our BAI & SPOORTHI members who have participated in 2 minutes Online Video Presentation of Suryanamaskara & Yogaasana on the eve of International Yoga Day.

On 26th June 2021, BAI Mysore Centre cordially invited for a Zoom Talk on "ECOSYSTEM RESTORATION AND CONSERVATION" the Keynote Speaker was Mr. RAJKUMAR, Devaraje Urs, an environmentalist and professional wildlife conservationist on the occasion of World environment month celebration.

On 30th June 2021, The Third Executive Committee Meeting of the year was held Virtual (Zoom) Meeting at 7.00 pm. Sri Praveen Pal M.D. was the host of this EC meeting.

On 3rd July 2021 Most of our centre members participated in the webinar conducted by BAI, Bangalore Centre. Sri K. Subramani, Chairman, BAI's Green Building Committee invited to a Webinar on 'Green Building and Sustainable Approach to Construction Practices'. Chief Guest was Sri Ram Nivas Gupta, President, BAI; Guest of Honour was Sri M. G. Somashekhar, Chairman, and Mysore Chapter of Indian Green Building Council (IGBC). Keynote Speaker was Dr. S. K. Manjrekar, Honorary Member, American Concrete Institute (2018), Industry Doyen, Construction Industry Development Council (CIDC) (2017) and Chairman & Managing Director, M/s Sunanda Specialty Coatings Pvt. Ltd. India.

This program was hosted by Sri K. Sriram, Former National Vice-President, BAI. This program was also watched live on YouTube on the Official Channel of BAI. https://youtube.com/user/baihqmumbai.

Hon. Secretary A.S. Yoganarasimha heartfelt thanks to WEM Team, MBCT Trustees, all the fellow BAI members and Spoorthi members for their presence in the program and making the event a grand success.

On July 10th 2021, Saturday evening our Chairman Mr. Ajith Narayan, Joint Secretary Mr. C.D. Krishna, Mr. Srihari and other BAI members participated in NAREDCO Mysuru Zoom meeting regarding Development opportunities in Mysuru after Covid.

On 12th July 2021 we participated in Environmental day celebration by ACCE, Mysore centre at NIE Campus Dattagalli, Mysore.

On 14th July 2021, BAI Cultural Committee had organized

live Karaoke session in the evening at BAI Board Room. Later prize distribution program was held for the children of BAI family for participating in the recent online video Dance competition.

On 16th July 2021, BAI Mysore Centre donated PSA Oxygen Generation Plant and it was installed at SMT Hospital and it was inaugurated in presence of Sri Bhyrathi Basavaraj, Hon Minister for Urban Development Govt. of Karnataka & Sri S T Somashekhar, Hon. Minister for Co-operation & Mysore District-in-charge, Sri. Rajiv, MUDA Chairman.

On 20th July 2021, BAI Mysore Centre, MBCT® & CREDAI Mysore Chapter jointly coordinated for the distribution of 2000 food kits to construction workers @ MBCT premises @ 10:00am. MLA Mr. S A Ramdas inaugurated the function.

On 21st July 2021, BAI World Environment Month Celebrations team organized "A Day with Homemaker" an exclusive program for ladies as a part of WEMC activities. This time it was on Virtual platform.

On 25th July 2021, World Environment Month Celebrations Committee of BAI Mysore Centre organized Trekking to Sidilu Mallikarjuna Betta @ Bettadapura, Mysuru.

On 30th July 2021, The Fourth Executive Committee Meeting (Outstation) Meeting of the year was held online & as well as in physical gathering at 06:15 p.m. at the Angsana Resort, Near Nelamangala, and Bangalore. Sri S. Vasudevan, Sri S.K. Shreyams Kumar, Sri C.S. Srikanth & Sri K.T. Govindaraju were the hosts of this EC meeting with family members.

On 1st August 2021, World Environment Month Celebrations Committee of BAI Mysore Centre organized "Green Treasure Hunt".

On 4th August 2021, BAI Mysore Centre in association of MBCT ® and Spoorthi – The Ladies Wing of BAI Mysore Centre organized the "PRATHIBHA PURASKARA" function for the construction workers Children who have excelled in SSLC & 2nd PUC exams on Wednesday at MBCT Auditorium at 4:00 pm. Total 15 Students were felicitated by Guests. After the function High tea was arranged. The programme commenced with the invocation by Student Kum. Venkatesh Prasad, whose rendition was melodious. Sri K. Ajit Narayan, Chairman, BAI, Mysore Centre, gave a brief report about the activities of BAI & welcomed the gathering.

On 15th August 2021, Celebrated 75th Independence day @ MBCT premises. Our chairman Sri. K. Ajith Narayan hoisted the National flag. Due to Covid norms only BAI head table, Spoorthi head table & MBCT Managing trustee & Hon. Secretary were invited and they are all present on the occasion. Centre Chairman Sri Ajit Narayan spoke few words "I was delighted to unfurl the National flag on our Nation's 75th year of independence. With all the humility and reverence at my command I humbly bow and salute all the martyrs who gallantly laid down their lives in order to secure independence.

On 18th August 2021, a meeting was held with 8 engineering college - Shilpi College coordinators Faculty and shilpi student coordinators with BAI Shilpi coordinators along with Centre Chairman and Hon. Secretary at BAI Board Room, Mysore about the shilpi activities to be conduct in the year 2021-22.

On 23rd August 2021, BAI Cultural Committee had organized live Karaoke session in the evening at BAI Board Room and 23rd August 2021, Preliminary meeting of MyRealty 2021 was held at BAI Office in the evening, CREDAI Chairman & Hon. Secretary, BAI Mysore Centre Chairman & Hon. Secretary, My Realty 2021 Chairman & Hon. Secretary along with MyRealty 2021 Organising Committee Members were present and discussed about the show how, when and where to be conducted keeping in the mind of present situation.

On 25th August 2021, The Fifth Executive Committee Meeting of the year was held in physical gathering at 06:30 p.m. at the Golf Club, Mysuru.

On 13th September 2021, "Shilpi" Internship program was launched at 10:00 am for students of 8th, 9th & 10th batches at MBCT Board Room. BAI Centre Chairman Sri K. Ajit Narayan & Shilpi Coordinator Sri Rajesh Derira explained about the Shilpi Internship program. Hon. Secretary thanked to all Students for attending the program.

On 15th September 2021, Annual General Body Meeting will be held on Wednesday at MBCT Auditorium at sharp 5:00 pm.

On 24th September 2021 Engineers' Day & Teachers' Day Celebration was organised at MBCT Auditorium, Mysuru. Invocation was rendered by Sri M.V. Vinod Kumar, BAI Member, Centre Chairman Sri K. Ajit Narayan welcomed the gathering. Sri T.N. Hemanth, Managing Trustee MBCT (R), was the Guest of Honour, Dr. Prof. G. Hemanth Kumar, Vice Chancellor, University of Mysore, Mysuru was the Chief Guest.

A presentation was given by event sponsor – M/s Srinidhi Group, Mysuru. Vote of Thanks was rendered by Hon. Secretary Sri A.S. Yoganarasimha & the Masters of the Ceremony were Sri C.S. Srikanth, BuildTech 2021 Chairman & Member of BAI Mysore Centre.

On 29th September 2021 A condolence meeting was held at 5:30 pm at MBCT premises for our senior Member Mr. M.S.N. Murthy who passed away in Bangalore on 22nd Sept 2021, he was one of the founder members of BAI Mysore Centre. We pray for the strength to the bereaved family members in particular and our fraternity at large and requested all the members to kindly join the meeting. On 29th September 2021, The Sixth Executive Committee Meeting of the year was held in physical gathering at 06:00 p.m. at the MBCT Board, Mysuru.

On 3rd October 2021, The PPT presentation & Technical tour to the on-going Mysore Bangalore 10 lane highway was organised for BAI Members from NHAI GM Sri B.T. Sridhara & team at MBCT Auditorium. Centre Chairman Sri K. Ajit Narayan and Hon. Secretary Sri A.S. Yoganarasimha hole heartedly thanked to NHAI GM Sri B.T. Sridhara & team for the wonderful arrangements regarding PPT presentation & Technical tour along with explanation at the site visit.

On 4th Oct 2021, Health on wheels was organised in association with SPOORTHI was held at M/s Foundations site, Dattagalli, Mysuru.

On 9th October 2021, A Shraddanjali meeting was organised at 4.30PM at MBCT premises, for untimely demise of Spoorthi Past President Smt. Madhavi Gurushantappa on 6th October 2021.

Members of Spoorthi - Ladies wing of BAI Mysore center expressed their sorrow and Condolences to her family and loved ones. Passing of Smt. Madhavi is great loss to Spoorthi. She will be deeply missed. BAI Past Chairmen, Members, Head table committee members, EC Members, office staff were present. Spoorthi Hon. Secretary Smt. Ramadevi Srikanth rendered the vote of thanks for all.

On 22nd October 2021, Builders' Association of India & Mysore Builders Charitable Trust ® (MBCT) jointly organised a function to felicitate Toppers in Civil Engineering and Construction Technology and Management from various Engineering Colleges in and around Mysuru on 22nd October 2021 at MBCT Auditorium, Mysuru. Sri K. Ajit Narayan, Chairman, BAI, Mysore Centre, gave a brief report about the activities of BAI & welcomed the gathering.

On 23rd October 2021 to 29th October 2021, Overseas Tour for BAI members & their families' total 53 passengers went on a Cruise tour from Goa via Bombay to Lakshadweep and returned back to Mysore on 29th October with lot of experience in sailing on the ocean along with few adventures and fun games.

On 26th October 2021, General Meeting was conducted at Cruiser @ 5.30pm. The meeting was attended by BAI and their family members. Centre Chairman welcome the gathering. Monthly Bulletin Mysore Shilpi was released by Past Chairman Sri M.C. Mallikarjun. Hon. Secretary Sri A.S. Yoganarasimha rendered the vote of thanks for all who have attended the meeting.

On 8th November 2021, BAI Mysore Centre Annual Events MyRealty 2021, BuildTech 2021 and MyBuild 2021 Organising Committees Meeting was held at BAI office premises.All committees' members of the events along with Past Chairmen, head table members were present on the meeting.

On 11th November 2021, Hon. Secretary Sri A.S. Yoganarasimha and Centre Chairman Sri K. Ajit Narayan visited the office of the Hon'ble MP Sri Pratap Simha at morning for inviting him to be the Chief Guest for our Builders' Day Celebration. He has kindly consented to be the chief guest for our Builders' Day Celebrations on the 27th of November.

On 17th November 2021, BAI Mysore Centre Annual Events MyRealty 2021 and MyBuild 2021 Organising Committees Meeting was held at BAI office premises at 4:00pm. All committees' members of both events along with Past Chairmen, head table members were present on the meeting.

On 24th November 2021, The Seventh Executive Committee Meeting of the year was held in physical gathering at 06:00 p.m. at the MBCT Board Room, Mysuru.

On 27th November 2021, BAI Mysore Centre organised Builders' Day Celebration for the year 2021-22 @ MBCT Auditorium, Mysuru. The Theme of the year is – "Role of Construction in Nation Building". The Chief Guest was Honorable MP of Mysuru - Kodagu Sri Prathap Simha, Guests of Honour were Sri Mandya Ramesh – Cinema Actor cum Drama Artist, Sri Anil K. Pillai – GM – Technical Services, M/s The Ramco Coments Ltd. Builder of the year was awarded to Sri Bapuji J. – M/s Balaji Constructions, Mysuru.

On 3rd December 2021, BAI Mysore Centre Annual Events MyRealty 2021, MyBuild 2021 and BuildTech 21 Organising Committees Meeting was held at BAI office premises. All committees' members of the events along with Past Chairmen, head table members were present on the meeting.

Builders' Association of India Mysore Centre and Confederation of Real Estate Developers Association of India in aid of Mysore Builders' Charitable Trust have organised the 15th edition of "A Mega Property Show, MYREALTY – 2021" was held between 10th to 12th December 2021 at Cosmopolitan Club, Mysuru . The welcome address was done by the Expo committee chairman Sri T.N. Parthasarthi. Presided by Chairman -BAI Mysore Centre – Sri K. Ajit Narayan & Chairman -CREDAI Mysore Chapter – Sri N.S. Muralidhara. Mr. R. Guru, Chairman-NR Group was the Chief Guest, Mr. Chaitanya Kulkarni, President-CREDAI, Karnataka and Mr. Narayana Gowda C., President Hotel Owner Association & Cosmopolitan Club were the Guests of honor.

On 16th & 17th December 2021, MyBuild 2021 Committee Meeting was held at Board Room in BAI office premises. On 22nd December 2021, Health on wheels in co- ordination with SPOORTHI was held today at M/S Bhardwaj construction site, Metagalli. 56 construction workers were benefitted with RTPCR test, RAT & Dental checkup from the camp. 17 spectacles were distributed for needy workers.

On 29th December 2021, The Eighth Executive Committee Meeting of the year was held at 06:00 p.m. at the Race Club, Mysore. On 28th January 2022, The Ninth Executive Committee Meeting of the year was held at 5:30 p.m. at Hotel Royal Inn, Mysuru.

On 16th & 21st February 2022, MyBuild 2021 Committee Meeting held at Board Room, BAI Premises, Mysore.

On 25th February 2022, The Tenth Executive Committee Meeting of the year was held at 5:30 p.m. at Hotel Embassy, near Ramaswamy Circle, Mysuru.

On 28th February 2022, MyBuild 2021 Committee Meeting to Advisory, Stall Booking, Sponsorship, Publicity and Printing/Memento Committees was held at Board Room, BAI Premises, Mysore.

On 2nd March 2022, MyBuild 2021 Committee Meeting to Infrastructure, Registration/Reception, safe keeping Food, Stage Coordinator / Program, Voice of MyBuild Committees and Spoorthi held at Board Room, BAI Premises, Mysore. On 3rd March 2022, MyBuild 2021 Committee Meeting to Publicity, Stall Booking and Printing/Memento Committee was held at Board Room, BAI Premises, Mysore.

On 9th & 14th March 2022, MyBuild 2021 Committee Meeting to Advisory, Stall Booking and Sponsorship Committee was held at Board Room, BAI Premises, Mysore.

From 11th, 12th & 13th March 2022, 24 members and their family attended XXX All India Builders Convention at Radisson Blu Resort Temple Bay, Mahabalipuram, Chennai.

On 18th March 2022, The Guddali Pooja of MY BUILD 21 was held @ Maharaja College Ground, Mysuru.

On 19th March 2022, Our Centre Chairman Sri Ajith Narayan, BuildTech Chairman Sri Srikanth and myself had been to invite Honorable MLA of Krishnaraja Constituency Sri Ramdas this morning to be the chief guest for our BuildTech 21 Inaugural function on the 26th March 2022. He has kindly given the consent.

On 22nd March 2022, The Eleventh Executive Committee Meeting with NEW Team of the year 2022-23 was held at 7:00 p.m. at KBR Hall, 1st floor, Kantirava Sports Club, Mysuru. The 21st successful encore "MyBuild 21" one of the Flagship events of BAI, Mysore Centre was held from 24th to 28th of March 2022 at Maharajas' College Ground, Mysuru. The Inauguration of MyBuild 21 was held on 24th March 2022 at Maharajas' College Ground, Mysuru at 11:00 am. Inauguration of MyBuild 21 Expo was done by Chief Guest His Holiness Jagadguru Sri Shivarathri Deshikendra Mahaswamiji Shreekshetra Sutturu, Sutturu. Invocation was rendered by Smt. Sheela Gurudatt, Spoorthi Member. MyBuild 21 Organizing Committee Chairman Sri K. Sathish Mohan welcomed the gathering; Sri K. Ajit Narayan Centre Chairman addressed the gathering. Hon. Secretary Sri M.D. Chandrashekar and Centre Hon. Secretary Sri A.S. Yoganarasimha were present. Exhibitors participated in this Expo, displayed their products.

BUILDTECH 2021: - Builders' Association of India, Mysore Centre & Mysore Builders' Charitable Trust (R) is organising BuildTech 2021, a National Seminar on topic "Indian Construction Industry 2030 - A Trillion \$ Challenge" relevant to Construction industry on 26th March 2022 Saturday, at MBCT Auditorium, Mysuru. BuildTech 2021 is a technical seminar focused on the growth of India and the role that construction industry will play to catapult India into the topmost economies of the world. The Inauguration of BuildTech 2021 was held on 26th March 2022 by Hon. MLA of K R Constituency Sri S.A. Ramdas at 10:00 am, Sri R.B. Dayanand State Chairman Karnataka 2022-23 BAI was the Guest of Honour. Keynote address was delivered by Sri Ajit Gulab Chand, M.D. of M/s Hindustan Construction Company, Mumbai. Eminent speakers from all over India was deliver speeches related to construction industry, especially on the topic of seminar" Indian Construction Industry-2030 A Trillion Dollar Challenge". More than 300 delegates comprising of Builders, Developers, Architects, Consultants, Government Representatives & Engineering Students were present. Sri V.S. Adithya - C E O M/s TVASTA, Chennai, Sri M. Anand - Principal Counsellor, CII's IGBC, Hyderabad. Sri Boman Rustom Irani -Chairman, M.D. M/s Rustomjee Group, Mumbai. Sri Irfan Razak - CMD, M/s Prestige Groups, Bangalore, Sri M.G. Somashekar - CMD, M/s PG Setty Construction Technology Pvt. Ltd., Sri J.P. Shroff - CMD M/s Shroff Group, Pune (Virtual) Smt. Gayathri Vasudevan -Chairperson, M/s Labournet Services India Pvt. Ltd., Sri Nagendra Bhaskar Gummaraju, Konkan Railways are some of the speakers who participated in the Seminar. The Valedictory was held at 4:00 pm and Dr. D.P. Giridhar, M.E., Ph.D., (IISc, Bangalore) was the Chief Guest.

BAI Mysore Centre Chairman Sri K. Ajit Narayan, Sri A.S. Yoganarasimha Hon. Secretary BAI Mysore centre, Organising Committee Chairman of BuildTech 2021 Sri C.S. Srikanth, and Secretary Sri V. Mohan Kumar were also present.

It was conclude with a valedictory function on Monday, 28th March 2022 at 5:00 pm at Maharajas' College Ground, Mysuru. Welcome Address performed by MYBUILD 21 Hon. Secretary, Sri M.D. Chandrashekar, Chief Guest for the function was Sri R. Manjunath, Airport Director, Airport Authority of India, Mysuru Airport, Mandkalli Post, Mysuru. In his address he appreciated BAI Mysore Center for organizing such a mega expo which would greatly benefit the citizens of Mysore. Presentation of mementos to the Sponsors by MYBUILD 21- Chairman -Sri K. Sathish Mohan. Prizes were distribution by Chief Guest to the best stalls. Centre Chairman Sri K. Ajit Narayan & Centre Hon. Secretary Sri A.S. Yoganarasimha, were present on the occasion. MYBUILD 21- Chairman -Sri K. Sathish Mohan thanked the Sponsors, Exhibitors and all those who have contributed for the success of MyBuild 21 Expo.

On 29th March 2022, Health on wheels which was conducted at our Member Mr. Gururajs site by centre Hon. Secretary Sri A.S. Yoganarasimha & CWWC coordinator Sri T.S. Gurudatt, Health kit was distributed to all the workers at the site.

On 30th March 2022, Eight New Members were inducted by Former National Vice President Sri K. Sriram @ Bamboo Restaurant, Near Bogadi Ring road junction, Mysuru.

On 31st March 2022, Health on wheels which was conducted at our Member Past Chairman Mr. Prakash's (Pramur) Site by centre Hon. Secretary Sri A.S. Yoganarasimha & CWWC coordinator Sri T.S. Gurudatt, Health kit was distributed to all the workers at the site.

PANDHARPUR CENTRE

Opening Ceremony organised of Pandharpur Centre in Maharasthra State. Ceremony attended by new members of the centre. Shri Dhanaji Vitthal Bagal installed as Centre Chairman of Pandharpur Centre. Programme also atended by the State Chairman Shri Randhir Bhoite, Shri Randhir Bhoite delivered the opening remarks during the ceremony. Shri Randhir Bhoite ji thanked to Shri Pratap Salunkhe and Shri Datta Mule ji for their efforts. Chairman rendered the vote of thanks for all who have attended the meeting.

PHALTAN CENTER

Chairman Shafik Modi and all office bearer where installed through video conference all member attended online program in the month of April 2021.

To keep members informed about latest development. During the past pandemic year center founded every possible way to help and support each and every members , site workers and frontline staff, we provided grocery packages, arranged travel fair for workers who want to go homes, we distributed mask and sanitizers and major activity was carried out in pandemic was as we provided bed to covid center and help government hospital for extension of covid ICU by providing oxygen pipe line for 20 beds. After the pandemic was over we took a lead under our leader state chairman Randhir Bohite and arranges a very successful state level meeting in Phaltan. Center is also working for labour registration, so they can get all the advantage from the government for their health, children study and better livings. To be a part of green revolution or global warming program center, planted more than 500 tree s in rainy season.

Center also completed our ongoing project of office building and training center which is the grates achievement for all our members.

Phaltan center also added new members in our association, we have contributed our state share in time, our Phaltan center works in social, business and devotedly for association.

Phaltan Centre celebrated Engineers day in the month of September 2021 with lecture on Traditional designs at the College of Engineering Phaltan and Lions Club.

PUDUCHERRY CENTRE

On 16th April 2021 1st Executive Committee Meeting was held at Association Building for introduction of New Office Bearers and Prioritizing the Issues to be solved.

Chairman, Secretary and Treasurer Installed formally by Past Chairmen. New Office Bearers 2021-22 taken over the Office Responsibilities, Accounts and Documents of Association.

On 5th May 2021 Chairman represented our Centre in the Centre Chairman Virtual Meeting organized by the State Chairman R.Sivakumar & submitted the report of our Centre.

On 6th May 2021 Office Bearers, Past Chairmen & Members of Builders' Association of India, Puducherry Centre congratulated and wished the newly posted Chief Engineer Er. V. Sathyamurthi.

Er.T.Kannappan (Chairman), Imm. Past Chairman Er.K.Arunagiri (GC Member), Managing Committee Member Er. S. Parthasarathi and General Council Member Thiru. C. Bhaskaran participated and represented our Centre in the 1st State Level MC / GC Meeting held through Video Conference on 7th May 2021. We have highlighted our Centre's requirements and issues in the meeting and requested the State Chairman to intervene and support our Centre in solving the problems. State Chairman assured his full support and co-operation.

On 15th May 2021 attended National Level 1st MC/GC Virtual Meeting by Centre Chairman and other office bearers.

On 18th June 2021 we met the Hon'ble Chief Minister Thiru. N. Rangasamy in his office and discussed about the difficulties faced by the Contractor and request to solve the same.

Office Bearers, Past Chairmen & Members of Builders'

Association Of India, Puducherry Centre Congratulated and wished Hon'ble PWD Minister Thiru. K. Laskminarayanan, in Assembly Office.

On 14th July we met Hon'ble Home Minister Thiru. A. Namassivayam and Hon'ble Civil Supplies Minister Thiru. A.K. Sai. J. Saravana Kumar. And felicitated them by Office Bearers, Past Chairmen & Members of Builders' Association of India, Puducherry Centre in Assembly Office.

On 17th July 2021 2nd State Level meeting organised and attended by Chairman and MC/GC Members, Committee Chairman and Co-Chairman Meeting.

On 19th July 2021 3rd Executive Committee Meeting was held at our Association Building. Decision taken to conduct New Office Bearers Installation Function on 3rd or 4th Week of August with Hon'ble Chief Minister and Hon'ble PWD Minister as Special Guests in a grand manner.

On 27th July 2021 Karaikal Centre organised Bhoomi Pooja. Our Centre's counterpart Karaikal Centre had Organised Bhoomi Pooja of their proposed new Office Building on 27th and invited dignitaries from our Centre. Chairman had represented and attended the function on 27th Morning 7.30AM and conveyed our wishes on behalf of our Centre.

On 4th August 2021 published Greeting to our Hon'ble Chief Minister on his Birthday Celebration in the News Paper. Greeting of Hon'ble Chief Minister Thiru. N. Rangasamy by the Office Bearers headed by Centre Chairman Er. T. Kannappan published in Dinamalar News Paper on 05-08-2021.

On 12th August 2021 conducted 4th Executive Committee meeting and this meeting decision taken to insist regarding new conditions in NIT (Contractor's having more than 3 Works in progress of tendered value more than 1 Crore are not eligible to participate in Tenders), it has been decided to insist Department to remove the same as it is against the interest of local enlisted Contractors. Decision taken to insist regarding classification of Building Work & Road Work during floating of Tender, it has been decided to insist the Department that Works having more than 60% of Road Component shall only be floated as Road Work Tender.

On 24th August 2021 – as per the request of Chairman Er. T. Kannappan, Builders' Association of India, Puducherry centre request, Chief Engineer published order and circulated to all Executive Engineers to hereby to adopt/ follow the guidelines of the CGST Rules 2017, Puducherry GST Rule 2017 and Income Tax Rules with regard to the deduction of CGST, SGST, Income tax in their Work Bills.

On 26th August 2021 Chairman represented our Centre in the 2nd National Level MC/ GC Meeting.

On 27th August 2021 -Office Bearers of Puducherry Centre congratulated and wished the Chief Engineer on resuming his newly renovated Office. Chief Engineer Handing over the Copy of Enlistment Extension Order to the Centre Chairman, along with Imm. Past Chairman, Secretary and Treasurer. The Chairman Er. T. Kannappan requested the Hon'ble Chief Minster Thiru. N.Rangasamy, Hon'ble Public Works and Thiru.L.Lakshminarayanan and Chief Engineer Thiru. V.Sathyamurthi to give importance to the welfare of Puducherry PWD Enlisted Contractors. Also requested to settle all the pending payments without delay.

On 27th August 2021 Centre organised Puducherry Centre installation function. Hon'ble Chief Minister Thiru. N. Rangasamy and Hon'ble Minister for Public Works Department Thirru. L. Laksminsarayanan was the Chief Guest of this function.

Shri T. Kannappan was installed as the Chairman of BAI Puducherry Centre by Shri Sivakumar, Statement Chairman, Tamil Nadu.

Chairman requested to Hon'ble Minister for split up the major works to lesser values of 3 to 5 crores so that the Puducherry PWD Enlisted Contractors will be benefitted. And requested to impose a new condition so that all the Government Tenders floated upto value of Rs 2.00 Crores in the Union Territory can be tendered only by the Puducherry PWD Enlisted Contractors Registered with the Public Works Department, Puduchery. The Hon'ble Chief Minster Thiru. N. Rangasamy has assured to uphold the interest of Puducherry PWD Enlisted Contractors in his speech.

Requested the Contractors to do quality work and complete the projects in time. Assured to split up the major Tenders so that Puducherry PWD Enlisted Contractors can be benefitted and their livelihood will be improved. Hon'ble Chief Minister assured to introduce special condition so that Works Costing up to to 10.00 Crores can be tendered only by the Puducherry PWD Enlisted Contractors against the request of Chairman for 2.00 Crores. Office Bearers & Core Team Leaders thanked our Hon'ble PWD Minister Thiru. K. Laksminarayanan for gracing Installation Function.

Chairman and Team of Delegates attended and represented our Centre in Builders Association of India 3rd State Level MC/GC Meeting.

5th Executive Committee & Core Team Meeting held on 22-10-21 at our Association Office Building. Discussed about Printing & Publishing of Diary 2022 and procuring advertisements and discussed about the further action & priority of activity to be taken by the Association.

Our Secretary Thiru.B. Ezhilan was honoured & appreciated by Chairman & Past Chairmen with Memento & shawl for his esteemed dedicated service in organizing

the Installation Function of Office Bearers 2021-22 successfully. Membership Certificate issued to the newly joined 5 Patron Members received from BAI Head Quarters from Mumbai.

Chairman Er. T. Kannappan, Vice Chairman Thiru. J. Sampath, Secretary Thiru. B. Ezhilan, State Secretary Er.L.Carttigueane, EC Member Thiru. A.Krishnan & EC Member Er. M. Sabastin Martial represented and participated in the Tree Growing Programme organized by Pondicherry Civil Engineering Contractors Association (PONCEA).

Team of our Association visited Nippon Paint Factory at Sripurumbuthur on 26-11-21. The Visit comprised of 1. Visiting the factory production units. 2. Introduction & explanations about the new products and type of application of their production. 3. Interactive session for clarifying the queries of Members. This visit is completely solely organized and sponsored by Nippon Paint.

Organised and celebrated the Builders Day Celebration on 15-12-21 at Grand Sereena Hotel in colabration with Vishnu Enterprises [Jindal Panther TMT Bars]. Builders' association dairy 2022 published and distributed to all members, department staffs and government officials. Honoured the Chief Engineer with shawl and momento in memories of Builders Day Celebration event.

On 20th January 2022 distributed Association printed Dairy 2022 and Monthly Calendar to all department staffs Chairman representing the Puducherry centre at the Centre Chairman Meeting held through Virtual Meet on date 20-01-2022.

General Body meeting held at the Builder's Association Office Building on 24-01-2022. Thiru.A.Kumaraguru has been elected for the Post of Chairman, Thiru.B.Ezhilan & Thiru.R.Premananth are re-elected for the post of Secretary & Treasurer respectively for the Year 2022-23 unanimously.

On request of Builders' Association of India, Puducherry Centre and initiative taken by our Association, the Chief Engineer has issued an Order Extending Enlistment of the Contractors whose Enlistment expired from 28-02-2019 to 24-03-2020 in line with CPWD Order.

Office Bearers, Past Chairmen & Members of BAI, Puducherry Centre congratulated and wished the newly posted 4 Superintending Engineers in their respective Office on behalf of BAI, Puducherry Centre on 11-2-2022.

Office Team of Members from our BAI, Puducherry Centre visited Schwing Stutter India "TECHNOVATION FEST 2022" in Cheyyar Factory Campus 12-02-2022. Schwing Stutter has organised a special Exhibition cum Factory Visit in their Factory exclusively for our Members.

Participated in the State Level Core Meeting held at Trichy and represented Puducherry Centre's views. Participated in the 4th MC/GC Meeting held at Yercaud hosted by Salem Centre.

Service Programme of Memory Technique and Examination Skills Programme organised for School Children of our Association Members on 26-03-22 in our Association Building. We engaged one Trainer and 15 children participated in the Service Programme and utilised the opportunity.

Office Bearers, Past Chairman & Members of BAI Puducherry Centre greeted Er.R.Ravichandren Smart City Superintending Engineer & Public Health Division Executive Engineer on his retirement day.

POR-RAMANGAMDI CENTER

A webinar based on topic 'Civionics, its importance in remedial engineering – some case studies' was conducted on 24th of July 2021. Speaker for this subject was Kaizad Engineer. The chief guest was Shri Nirav Parmar (Vice President – West) Shri Pradeep Nagawekar (Gen. Secretary), state chairman Shri Arvind Patel and immediate past State Chairman Shri Kirtibhai Thacker, Shri N.M. Patel, Shri Jagdish Parekh, Shri Nitin Shah, Shri Pankaj Saraiya and many dignitaries attended the program. The program was moderated by Shri Sanjiv Shah.

A webinar based on topic 'Design of utility membrane structures in public spaces combined with use of renewable energy sources' – Speaker for this subject was Vishal Desai. Along with this another webinar based on topic 'How to live 100 years and beyond happily and stress free'. The speaker for this subject was Dr. Ashok Vaishnavi. These webinars were presented on 11th of September 2021. The keynote speaker was Shri Nirav Parmar (Vice President – West). The guest of honour present were Shri Pradeep Nagawekar (Gen. Secretary), state chairman Shri Arvind Patel and immediate past State Chairman Shri Kirtibhai Thacker, Shri N.M. Patel, Shri Jagdish Parekh, Shri Nitin Shah, Shri Pankaj Saraiya and many dignitaries attended the program. The program was moderated by Shri Sanjiv Shah.

Chairman, secretary and other four members attended the GCMC meeting at Jaipur, Rajasthan starting on 3rd December, 2021.

A dinner get-together with family for Baroda and Porramangamdi members was arranged at Shri Rajesh Shah's residence on 27th September 2021.

A dinner and get together was organized for all the BAI Baroda and Por-ramangamdi center at Shri Vimal Patel's farmhouse in December 2021.

An online zoom meeting was conducted to elect the BAI Por-ramangamdi and Baroda Chairman on 23rd January 2022 at 11 am. It was conducted for selecting and electing office members for the year 2022-2023. Dinner and interaction with BAI Baroda and Porramangamdi Chairman, secretary and executive committee members organized by Shri Sandeep Nanavati at his hotel in Vadodara in October 2021 and February 2022.

A dinner get-together with family for Baroda and Porramangamdi members was arranged at Shri Sandip Nanavati's residence on 11th of January 2022.

High-tea with Chairman, secretary, and executive committee members of Baroda and Por-Ramangamdi center was organized in July 2021, November 2021 and March 2022 for discussion related to problems of the construction industry.

PUNE CENTRE

Felicitation ceremony organised by Pune Centre on 18th June 2021 for Er. Jagdish Kadam. Mr. Jagdish Kadam, Director, Rajpath Infracon Pvt. Ltd, felicitated by BAI, Pune Centre on the occasion of Creating World Record -Construction of 39.67 k.m. Road Pusegaon - Mhasurne in 24 Hours.

Builders' Association of India, Pune Centre in association with Symbiosis Institute of Technology, Civil Engineering Department, Symbiosis International (Deemed University) Lavale, Pune had organised a Webinar on **"CONSTRUCTION ACTIVITY ON SITE**, on Thursday, 5th August 2021 Speaker: Er. Mahesh Gopal Maideo -Director, Execution, SCON Projects Pvt Ltd., Pune.

Pune Centre under its social obligation every year constructs a set of Toilet blocks / Fresh Rooms for rural schools which imparts education to mostly Girls students. Under this programme BAI Pune Centre constructs Toilet Blocks / Fresh Rooms for Girls students, this year on 3rd September, Shri Ashok Atkekar, Chairman, BAI Pune Centre inaugurated and handed over the Fresh rooms to schools in the presence of BAI members.

Shri R.B. Suryavanshi (Past Chairman of BAI) in association with BAI has constructed decent Fresh Room (Toilet Block) facilities for the girl students under the guidance of Shri D S Shirole Convenor of this activity and Co-ordination of Shri S.K.Killedarpatil, which they undertakes every year with utmost sincerity.

Felicitation ceremony organized by BAI Pune Centre on Saturday 4th September 2021 at BAI Activity Centre, Pune - 411 001. Felicitations was done of Col. V. K. Srivastava, CWE who is going for posting & Col. Nitin Kumar Srivastava, CWE, Pune who is resuming at Pune. Flag Hoisting Programme on 15th August 2021 & 26th January 2022 :

Dharna was done at Chief Secretary PWD office on 08.10.2021 for release of outstanding bills of contractor.

Installation Ceremony was held at Residency Club, Pune

for New Office Bearers for the year 2021-2022, Chief Guest, Shri Neerav Parmar, Vice President BAI West Zone was the Chief Guest and Shri Randhir Bhoite - State Chairman BAI, Maharashtra was the Guest of Honour of the function grace the occasion.

Builders' Day is celebrated every year to pay tributes to the builders, engineers & contractors and acknowledge their contribution in the nation building. The theme for 2021 - 22 was "ROLE OF CONSTRUCTION IN NATION BUILDING". Shri Neerav Parmar - Vice President BAI West Zone was the Chief Guest and Shri Randhir Bhoite -State Chairman BAI, Maharashtra was the Guest of Honour of the function Members in large numbers were present online for the said program. Er. Jaideep Raje, Er. Jagannath S. Jadhav, Er. Pradeep Garge & Er. Siddharth Shah all Senior Members of Pune Centre were felicitated for their exemplary work in the field of construction and felicitated at the hands Chief Guest in a traditional manner by offering them a shreefal, shawl and a Memento. All the felicitated members shared their experiences and enlightening thoughts to encourage others for performing and achieving better. 70 Plus members attended the function.

As one of the most active Centre in the family of BAI, this year BAI Pune Centre received "Best Efforts by any Centre for Quality Construction" Award from BAI Head Quarters.

Pune Centre completed renewal procedure for the prestigious ISO 9001: 2015 by TUV NORD a German Group, through their establishment TUV India, Mumbai on dated 9 December 2021.

Well Built Structure Competition 2021 on 19th March 2022: Well Built Structure Competition (WBSC) in its 25th edition had 40 Plus participants The competition is held primarily to encourage Quality, Speed and Economy, Labour welfare and safety aspects are also considered as important aspects, BAI - B G Shirke Awards for 2021 competition were awarded in the presence of 300 plus building professionals. Chief Guest Shri R N Gupta -President All India BAI & Guest of Honour Shri Atul Gadgil Director (Works) Maharashtra Metro Rail Corporation Ltd, presided the award ceremony. Shri RB Survavanshi Senior Chief Executive from M/s BG Shirke Construction Technology Pvt Ltd as Sponsor of the WBSC awards did the honors of giving away awards to the winner participants. Shri Jai Pinjani was Chairman - WBSC Committee. Along with Well Built Structure Competition Awards, BAI Pune Centre also declared BAI -PBGS Life Time Achievement Award "Nirman Ratna".

This year the prestigious award was conferred upon Shri R. B. Suryavanshi, Senior Chief Executive - M/s B G Shirke Construction Pvt Ltd for his exemplary services to BAI and construction industry, society and educational field. A citation, along with memento and purse of One Lac Eleven Thousand was presented. The award was sponsored by M/s B. G. Shirke Construction Technology Pvt Ltd, Pune.

SANGLI CENTRE

On 19th August 2021 – Sangli Centre orgainsed meeting on Housing / RERA. Meeting attended by the State Chairman of Maharashtra, Shri Randhir Bhoite, Shri Anant D. Khairmode, Chairman, BAI, Sangli Centre and other senior members of the Centre. State Chairman congratulated and thanked to the Centre Chairman and team of Sangli Centre. Apart from this, the centre also organised many webinar and meeting on the industries issues.

Centre Chairman attended all MCGC meetings organised by BAI, HQ.

SATARA CENTRE

Conducted various health related programs for our construction labours and BAI members of Satara centre.

Increased new centers in different Talukas of Satara district. Increased annual membership to 500 members for Satara Chapter and more than 100 patron members.

Conducted Annual General Meeting 2021 22 by the Centre, meeting attended by large number of the members.

On 10th July 2021 we organized flood relief donation camp at Ambheghar, Satara and distributed food to needy people.

Engineers' Day was celebrated on 15th September 2021 with lecture on Digital Marketing in Real Estate Industry by Dr. Deepak Shikarpur. Shri Randhir Bohite, State Chairman was the Chief Guest of the function. On this day we planted a lot of trees in Khavli Old age home. And also organised lecture programme with the theme of Digital Marketing in Real Estate Industry.

On 3rd October 2021 Centre organised vaccination camp for college student and construction worker at Karmaveer Bhaurao Patil College of Engineering, Satara.

On 8th October 2021 protest in the front of PWD, Bandhkam Bhavan, Satara for Pending bills of the contractors.

On 13th November 2021 attended State Level Meeting at Phaltan.

Centre organised Goa Trip at Hotel Le Meridien from 10th – 12th January 2022. That was great trip conducted by Satara Centre for three days.

On 16th February 2021 Centre chairman and many members from the centre visited to Khambatki Tunnel and encouraged the construction workers.

On 4th March 2022 MOU singed with KBP College of

Engineering Satara. On 5th & 6th March 2022 conducted Sports day programme for Office bearers and other senior and prizes were also distributed to the winners. Celebrated Rangapanchami for Member of Satara Centre, BAI.

SOLAPUR CENTER.

On 4th August 2021 Solapur Centre organised opening ceremony of the Solapur Centre. Ceremony attended by the Centre Chairman Shri Amar Kalyani Birajdar, Shri Dikp Shinde, Secretary, Shri Abhijit Ingale, Treasurer, Shri. Avinash Patil, Past President, Shri. M. Kawale, State Chairman and other senior Office bearers. The chief guest of the ceremony was Shri Randhir Bhoite, State Chairman-Maharashtra. Shri Randhir Bhoite delivered the opening remarks during the ceremony. And he said that it's my pleasure to opening of office building by my hands. It was very proudly moment for me. A physical program after long break we met with hon'ble President (p) Shri. Avinash Patil Saheb, Shri. M. Kawale, State Chairman (p). All delegates were happy for good organized program by Solapur Centre. Thank you Centre Chairman Shri. Amar Birajdar, and Team Solapur.

Apart from this, many more meetings were organised by the Solapur Centre. The audited accounts of the Centres was sent in to BAI-HQ in time.

SOUTHERN CENTRE

The new team of Office Bearers headed by Mr. L.Shantha Kumar took charge for the consecutive second year in the presence of All India Past President and Trustee Bhishma Mr.R.Radhakrishnan. All India Immediate Past President Mr. Mu.Moahan, Zonal Vice President South-II Mr.S.Ayyanathan, State Chairman Mr. R.Sivakumar, Zonal Secretary, Mr.K.Venkatesan, Past National Vice President Mr.J.R. Sethuramalingam and EC/GC Members of Southern Centre were present in large numbers.

On 03/04/2021 at CMK Projects Pvt. Ltd. TNHB Project Group-03, Ernavoor, Chennai, a medical camp and vaccination drive was organised through the Greater Chennai Corporation by Workers Health camp Committee Chairman Mr. A. Sathyanarayana and Co-Chairman Mr. K. Gopinathan.

A preliminary discussion for finalization of Standard Schedule of Rates for the year 2021-22 including local rates, Electrical items etc. was organised at the PWD conference hall on 21/4/2021. PWD Committee Chairman and Past Chairman Mr. L.Venkatesan and Hon.Secretary Mr. A.N.Balaji have participated and recommended various changes in Schedule of Rates & Labour wages.

On 13/5/2021 a webinar on "QUALITY AND EFFECTIVE CONCRETING" was organized by BAI Southern Centre through Zoom meeting. Our members have largely participated and benefitted from the meeting. The meeting started with the welcome address of Centre Chairman Mr.L.Shantha Kumar and inaugural address delivered by State Chairman, Tamil Nadu, Pondy and A&N Islands Mr. R.Sivakumar. The meeting was well attended by our Members and Dr. Srinivasan Narasimhan answered all the queries raised by our members during Question and Answer session.

On 19/5/25021 to fight against the Pandemic Covid-19, an appeal to all members was made to contribute generously for this noble cause and to support the Government which meticulously extends various relief measures to the people in distress. It is laudable that all the Office Bearers, EC/GC Members and many Patron members have come forward to contribute liberally towards CM's Relief Fund and BAI Southern Centre raised Rs.21,00,000 contributions from our Members.

On 28/5/2021 a webinar "Pandemic today – Detoxification for the future" to reinforce our understanding with the alarming Pandemic by eminent Doctor Shreevidya Venkatraman, Senior Consultant, Internal Medicine & Preventive Health Check, MGM Healthcare, Chennai was organised by BAI Southern Centre through Microsoft Team meeting. Our members have largely participated and benefitted from the meeting. Dr. Shreevidya Venkatraman explain the present pandemic situation, importance of Vaccination and other do's and don'ts to protect ourselves from COVID-19.

On 9/6/2021 a Webinar on The New Rent Law in Tamil Nadu, it's scope, implications of lockdowns and related Landlord-Tenant issues & GST issues in Joint Development Agreement was organized by BAI Southern Centre. The Webinar was well attended by our members. The meeting was started with the welcome address of Centre Chairman, Mr. L. Shantha Kumar and inaugural address delivered by State Chairman, Tamil Nadu Mr. R. Sivakumar. Leading Legal Luminary Mr. P.B. Balaji, Advocate – Madras High Court, Partner, PBP Associates & Associate Editor, Current Tamilnadu Cases (A leading Law Journal) explained the Rule position to the participants.

On 11-6-2021 Mr. L. Shantha Kumar, Chairman and Dr. Deepak Nallaswamy, Director of Academics, Saveetha Institute of Medical and Technical Sciences, Velappanchavadi, Chennai entered with a Memorandum of Understanding (MoU) for conducting regular oral health and oral cancer screening and awareness camps for the Construction Workers which include on site intra oral screening and basic treatment for oral diseases twice in a month at free of cost.

On 17-6-2021 a Webinar on Cardiac Health for the Common Man was organized by BAI Southern Centre through zoom meeting inviting eminent Cardiologist Dr. N. Sivakadaksham, M.D (Medicine), DM (Cardio), Managing Director, Dr. SIVA CARDIOCARE, Chennai. The Webinar was well attended by our members. The meeting was started with the welcome address of Centre Chairman, Mr. L. Shantha Kumar and inaugural address delivered by Vice President, South-II, Mr. S. Ayyanathan. Dr. N. Sivakadaksham explained that Indians are more susceptible than any other groups and get the disease at much younger age. He explained the risk factors and causes for cardiovascular disease for both Men and Women are as under:

BAI-Southern Centre has contributed Rs.21,00,000/- lakhs towards Chief Minister's Public Relief Fund (CMPRF) for the fight against COVID-19 through BAI State office, Tamil Nadu. BAI-Tamil Nadu State Chairman, Mr. R.Sivakumar alongwith Bhishma Mr.R.Radhakrishnan,Past National President, Mr. Mu.Moahan, Immediate Past President, Mr. M.Thirusangu, Past Vice President and Mr. L.Shantha Kumar met the Hon'ble Chief Minister of Tamil Nadu and handed over the Cheque for Rs.77,77,777/- on behalf of BAI, Tamil Nadu on 20/06/2021

On 25/6/2021, a delegation from Builders' Association of India consisting Centre Chairman, Mr. L.Shantha Kumar, South Zone-II, Zonal Secretary, Mr. K. Venkatesan, Past Chairman and BAI Co-Chairman for MSME Committee, Mr. L.Venkatesan, Vice Chairman, Mr. R.R.Shridhar and Taxation Committee Chairman Mr. S.D. Kannan met Thiru P. Moorthy, Hon'ble Minister for Commercial Taxes and Registration, Tamil Nadu on 25/ 06/2021 at Sir Pitty Thiyagaraya Hall Auditorium, T.Nagar, Chennai in a consultation meeting with Trade Organizations organized by Commercial Taxes Department, Tamil Nadu and submitted a Memorandum on various GST issues in the Construction industry and Real Estate Sector. BAI has requested the Hon'ble Minister to consider reduction in Stamp duty and Registration charges to maximum 5% at par with State of Maharashtra, Karnataka as the stamp duty in Tamil Nadu is the highest in comparison to all other states and also requested to consider various GST issues being faced by the Construction Industry sympathetically.

On 28/6/2021, the Labour Welfare and Skill Development Department, Government of Tamil Nadu as per the Orders of the Hon'ble Chief Minister of Tamil Nadu reconstituted the Tamil Nadu Construction Workers welfare Board consisting representatives of Government Department, Municipal Administration and water Supply and representatives of employers such as Builders Association of India, Credai, representatives of workers from various trade unions for a tenure of two years. BAI State Chairman, Tamil Nadu Mr. R.Sivakumar, Centre Chairman, BAI-Southern Centre Mr. L.Shantha Kumar were appointed as Member of the welfare Board.

On 5/7/2021 Office Bearers, BAI-Southern Centre met Thiru M.A.Siddique, IAS, Principal Secretary/ Commissioner of Commercial Taxes, Tamil Nadu and submitted a representation and requested to consider reduction of stamp duty and various GST issues in the Construction industry and Real Estate Sector. On 9/7/2021, Thiru Ponkumar has taken over as Chairman of Tamil Nadu Construction Workers Welfare Board, Labour Welfare and Skill Development Department in the presence of Thiru E. Velu, Hon'ble Minister for Public Works, Thiru P.K. Sekar babu, Hon'ble Minster for Hindu Religious and Charitable Endowments and Thiru C.V. Ganesan, Hon'ble Minister for Labour Welfare and Skill Development, Government of Tamil Nadu, Bhishma Thiru R.Radhakrishnan, Past National President, Thiru Mu.Moahan, Immediate Past National President. Mr.R.Sivakumar, BAI-State Chairman, Tamil Nadu and Mr.L.Shantha Kumar, Chairman of Southern Centre have also taken charge as Members of the Tamil Nadu Construction Workers' Welfare Board.

On 29/7/2021, a Webinar Awareness on IGBC Green Homes rating system was organized by BAI Southern Centre through zoom meeting inviting Guest Speakers Mr.PL. Muthukaruppan, Deputy Manager and Mr. K.Varadharajan, Associate Manager, Green Building Consultancy Services, Godrej & Boyce Manufacturing Co. Pvt. Ltd. Bengaluru. The Webinar was well attended by our members. The meeting was started with the welcome address of Centre Chairman, Mr. L. Shantha Kumar and inaugural address delivered by Chief Guest Mr. S.Ayyanathan Vice President, South-II. Bhishma Mr. R.Radhakrishnan, Past National President and Trustee, BAI delivered his opening remarks.

Mr. K.Varadharajan, Associate Manager, Green Building Consultancy Services explained the benefits of Green Homes and he informed that the IGBC (Indian Green Building Council) launched by CII in 2001 with a vision to enable 'Sustainable built environment of all and facilitate India to be one of the world leaders in sustainable built environment by 2025. He informed the benefits of Green homes and the most tangible benefit are the reduction in water ranging 30-50% and energy consumption ranging 20-30%. Intangible benefits of Green Homes include enhance air quality, excellent day lighting, health and well being of the residents, safety benefits and conservation of scarce nation resources.

On 07/08/2021, Hon'ble Minister for Commercial Taxes and Registration and Hon'ble Minister for Finance and Human Resources Management, Government of Tamil Nadu invited the Representatives of various Trade Organisations for consultation before preparation of the financial Report for the year 2021-22. Mr. R.Sivakumar, State Chairman and Mr.R.R.Shridhar, Centre Vice Chairman represented on behalf of Builders Association of India. Mr. R.Sivakumar, State Chairman submitted a Memorandum to Thiru Thangam Tennarasu, Hon'ble Minister for Industries requesting for supply of cement at lowest rates to Members of Builders Association of India.

On 15/8/2021, 75th Independence Day was celebrated at BAI-SC premises with full pomp and fervor. More than

50 members took pride of glorifying and celebrating the spirit of unity. The event began at 8.30 am with the hoisting of the Indian National Flag. Bhishma Shri R.Radhakrishnan, All India Past President and Trustee hoisted the National Flag followed by National Anthem. Mr. L.Shantha Kumar Chairman, Mr. Mu. Moahan, Past National President, Mr. R.Siva Kumar, State Chairman, Mr. K.Venkatesan, Zonal Secretary South Zone-II, Mr. S.Ramaprabhu, State Secretary, Mr. T.V.Chandrasekharan, State Teasurer all senior Members graced the occasion. The gathering was followed by sumptuous breakfast.

A MoU for taking up various collaborative activities between BAI and SSN closing the gap between the Industry and academia in the areas of Civil Engineering has been entered on 16/08/2021 to making the students industry ready while coming out of the Institution. BAI will provide site visits, student internships, working jointly on research intensive field problems, placements etc.

On 7/9/2021, the 38th AGM of the Southern Construction Research and Development service Society was held at Dr.A.Ramakrishna Auditorium, BAI-SC premises, Ambattur,Chennai-600058 at 4.00 PM. The Annual Report for the year 2020-21 was presented to all the members. Bhishma Mr. R.Radhakrishnan, All India Past President, Mr. Mu.Moahan, Immdt. Past National President, Mr. R.Sivakumar, State Chairman, Mr. L.Shanthakumar, Chairman, Mr.K. Venkatesan,Zonal Secretary, Mr. S.Ramaprabhu, State Secretary and all office Bearers and Society Members were present at the AGM.

On 14/9/2021, 71st AGM of BAI-Southern Centre was held at Dr.A.Ramakrishna Auditorium, BAI-SC premises, Ambattur, Chennai-600058 at 4.00 pm. The Annual Report for the year 2020-21 was presented to all the members. The Chairman welcomed the General Body and thanked the members for extending their support to him and his team. Mr. V.R.Chandran, our Auditor thanked the Centre Chairman for giving him opportunity to Audit and as usual he praised that the accounts were maintained perfectly and transparently. All the Senior Members appreciated the team of Office Bearers for their conspicuous dedication to the organization. 58 members have attended the AGM.

On 22/9/2021, Chairman Mr. L.Shantha Kumar, Immediate Past President Mr.Mu.Moahan, State Chairman Mr. R.Sivakumar and Jt. Secretary Mr.R. Nimrode met Mr. Gagandeep Singh Bedi, I.A.S., Commissioner and expressed happiness over the various initiatives taken by the Greater Chennai Corporation within a short time ensuring transparent delivery of various services such as inviting e-tenders which enable potential Contractors to take part in the bid completing the tendering and to brings the benefit of internet connectivity anytime/anywhere access for those connected. They also acknowledge and convey their thanks for taking efforts to streamline various procedures and ensuring transparency.

On 25/9/2021, 74th PWD Product Assessment Committee Meeting was held at WRO Conference Hall, PWD Complex, Chepauk, Chennai. Mr. R.Sivakumar, State Chairman, Tamil Nadu and Mr. L.Venkatesan, Highways & PWD Committee Chairman have attended the meeting.

On 12/10/2021, to keep the environment mosquito free, Tamil Nadu State Health Department convened a meeting with Construction Industry presided by Hon'ble Minister for Health and Family Welfare of Tamil Nadu at PT Thyagarayar Gallery, T.Nagar, Chennai to discuss present public health concerns of the seasons – dengue as the Hospitals reporting a spike in dengue cases. Chairman, BAI-Southern Centre Mr. L.Shantha Kumar, Office Bearers and members with construction workers have participated.

On 21/10/2021, an Inter College Oratorical Competition event in connection with Builders' Day Celebration was conducted at Dr. A.Ramakrishna Auditorium, BAI-SC premises, Ambattur, Chennai-600058. The topic of the speech was "Role of Construction in Nation Building". Students from Velammal Engineering College, Sri Venkateswara College of Engineering, T.J.S.Engineering College and Sri Sivasubramaniya Nadar College of Engineering have participated and excelled their performance with competitive spirit. Mr. J.R.Sethuramalingam, Past National Vice President, Mr. K.Venkatesan, Zonal Secretary, South-II and Mr. A.N.Balaji, Hon.Secretary were present as judges. Mr. A.N.Balaji, Hon.Secretary briefed the Rules and Regulations to the participants stating that 5 participants from each college will be allowed to orate for maximum 6 minutes and the presentation to be in English or Tamil.

A brochure to provide an overview of XXX All India Builders Convention and to circulate information to all our members has been released by the golden hands of Shri K.V.Rangaswami, former CEO & MD, Larsen & Toubro on 22nd October 2021 at Southern Centre office, Ambattur. Affiliated Association Meeting was conducted by Centre Chairman and other Office bearers on 28/10/ 2021 to discuss on various important matters. Around 30 members were present.

On 29/10/2021, a Medical Camp in Commemoration of Builders' Day Celebration was conducted at PARKinn Beach Resort, for the Construction workers. Mr. A.Sathyanarayana Workers' Health Camp Committee Chairman organized the camp. More than 250 workers and Members and their friends and families have participated. Free medicines were issued to the Construction workers.

The Builders day celebration meeting was started at 7.00 p.m and the Chief Guest Mr. R.N.Gupta, National

President, Builders Association of India, Guest of Honors, Mr. S.Ayyanathan, Vice President, South-II, Mr.R.Sivakumar, State Chairman, Bhishma Thiru R.Radhakrishnan, Past National President and Trustee, Mr. Mu.Moahan, Immediate Past President, Mr. Raju John, Executive Secretary, BAI-HQrs and other dignitaries on dais were welcomed. Centre Chairman Mr.L.Shantha Kumar welcomed the gathering . Mr. R.N.Gupta, National President gave away the prizes to the Winners of the Oratorical Competition. Bhishma Mr.R.Radhakrishnan, All India Past President & Trustee and the Centre Chairman Mr. L.Shantha Kumar honoured Dr. Ruby R.Manoharan, MLA, Nanguneri Constituency Assembly, Chairman and Managing Director Ruby Builders & Promoters and Founder Chairman, Builders' Association of India, Tambaram Centre with a Citation, Shawl, Garland, Thalappa, Memento for his Meritorious services. Dr.Ruby R.Manoharan, MLA gave his acceptance speech.

BAI HQrs first Special Meeting on XXX All India Builders Convention called at BAI-Southern centre office on 30th October,2021. National President, Shri R.N.Gupta, Vice President south-I Shri V. Venkateswara Rao, Vice President West Shri Neerav Parmar, Vice President North Shri Arun Sahai, Vice President South-II Shri S.Ayyanathan, Hon.Genl.Secretary Shri Pradeep Nagawekar, State Chairmen, Andhra Pradesh, Haryana, Tamil Nadu, Delhi, Past National President & XXX All India Builders Convention Chairman Shri R.Radhakrishnan, Organising Committee Chairman & Imm. Past National President Mr. Mu.Moahan and Office Bearers participated in the Meeting. Past National President & Trustee and Chairman XXX AIBC Bhishma Shri R.Radhakrishanan unveiled the Brochure of XXX AIBC by handing over a copy to BAI National President Shri R.N. Gupta which was well appreciated by the participants.

On 16/11/2021, an interactive session on GST and Commercial Taxes was organised at Padma Bhushan Dr. A.Ramakrishna Auditorium, Builders' Association of India, Ambattur inviting Chief Guest Thiru M.A.Siddique, IAS, Principal Secretary/Commissioner of Commercial Taxes to address the gathering and Guest Speakers Thiru K.Gnanasekaran, Senior Addl. Commissioner Thiru M.Jeyaraman, Joint Commissioner Thiru S.E.Prabhu, Dy.Commissioner, Dr.T.M.Kothandaraman,Asistant Commissioner and Thiru N.Ramu Assistant Commissioner as a one stop solution to answer all the questions on GST and Commercial Taxes. The Interactive session was very knowledgeable and our members appreciated and got benefitted.

A core Committee of senior members with Bhishma Mr.R.Radhakrishnan, Past National President and Trustee as Advisor is formed to raise grievances of Construction fraternity and to oppose the artificial inflation of Construction materials with the Government and other private manufacturers through appropriate forum. The first Core Committee meeting was held on 23/11/2021 and as per the recommendations of the Core Committee, a representation to the Honorable Chief Minister of Tamil Nadu requesting to intervene and curb the unwarranted increase in prices of Construction materials and extending various relief measures to safe guard the interest of Construction Sector and pave way for growth was sent.

On 15-12-2021, a review meeting to discuss on the arrangements for XXX All India Builders Convention was held in Southern Centre Office Premises. Bhishma Shri R.Radhakrishnan, Chairman-Convention, Shri Mu.Moahan, Chairman Organising Committee, XXX All India Builders Convention, Shri L.Shantha Kumar, Chairman, Southern Centre and all organising committee Office Bearers and Members were present. Shri B.Seeniah, Past National President and Shri K.Sriram past Vice President also attended the meeting as advisors.

On 15-12-2021, Seva Ratna Bhishma Shri R.Radhakrishnan, Past President & Trustee has released BAI-Southern Centre 2022 Diary and Mr.S.Ayyanathan, Vice President, South Zone-II received the first copy.

On 16-12-2021, Mr. L.Shantha Kumar, Chairman accompanied Mr. Pon Kumar, Chairman, Tamil Nadu Construction Workers Welfare Board alongwith other Members of the Board and Met Hon'ble Chief Minister of Tamil Nadu. The delegation thanked the Hon'ble Chief Minister for extending the validity period of building plan permits from 5 to 8 years and for the implementation of the single window system to provide approval for housing sites and building plan approvals within 60 days.

On 21/12/2021 State level Centre Chairmen, Committee Chairmen and Co-Chairmen Core Committee Meeting was hosted by BAI-Southern Centre at Dr.A.Ramakrishna Auditorium, BAI-Southern Centre premises, Ambattur. Centre Chairmen, Committee Chairmen and Co-Chairmen of Tamilnadu, Puducherry participated in the Core Committee Meeting. The Meeting was presided by the State Chairman Mr.R.Sivakumar. The meeting was followed by State Diary Release function. Mr.S.Ayyanathan, Vice President, South Zone-II has released the State Diary-2022 and Seva Ratna Bhishma Shri R.Radhakrishnan, Past President & Trustee received the first copy.

The new Team of Office Bearers and EC/GC Members for 2022-23 were unanimously elected and the same was declared by Mr. J.Tajuddin, Returning Officer in the General Body Meeting held on 10/01/2022 at Padma Bhushan Dr. A.Ramakrishna Auditorium, BAI-SC Premises, Ambattur, Chennai-600058.

On 12/1/2022. The Member Secretary, Chennai Metropolitan Development Authority convened a meeting to discuss on Simplification of Building Approval process and invited BAI-Southern Centre for discussions. Mr. L.Shantha Kumar, Chairman, Mr.S.Ramaprabhu, Past

Chairman and Chairman, RERA/CMDA & Local Body approval Committee and Mr. R.R.Shridhar, Vice Chairman, BAI-Southern Centre have participated and discussed with the authorities with various suggestions to bring more welcoming and transparent changes in Building approval process.

On 21/01/2022 The Member Secretary, Chennai Metropolitan Development Authority convened a virtual meeting to discuss on Simplification of Building Approval process and invited BAI-Southern Centre for discussions along with other Association members CREDAI, Civil Engineers Association, Architects Association. Mr. L.Shantha Kumar, Chairman, Mr.S.Ramaprabhu, Past Chairman and Chairman, RERA/CMDA & Local Body approval Committee have participated and discussed with the authorities.

On 26/1/2022, 73rd Republic Day was celebrated at BAI-SC premises with full pomp and fervour. Members took pride of glorifying and celebrating the spirit of unity.. Bhishma Shri R.Radhakrishnan, All India Past President and Trustee unfurled the National Flag followed by National Anthem. Mr. Mu. Moahan, Immediate Past National President, Mr. R.Sivakumar, State Chairman, Mr. L.Shantha Kumar Chairman, Mr. K.Venkatesan, Zonal Secretary, all senior Members graced the occasion. The gathering was followed by sumptuous breakfast.

On 9/2/2022, a tour programme to visit Industrial Exhibition at Schwing Stetter plant Cheyyar was organized by BAI- Southern Centre. Mr. Mu. Moahan, Immediate Past National President, Mr. R.Sivakumar, State Chairman, Mr.S.Ramaprabhu, State Secretary, Mr. K.Venkatesan, Zonal SEcretry, Mr. R.R.Shridhar, Vice Chairman, Mr. A.N. Balaji, Hon. Secretary and Members more than 30 gathered at Southern Centre premises and proceeded to the venue in a special bus arranged for the visit. Sumptuous breakfast was arranged.

On 21/2/2022, Hon'ble Minister of Finance, Government of Tamil Nadu convened a pre-budget meeting at 3.00 pm in the Main Conference Hall, 10th loor, Namakkal Kavingnar Maligai, Secretariat, Fort St.George, Chennai to hear the views of all the stake holders. Mr. L.Shantha Kumar, Chairman, Mr. L.Venkatesan, Past Chairman and Mr. R.R.Shridhar, Vice Chairman of BAI-Southern Centre have participated the pre-budget discussion and presented various issues of the Construction Industry for considerations.

On 23/2/2022, Sevaratna Bhishma Mr. R.Radhakrishnan, Past President and Trustee, Mr. Mu. Moahan, Immediate Past President, Mr R.Sivakumar, State Chairman, Mr. L.Shanthakumar, Chairman BAI-Southern Centre met and invited the Hon'ble Chief Minister of Tamil Nadu Thiru M.K.Stalin to be the Chief Guest at the XXX All India Builders' Convention.

On 28/2/2022 a post budget interaction session chaired

by Hon'ble Finance Minister, Government of India, Smt. Nirmala Sitharaman Hon'ble Minister of Finance, Government of India was held on 28sth February 2022 at Rajendra Hall 1-4 at ITC Grand Chola, Chennai at 10.15 am. Mr. L.Shantha Kumar, Chairman, and Mr. R.R.Shridhar, Vice Chairman of BAI-Southern Centre have participated in the interaction session and presented various issues to the Hon'ble Minister of Finance, GOI.

On 11/3/2022, Fourth All India MC/GC meeting was hosted by BAI-Southern Centre at Radisson Blu Resort Temple Bay, Mamallapuram. Dr. R.N. Gupta, National President, Mr. Mu. Moahan, Immdt. Past President, All Vice Presidents, Hon. General Secretary, Hon. Treasurer, State Chairman, TN, Pondy and A&N, Centre Chairman Mr. L. Shantha Kumar and Executive Secretary Mr. Raju John were on the dais. MC/GC Members from all over India have participated. BAI Awards for 2020-21 which was earlier announced during the 80th AGM of BAI were given to centres which adjudged best in various disciplines during the Meeting. Southern Centre bagged the best Centre award for the year 2020-21 for consecutive 10th time and Best publication award for 7th consecutive time.

On 12th March 2022 the Technical Session of XXX AIBC was inaugurated by Shri V.G.Sakthikumar, Managing Director, Schwing Stetter India. Others who graced the dais during the inauguration were Shri R.N.Gupta, National President, Bhishma Shri R.Radhakrishnan, Convention Chairman, Past President and Trustee, Mr. Mu.Moahan, Immdiate Past President and Chairman,Organising Committee, Shri R.Prakash, Chairman, Technical Session, Mr. L.Shantha Kumar, Chairman, Southern Centre. Shri Shakthi Kumar was honoured with a shawl, special cardamom garland and a memento. Mr. R.Prakash delivered vote of thanks.

After the inauguration, the first session was on Recycling and Waste Management. The main speaker was Mr. M. Kumar, B.E. FIE, Consultant Technical, TIDCO & SIPCOT, Chennai.

The Second Session was on basic material for Structural Management. The main speaker was Prof. Dr. L. Ramajeyam, Ph.D, M.E.(Strut.), F.I.E.F.IV., M.I.S.T.E.C.Engg(Ind.) Dean Civil Engineering, Meenakshi Sundararajan Engineering College Former Principal, P.T. Lee. C.N.Polytecnic College

Mr. I. Kulasekaran, M.Tech (Structures), Executive Engineer (Civil)in Department of Telecommunication/ BSNL expressed his views on Pre Cast Building. In the midst of the session JCW and Pulkit have given product presentation.

Thereafter the customary 'Open House' was held which was chaired by Shri R.N.Gupta, National President. Shri R.Radhakrishnan, Past President and Trustee, Shri Mu.Moahan, Immdt. Past President, All Vice Presidents, Hon. General Secretary and Hon. Treasurer of Builders Association of India have graced the dais during the Open House. Resolutions of XXX All India Builders' Convention were proposed to the delegates and the same approved after discussion and it was decided that the resolutions will be sent to Hon'ble Prime Minister of India and also to concerned Ministries of Government of India.

On 12/3/2022, XXX All India Builders' Convention was inaugurated by Hon'ble Chief Minister of Tamil Nadu Thiru M.K. Stalin. Thiru T.M. Anbarasan, Hon'ble Minister for Micro, Small and Medium Enterprises (MS&ME), Government of Tamil Nadu, Thiru E.V.Velu Hon'ble Minister for Public Works, Government of Tamil Nadu, Thiru Duraimurugan, Hon'ble Minister for Water Resources, Government of Tamil Nadu, Thiru G. Selvam, Hon'ble Member of the Parliament, Thiru S.S.Balaji, MLA Thiruporur constituency and Thiru Ruby Manoharan, MLA Nanguneri Constituency have also attended. Others who graced the dias are Dr. R.N.Gupta, National President, Bhishma Mr. R.Radhakrishnan, Past President and Trustee & Convention Chairman, Mr. Mu.Moahan, Immdt. Past President and Chairman, Organising Committee, Mr. S.Ayyanathan, Vice President, South-II, Mr. R.Sivakumar, State Chairman, TN, Pondy and A&N, Mr. L.Shantha Kumar, Centre Chairman, Mr. J.R.Sethuramalingam, Hon.Secretary, Mr. L.Venkatesan, Hon. Treasurer convention Committee.

Bhishma Shri R.Radhakrishnan in his welcome speech, he expressed his happiness and conyed his thanks to the Hon'ble Chief Minister of Tamil for being the Chief Guest and all Ministers for their attending the Convention. He also recalled the assurance given by former Chief Minister Dr. M.Karunidhi for introducing Karikalan Award for Builders' fraternity for Excellence in Construction.

The Hon'ble Chief Minister of Tamil Nadu while addressing the Delegates, he thanked Bhishma Mr.R.Radhakrishnan for giving this opportunity. He also praised the Builders' fraternity and said the Theme Role of Constrution in Nation Building was rightly choosed as Builders are part in Nation and State Building and largest employer providing employment to unorganised sector. He also informed that the Government will consider Karikalan Award for Excellence in Construction and other demands placed by BAI. Hon'ble Chief Minister was honoured with a special Cardamom garland and sengole.

Hon'ble Chief Minister also honoured All the Ministers, Dr. R.N.Gupta, National President, Bhisma Mr. R.Radhakrishnan, Convention Chairman, Mr. Mu.Moahan, Chairman-Organising Committee, Mr. L.Shantha Kumar, Chairman, BAI-Southern Centre, Mr. Vinod Chacko, Communications Head, L & T, Mr. V.G. Shakthi Kumar, Managing Director, Schwing Stetter and Mr. Vinod Garg, Managing Director, Pulkit with Memento.

In the post lunch session, the Valedictory session of XXX All India Builders' Convention was held. Shri R.N.Gupta, President, BAI was the Chief Guest. All the Past Presidents, Vice Presidents, State Chairmen, HQrs. Office Bearers, Organising Committee and Sub Committee members were felicitated by Shri R.N.Gupta.

During all the three days of convention, Organising Committee had arranged tour for the accompanying delegates and cultural progammes and fellowship dinner were also arranged.

On 21/3/2022. 75th PWD Product Assessment Committee Meeting for approval of Construction products M-Sand and Electrical products was held at WRO Conference Hall, PWD Complex, Chepauk, Chennai. Mr. R.Sivakumar, State Chairman, Tamil Nadu has attended the meeting.

On 25/3/2022, The Southern Builders' Charitable Trust Constituted by the Builders' Association of India (BAI), Southern Centre inaugurated a FREE MEDICAL DISPENSARY . The Free Medical Dispensary for Construction workers was inaugurated by Thiru Ma.Subramanian, Hon'ble Minister for Health and Family Welfare, Government of Tamilnadu in the presence of Ms Priya Rajan, Worshipful Mayor of Chennai and Thiru Ponkumar, Chairman, Tamil Nadu Construction workers' Welfare Board and Sevaratna Bhisma Mr.R.Radhakrishnan, Past National President and Trustee.

TAMBARAM CENRE

Our Centre installation held in the month of April 2021 @ Hotel Sri Balaji Residency, chromepet Our Past All India President Bhishm Thiru R Radhakrishnan installed the team of office Bearers 2021-22 and state chairman Thiru Sivakumar and his team participated.

As requested by our BAI Tamil Nadu centre we donated Rs1,15,000/- on behalf our association towards COVID Relief work. The payment was handed over to BAI Southern Centre and sent to CM COVID Relief work.

In the month of July 27th 2021 our General body meeting was conducted through zoom app and 42 members participated in the meeting.

Our monthly meeting for the month of August was conducted on 5th & 6th @ RKN resorts Pondychery, and 46 members participated.

Our monthly meeting for the month of September was conducted on 28th @ NK Grand Park Hotel. M/s. Pandian Bricks sponsored the meeting and 56 members attended the meeting.

We celebrated the Builders day @ Esthel Resorts ,Thirukazhikundaram in the month of October 20th & 21st and our State Vhairman Thiru Sivakumar, State Secretary, Thiru Rama Prabhu, State Treasurer, Thiru Chandrasekar participated in the event and shared their valuable industry related messages. In the month of February we met the Tambaram Corporation commissioner and handed over the grievance letter for various issues faced by the builders. Commissioner response was overwhelming and he responded immediately and satisfied our partial grievances.

We organized our monthly meeting at Yelagiri, sterling Resorts on 28th February 2022 with members strength of 46 and it was a memorable and informative Meeting.

On behalf of our Centre 16 Members participated in the All India Builders Association Convention meet at Mahabalipuram Hotel Radisson Blue on march 11th till march 13th.Our Centre participated in the Registration committee represented by Mr.S. WilsonRaj in the Meet.

Our Office Bearers had an Industrial Visit at Perungudi, M/s.We start Technologies on 15th march 2022 and attended a seminar about the m-sand manufacturing from Building Debris.

Our General Body meeting for the month of March was conducted at Hotel Mayura Residency, East Tambaram on 25-03-3022 and our founder chairman Dr.Ruby R Manoharan participated as a Guest of honour and issued the new members Certificate.

THENI CENTRE

On 21st April 2021 Centre was organised installation of new office Bearers. Ceremony attended by the Chairman Shri Settu Natesan , Theni Centre, Shri M. Pandiaraj, Secretary, Theni Centre and other senior members of the Centre and State.

On 1st May 2021 we organized donation camp for labours and distributed PPE Kit and Security dress.

Due to pandemic, the activities of the Centre were affected. Centre were organized for Executive Committee Meeting virtually and four Executive Committee Meetings physically.

Centre collected Corona chief minister fund of Rs. 2,00,00,00/- and sent to State Head Office.

On 24th May 2021 organised Zoom meeting with PWD, CPWD & Railway. A large number of members participated in this meeting and discussed about problem of execution of works.

On 2nd June 2021 Theni Centre arranged corona injection @ Annapparaja Mandapam Theni and distribution medical kit worth of I 0,000/. Also provide lunch to 50 Staffs.

On 13th June 2021 Centre was arranged Covishield camp @ Vellalar chettiyar for needy people and labours.

On 17th July 2021 2nd State Level MC/GC meeting attended by Centre Chairman Shri Settu Natesan. Theni Centre, Shri

M. Pandiaraj, Secretary and MCGC members of Theni Centre.

One 8th September 2021 Conducted Core committee meet at Feathers. Radha hotel to discuss about the problems related to the Centre issues. Meeting attended by the all members from the Centre and other senior members.

On 24th September 2021 Palani centre installation and inauguration programme attended by the Shri Settu Natesan, Centre chairman and other senior members from the Theni Centre.

On 26th September 2021 Centre was conducted monthly meeting at Green Royal Resort.

On 31st October 2021 Organized Builders' Day and with this on the occasion of Diwali festival, centre was arranged get-together programme for BAI, Theni Centre members.

On 24th March 2021 we also participated in the State office Building fund.

TIRICHALPALLI CENTRE

General Body Meetings:- Our Centres 39th installation function was celebrated on 7th April 2021 at SPS Mahal, Karumandaparn, Tiruchirappalli. Immediate National President Shri Mu.Mohan installed the Office Bearers. Tarnilnadu BAE, State Chairman Ei. R. Slvakumar presented certificates for newly joined 100 members. Special Guest Shri. M. Ramalingam gave his humorous speech which attracted the houseful members.

The felicitations were given by Shri. A.K. Youssouf, Past National President, Shri. R. Devarasan, Tiruchirappalli Builders'Trust, Shri. M. Thirusangu, Vice President (South). And, the meeting ended with delicious dinner after vote of thanks given by new secretary Shri. K. Palanikumar.

2nd General body Meeting was held on 14th September 2021 at Hotel Breeze with grand gala sponsored by M/s. Fathima Timbers, M/s- New Golden Saw Mill and M/s. Power Teck Solutions having Shri. R. Mahatingam as Chief Guest"

3rd General body Meeting was celebrated as combined with Builders' Day & Award giving function on 24-10-2021, sponsored by M/s. Saravana Electrical Enterprises at Hotel Breeze. Started with Medical camp to our labours assisted by Kaveri Medical Gentre at KAP Viswanathan High School leaded by Project Chairman Shri.S.Senthilkumaran, feliciated by Shri. R. Deva rasa n, Chairman T'iruchira ppalli Builders' Trust. Shri. S. Neelakantan was the Chief Guest (HOD-Tamil, National College). more than 300 labours were given medical checkup with lunch & Gifts. Shri. Bhismar R. Radhakrishnan, Fast National President & Trustee of BAI as Chief Guest, Shri. P. Karupaiah, spoken on "listen a word" and the whole function was ended with dinner after felicitation of Shri. M. Thirusangu, Past National Vice President (south).

Before that, with a special attention, Best Builders' Award in the Name of "Karikalan', the Great Builder of Chola Empire was Eiven to 1) Ar. D.Annamalai 2) Shri. J. Jayaraman 3) Shri. A. MohammedAli Jinnah 4) Shri. K. Muruganatham 5) Shri. V. Parthasarathy 6) Shri. R.D. Ramesh 7) Shri. B. Rameshbabu 8) Shri. P" Ravichandran 9) Shri" S" ThiyaEarajan

4th General body Meeting was sponsored by the Diary Team 2022 on 18-12-2022 at Hotel Red Fox, Trichy 2422 EAI - Diary was released by Hon. Minister of Town Planning (TN) Shri. K.N. Nehru with a special address to the members, in the presence of Shri. R. Sivakumarthe BAI - State Chairman (TN) and Shri. Mu. Mohan, BAI-Past National President.

Shri.A.K. Yossouf, BAI, Past National President, Shri. R. Devarasan, BAI - Tiruchirapallli Builders Trustee, Shri. M. Thirusangu, BAI - Past NationalVice President (south),Shri. S. Saravanan, Shri. R. Chandrasekar, Shri. K.S. Sankar, Shankar Properties were the Guest of Honours: DiaryTeam: Chairman F. Felixraj, Co-Chairman Shankar Ganesh Meeting ended with vote of thanks and dinner.

We have sponsored the State Level Core Committee Meeting at SRM Hotel on 14th & 15th February 2022. Meeting was started with welcome address of the Centre Chairman Shri. G. Jothi Mahalingam followed by Musical Event, Vote of thanks and Dinner. Delegate's from all over Tamilnadu were sent off with gifts.

6th General body Meeting was celebrated as Past Chairmen Day at 1-KS Mahal on 24-03-2022. Shri. S.Ayyanathan, National Vice President, South-II, was the chief Guest Shri O.K. Selvaraj, Builders Trustee was the Guest of Honour. Honouring all Past Chairmen of our Centre (is our tradition) for their dedicated service was done. Meeting ended with vote of thanks and dinner.

EXECUTIVE COMMITTEE MEETINGS: We have conducted 7 EC meetings having an advisory committee of all Past Chairmen to plan the year for the betterment of the centre. Various committees were formed & subjects were discussed with resolutions recorded. Same of the subjects are : a) Formation various committee. b) Membership Development. c) Planning to attend State I National level meetings. d) Independence day celebration e) About conducting & executing Exhibition, Builders Day, Past Chairmen Day, Best Builders Award, release of BAI - Diary 2022 and Election proceeding etc.,

STATE I-EVEL MEETINGS :- We have attended all video conferences and Physical meetings with Committee Chairmen and participated in delegations.

Number of GC/ MC members as participated in all

National Level Meetings including Video Conferences and deliberated their views in the betterment of the Association.

BUILDROCK 2021:- Our Build Rock Exhibition is well known of its kind and an exclusive for building materials. "It is an opportunity for the manufacturers, dealers and to consumers to display / purchase the materials under one roof with awareness of materials, brands and prices. More than 1 0,000 people visited 85 stalls and benefitted. All the 3 days (December 24,25 & 26th) was celebrated as a festival and well covered with media. The venue was popular among the public and the project was successful with the project chairman Shri Jayanth Kumar Mehta. Local Minister Honourable K.N. Nehru inaugurated the exhibition.

With this, we conclude as report our the Annual Activities of our Centre. We wish to State that the Special programmes of Builders' Day boost the image of BAI. We have executed one press meet regarding the price hike of the building materials. The medical check-up for the labour was very much appreciated during the covid-1 9 period.

TIRUNELVELI CENTRE

On 12th April 2021 1st Executive Committee meeting of BAI, Tirunelveli was held on Srivamana Hall. During the meeting, discussions were held on regarding installation function of new Chairman and Executive Members to be held on 15.04.2021 with the support all our members.

On 12th April 2021 Installation of Office Bearers, Tirunelveli Centre-The swearing ceremony of Tirunelveli Centre Office Bearers 2021-22 headed by Rtn. PHF. C. Periasamy, was held excellently. The Chief Guest Sri M.U. Moahan, Imm. National President, the Guest of Honour Major Donar Rtn. DGND R.Muthaiya Pillai, District, Shri.R.Shivakumar, State Chairman, Tamil Nadu Puduchery, Andaman Nicobar Island inducted the new members. The swearing ceremony was held with all the members. The chairman and members of Kanyakumari and Tuticorin Centre honoured the function with presence.

On 17th April 2021 Covid -19 relief activity – Free organic herbal drink to public and mask were distributed by BAI, Tirunelveli Centre., Chairman Rtn. Phf. C. Periasamy Treasurer Er.P.Duraimuthu and Er.V.Muthuraj have participated in the above function.

On 27th April 2021attended the Kanyakumari centre installed ceremony on 27th April 2021 at Akshya Hotel, Ramapuram, Chettikulam, Nagercoil. On behalf of BAI Tirunelveli Centre, Chairman Rtn. PHF. C. Periasamy, Past Chairman Er. Jimmy Carten, Vice Chairman Er. K. Venkatesh have attended the function.

First State Level MC/GC Meeting was held on 07.07.2021 online on the VC App. Our centre Chairman Rtn. PHF. C.

Periasamy, G.C. Member Shri. V. Ayyamperumal, G.C. Member Shri M. Lazer Adaikalam have participated in the above meeting.

On 14th May conducted 2nd Executive Committee Meeting via (Zoom) online app meeting attended by the Centre Chairman and all Executive Members of the Centre. On 21st May 2021 organised Technical Seminar for members.

On 24th May 2021 State Level GST in construction Industry via Zoom Meeting Spoken English Online Course for our members. On 25th May 2021 conducted zoom meeting regarding GST in construction Industry via Zoom App.

On 31st May orgranised State Level Zoom Meeting, meeting attended by large number of the members of the Centre.

On 10th June 2021 Zoom meeting was arranged by BAI, Head Quarters, Mumbai on 10.06.2021 at 11.00 AM. Our Tirunelveli Centre Chairman Rtn. PHF C. Periasamy and Shri M. Laser Adaikalam have participated in the meeting.

BAI, Tirunelveli centre have arranged a Zoom meeting on 13.06.2021 via online regarding Revenue Records conducted by Shri S. Sornaraj, Deputy Collector, Nagercoil. The meeting was inaugurated by our National Vice President Shri. S. Ayyanathan, our centre Chairman Rtn. PHF C. Periasamy, our state chairman Shri.R.Shivakumar, State Secretary Shri.S.Ramaprabhu, G.C. Members Shri.V.Ayyamperumal, Shri.M.Lazer Adaikalam, DTCP Chairman Er.B. Palanivel, Past Chairman Dr.G.Sokkanathan, Er.M. Jimmy Carton, Er.Esakkiappan, Er.A.Lawerence Walter. Er.M.Olaganathan Sankar, Er.S.K.Syed Ahamed, Er.G. Venkatachalapathy, Er. S. Chidambara Kathikeyan our Secretary Er.A.Kasinathan, Tresurer Er.P.Rajanmuthu, Shri.A.Paramasivam and other centres members have participated in the programme.

The Zoom meeting via online was arranged by our Tirunelveli Centre on 17.06.2021 regarding the impact of property sale Agreement meeting hosed by Thiru.T.Gabriel Raj, B.A., B.L., Advocate of Ex. Govt. Pleader, Tirunelveli. This meeting was inaugurated by Shri.S.Ramaprabhu, State Secretary, BAI Tamil Nadu, Puducherry, Andaman & Nicobar Island. More than 45 members have participated in the above meeting.

A National level online Technical Conference on the subject "Green building and Sustainable Approvals to construction practices" has been conducted on 03.07.2021. On behalf of our Thiru.Subramanian, Chairman, Green Building committee has preceded over the function". Our National President Thiru.R.N. Gupta has participated in the conference as "Special Guest". Our centre Chairman Rtn. PHF. C. Periasamy, Secretary Er.A.Manmathan, Treasurer Er.P.Duraimuthu, State Green Building Committee Co- Chairman Dr.G.Sokkanathan, G.R. Members Thiru.V.Ayyamperumal, Thiru.M.Laser Adaikalam and others have participated in the Technical Conference.

Our State level GC/MC Meeting was held on 17.07.2021 at 10.00 AM by the way of "Zoom Meeting . Our State Level Chairman R.Sivakumar has preceded over the function. Centre, Chairman Rtn. PHF. C. Periasamy, GC Members Thiru.V.Ayyamperumal and Thiru.Laser Adaikalam and DTCP Committee Chairman Er.B.Palanivel have participated in the meeting.

Webinar regarding GST has been conducted on 22.07.2021 by our South Zone-2Co-Chairman Thiru.S.Ayyanathan, Thiru.G.Ravindranathan, IRS has participated as Special Guest and has cleared all the doubts about GRS and briefed lecture regarding GST. In this webinar our National past Chairman Thiru. Beesma, R.Rathakrishnan has delivered the inaugural speech. Our National President R.N. Guptha has delivered his special speech. Centre Chairman and All the members of South Zone have participated in the webinar

Conference in IGPC Green Homes Rating System -A conference on IGPC Green Homes Rating Systems has been conducted on behalf of our South Zone on 29.07.2021. The Assistant Manage Thiru.P.L. Muthukarppan, Joint Manager Thiru.K.Varadharajan, of GODREJ company have conducted the conference. Thiru.S. Ayyanathan, National Vice President South Zone-2 has participated as Special Guest. Introduction Speech has been delivered by Thiru.Beesman R. Radhakrishnan and Thiru.R.Sivakumar, State Chairman (Tamil Nadu, Puducherry and Andaman Nicobar) has delivered the vote of thanks. Our centre Chairman Rtn. PHF. C. Periasamy has participated in the conference.

On 11th August 2021 Third EC Meeting was conducted on 14.05.2021 at Sri Vamana Hall under the Chairmanship of Rtn. PHF. C. Periasamy and the presence of Treasurer Er. P. Durai Muthu, During this EC Meeting the following Resolutions were passed. Our past Chairman Er.T.Raja has been appointed as Skill Development Committee Co-chairman through our State Centre. Announcements were made to appoint Er.M. Jimmy Carton as Diary Committee chairman and Dr.G.Sokkanathan and Er.K.Venkadesan Diary Committee Co-Chairman for upcoming year. Our immediate past chairman Er.G.Gobi has been congratulated for having participated in the 2021-2022 National Centre meetings.

Independence day celebrated in our centre on 15.08.2021. In this celebration, Our centre Chairman Rtn. PHF. C. Periasamy, had hoisted the national flag. Our centre builder s trustees Thiru. V. Ayyamperumal, Thiru.V.S.T. Amanullah, our past Chairman Enr. K. Esakkiappan, T.Rajesh, B.Palanivel, .M. Jimmy Carton, A. Lawrance Walter, M.K. Basheer Ahamed and co-chairman A. Venkatesan centre members Er.S.Selvakumar, A. Abdul Rahman, M. Muthukumar, C.Muthukumar S. Saravanan, S.Venkatesh and Our centre Secretary Er.A. Manmathan, Treasurer Er.P. Duraimuthu have participated in the function.

Our centre along with Tirunelveli District Civil Engineer Association have conducted a Technical Seminar on DTCP on 17th August 202. Er. Mathivanan, Joint Director, DTCP Office, Tirunelveli has participated and delivered the speech above DTCP. Our centre Chairman Rtn. PHF. C. Periasamy and TiruCEA Chairman, Er.S.Selvakumar has preceded over the seminar. Members of 2 Associations have participated the seminar and got benefitted. Vote of thanks was delivered by Our centre Secretary Er.A.Manmathan,

Tirunelvel centre along with Indian Bank have conducted a Technical Seminar Bank Housing Loan on 17.08.2021. In this seminar, Zonal Manager, Indian Bank, Tirunelveli has articipated and delivered his speech about Housing Loans. Our Centre Chairman Rtn. PHF.C. Periasamyhas proceeded over the function. In this seminar, Branch Manager of Indian Bank Staff of Indian Bank and our centre members have participated.Vote of thanks was delivered by our centre Secretary, Er.A.Manamthan.

Attended BAI National MC/GC meeting was conducted on 26.08.2021 through video conference. National President Thiru.R.N.Guptha had preceded over this meeting. Our centre Chairman Rtn. PHF. C. Periasamy, G.C. Members Thiru.V.Ayyamperumal, Thiru.Laser Adaikalam and Special invittee Thiru.Murugan have participated in the meeting.

02.09.2021 Fourth EC Meeting - Fourth EC Meeting was conducted on 02.09.2021 at Sri Vamana Hall under the Chairmanship of Rtn. PHF. C. Periasamy and in the presence of Treasurer Er.P. Duraimuthu. Discussion were held on the following subjects.

- Expo
- Membership development
- Diary Committee
- State Office Building Fund

Third Technical Seminar was conducted on 14.09.2021in Sri Vamana Hall in collaboration with Nature Lite paint company Er. Mohamed Raize, Arasan Group of Companies has participated in the Seminar as Special Guest and delivered his speech about the products of Nature Lite Paint company. Our centre Chairman Rtn. PHF. C. Periasamy have preceded over the function. zEr.V.S. Kesavan and Er.S.K. Syed Ahamed have participated in the function as Special Guests. Our centre Secretary Er.A. Manmathan has delivered vote of thanks and the seminar is ended with.

BAI State level MC/GC meeting was conducted on 09.10.2021 at Chennai. Feathers Hotel under the Chairmanship of Thiru.R.Sasikumar State Chairman. On behalf of our Centre Chairman Rtn. PHF. C. Periasamy

and Treasurer Er.P. Durai Muthu GC Member Thiru. M. Lazer Adaikalam, DTCP Committee Chairman Er. Palanivel, member Thiru. Balasubramanian and Ex-Chairman Er.K.Venkatesan have participated in the meeting. Rs. 15,000/- towards "Central Fund" was handed over to State Chairman on behalf of our centre.

On 14.10.2021 Our Centre Chairman Rtn. PHF. C. Periasamy and Secretary Er.A. Manmathan, Treasurer Er.P.Durai Muthu, G.C. Member Thiru.M. Lazer Adaikalam, Past Chairman Er. M. Jimmy Carter, Dr. G. Chokkanathan, Joint Secretary Er. S. Selvakumar and MemberEr. Mahindran have participated in the opening ceremony and congratulated Er.G.Gunaseelan.

Our centre along wth Sri Bamban Swami Trust have donated free cloths to the poor people on 18.10.2021. our Centre Chairman Rtn. PHF. C. Periasamy and Secretary Er.A. Manmathan and past Chairman Er. K. Esakkiappan, Er.M.Jimmy Carton, Er.M. Muthukumar and member Er. P.Kanathari and the executives of Sri. Bamban Swami Trust have participated in the function.

Fifteenth year "Miladi Nabi Religious relationship Yatra was performed at Melapalayam, Tirunelveli on 19.10.2021 at 4.30 pm from VST Jimma Masudi. In this Yatra, our Centre Trustees Er. S.I. Peter & Er.K.Esakkiappan and our Centre Chairman Rtn. PHF. C. Periasamy and Secretary Er.A. Manmathan, Treasurer Er.P.Duraimuthu and members have participated in the Yatra.

Builders Celebration -Builders celebration was performed at Udumalaipet on behalf of Udumalaipet and Palani centre on 19.10.2021 DTCP Chairman Er.B. Palanivel had participated in the function as "Special Guest and our Centre Chairman Rtn. PHF. C. Periasamy, Ex. G.C Member Thiru.M.Murugan have participated in the function.

21.10.2021 Arrival of State Diaring Committee Chairman. -State Daring Committee Chairman Er. Parameswaran has arrived Tirunelveli on 21.10.2021 and he was received and honoured on behalf of our centre.

Installation function of Tenkasi Centre was performed on 23.10.2021 and on behalf of our Centre Chairman Rtn. PHF.C. Periasamy and Secretary Er.A. Manmathan, Treasurer Er.P.Duraimuthu and past chairman and members have participated in the function.

CREDAI, Tirunelveli centre installation ceremony was performed on 29.10.2021 and on behalf of our Centre Chairman Rtn. PHF. C. Periasamy and Secretary Er.A. Manmathan, Treasurer Er. P. Durai Muthu and past Chairman and members have participated in the function.

On behalf of our centre, Builders Day was celebrated on 02.11.2021 at Balaji Towers Sri Vari Hall. Our centre Chairman Rtn. PHF. C. Periasamy has preceded over the function in the presence of our Treasurer Dr. P.

Duraimuthu. Our BAI State Chairman Thiru.Sivakumar has participated at Chief Guest and Er. Sivakumar Diplomatic Chairman, CREDAI, has participated as Special Guest and Dr. Raja, Treasurer, JCI has delivered his special speech. Aurora read-mix concrete company was thanked for their contributions for this celebrations. Vote of thanks was delivered by our Tresurer Er.A.Manmathan and the function was ended with.

Our member Er. Mohamed Riyaz has opened his "Kings Chik" restaurant on 06.11.2011. On behalf our Centre Chairman Rtn. PHF. C. Periasamy and Secretary Er.A. Manmathan, Treasurer Er.P.Duraimuthu, GC Member Thiru.M.Laser Adaikalam, past chairman and other members have participated and greeted Er. Mohamed Riyaz.

Our centre in collaboration with Aravind Eye Hospitals, Sri Sathya Sai Trust, Sri Bhanu Construction, Sona Readymades, Main Catering Service have conducted "Free Eye Camp on 21.11.2021 at Tirunelveli Town Govt. School Campus.Our Centre Chairman Rtn. PHF. C. Periasamy and Secretary Er.A. Manmathan, Treasurer Er. P. Duraimuthu along with members have participated in the function. So many public were participated and benefitted.

A function to distribute dairies for the year 2022 was conducted by our state centre on 21.12.2021 at Chennai. All centre chairman all committee chairman have participated in the function. Committee meeting was also conducted. Our centre Co-Chairman Er.K.Venkatesan, DTCP committee Chairman Er.B.Palanivel have participated in this function.

Our centre member Er. Innocent has opened his "Golden Granites showroom on 02.01.2022 and on behalf of our centre our Chairman Rtn. PHF. C. Periasamy, Secretary A. Manmathan, Treasurer Er.P. Duraimuthu, G.C. Member Thiru.M.Lazer Adaikalam, past Chairman and our centre members have participated and greeted Er. Innocent.

A Seminar on "RERA was arranged by CREDAI, Tirunelveli on 08.01.2022. On behalf of our centre, Centre Chairman Rtn. PHF. C. Periasamy and Secretary Er.A. Manmathan Treasurer Er. P. Duraimuthu and our centre members have participated in the seminar. The Chairman Er.Kumar, CRDAI, Tirunelveli was greeted on that occasion.

Fifth EC Meeting -Fifth EC Meeting of our centre was held on 11.01.2022 at 4.30 PM in Vamana Hall under the Chairmanship of our Chairman Rtn. PHF. C. Periasamy and in the presence of our Treasurer Dr. P.Duraimuthu: Resolutions: 1)2022-23- Election of New Office Bearers 2) Diary Committee Chairman Er.M.Jimmy Carton Dr.G.Sokkanathan and Er. K. Venkatesan were thanked for their works. The EC Meeting was ended with vote of thanks delivered by our Secretary Er. A. Manmathan. On behalf of our centre New year and Pongal function and explanation about RERA were performed on 11.01.2022 at Balaji Towers, Vamana Hall. The function was preceded by our centre Chairman Rtn. PHF. C. Periasamy and Er.Ramprabhu State Secretary has participated as Special Guest and delivered his speech. The doubts about RERA were cleared during this celebration. Vote of Thanks was delivered by our Secretary Er.A.Manmathan.

Our centre sixth EC meeting was conducted on 17.01.2022 at Sri Vamana Hall at 6.30 PM in the presence of our centre chairman Rtn. PHF. C. Periasamy and our Treasurer Er.P.Duraimuthu. Subject regarding the election of new Office Bearers for the year 2022-23 was discussed and it was decided to appoint Er.G.Gobi @ Govindan as Election Officer. The EC Meeting was ended with vote of thanks delivered by Er.A. Manmathan

Republic Day function was celebrated on 26.01.2022 in our centre building premises.

National Flag was hoisted by the Trustees Er. K. Essakkiappan and Thiru.A.S.J. Peter in the presence of our centre Chairman Rtn. PHF. C. Periasamy, Secretary Er.A. Manmathan and Treasurer Er.P. Duraimuthu, Past Chairman Thiru.V. Ayyamperumal, Er. M.Jimmy Carton, Er.A. Lawrance Walter, Centre Co- Chairman Er.K. Venkatesh and the members Er. Gurunathan, Er. Antony have participated in the function.

Our centre seventh EC and MC Meeting was conducted on 01.02.2022.

Inauguration function of first floor on Civil Engineer Association was performed on 11.02.2022 and on behalf of our centre, our centre Chairman Rtn. PHF. C. Periasamy, Secretary Er.A.Manmathan, Treasurer Er.A. Duraimuthu, Post chairman Er.M.K. Baseer Ahamed, Er. K. Essakiappan, Er.M. Jimmy Carton have participated in the function. 11, 12 & 13.02.2022 30th All India Builders conference.

30th All India Builders conference was conducted on 11, 12 & 13.02.2022 at Mahaballipuram and on behalf of our centre, our centre Chairman Rtn. PHF. C. Periasamy, Secretary Er.A.Manmathan, Treasurer Er.A. Duraimuthu, GC Member Er.G. Gobi, EC Member Er. Abdul Rahman, Er.G.Muralidharan have participated in the expenses. Best builders day celebration Award was issued to our centre in the conference by our National President Thiru.A.K.Guptha

Eighth EC Meeting -Our centre 8th EC Meeting was conducted on 16.02.2022 at 6.30 PM in Sri Varman Hall. The following Resolution were passed.

1) Appointment of i/c. Chairman due to the health condition of Present Chairman. 2) Our centre past chairman Er. Palanivel was greeted on the eve of selection

of State Chairman for the year 2023-24.The EC Meeting was ended with vote of thanks delivered by Secretary Er.A.Manmathan 20.02.2022 Builders day and Build Expo at Thoothukudi.

Builders day and Build Expo 2021-2022 was conducted by Thoothukudi centre by its Chairman Er.Ashin Fernando, State Chairman Thiru.Sivakumar, State Secretary Er. Ramaprabhu and the Stte Treasurer Thiru. Chandrasekar were participated. On behalf of our centre our centre Vice Chairman Er.K. Venkatesan, Past Chairman Er.M.Jimmy Carton Er.K. Essakkiappn, EC Member Er. Abdul Rahman have participated.

Fourth State Level GC/MC meeting was conducted on 25.02.2022 at 9.30 AM at Yercaud, (Salem centre). On behalf of centre i/c. Chairman Er.K.Venkatesan, GC/MC members Thiru.V.Ayyamperumal, Thiru.M. Lazer Adaikalam and Thiru.Arunagiri Paramasivan have participated in the meeting. 27.02.2022

Our centre Ninth EC meeting was conducted on 17.03.2022. Sri Vamana Hall in the presence of our Chairman, Rtn. PHF. C. Periasamy, and our Treasurer Er. P.Duraimuthu. Our Centre for having issued the National Award for our centre for the best Builders' Day celebration. To conduct Technical Seminar and Thanks giving meeting for the best Builders Day Celebration. Pending patron certificates were issued to our members Thiru.Paramasivan and Kalyan Lakshman. Dinner was given by Er. Gopi, immediate past Chairman of our centre. The meeting was ended with vote of thanks delivered by our Secretary Er. A. Manmathan.

Fourth Technical Seminar was conducted by our centre along with Ramco Smart build on 29.03.2022 at 6.00 pm in Hotel R.R in the presence of our centre Chairman Rtn. PHF. C. Periasamy Secretary Er.A.Manmathan and Treasurer Er.P.Duraimuthu, Thiru. Govinda Krishnasamy, Business Dev. Manager, Ramco Group, Thiru.Kumar Kirubaharan, Senir Manager Quality and Thiru. Nelsonraj, Manager Qualityhave participated as Special Guest. The seminar was ended with vote of thanks delivered by Dr.G.Sokkanathan

The meeting of Office Bearers was conducted on 29.03.2022 at 8.00 pm in Hotel RR Inn, wherein Secretary Er.A.Manmathan, Treasurer Er.P.Duraimuthu and all other members were present.The Centre discussed and decited to issue a susupension letter to Shri Ayyamperumal as per the decision taken in the Managing Committee Meeting held on 11th March 2022 at Chennai. Immediately, the centre sent the suspension letter to him.

The Chairman thanked all the members for their cooperation throughout the year.

TIRUPUR CENTRE

On 24.05.2021, we distributed 3000 Face Mask to Tirupur

District Home Guards (Frontline Warriors of COVID19).

On 10.07.2021 – Homage Paid to AKR on Memorial Ceremony organized in our Tirupur BAI Centre.

On 09.10.2021 – On-behalf of BAI Tirupur Centre, donated Rs.1,00,000/- Cheque for State Head Quarters Building Fund On State Level MC/EC Meeting in Chennai.

On 16.11.2021, Organized Mupperum Vizha – Builders Day Celebration 2021, Best Builder Awards Distribution Ceremony and New Members Introduction Ceremony in Tirupur Builders Centre. Welcome add by Centre Chairman Er. M. Nagarajan. Shri. R. Sivakumar, State Chairman, Tn, Pudhucherry & Andaman Nicobar Islands was the Chief Guest. Shri. Ayyanathan, Vice President, South Zone II, BAI, Shri. S. Ramprabhu, State Secretary, Shri. T.V. Chandrasekar, State Treasurer where the Guests of Honor. On that day Best Builders Awards was given to Er. A. Senthilkumar, Mr. B. Srinivasan, Mr. A. Balasubramaniam. Vote of thanks by Er. K. Hari, Secretary, BAI, Tirupur Centre.

On 14 & 15 February 2022 – Participated State Level Core Committee Meeting at Trichy. On 25.02.2022 - Participated 4th State Level Meeting in Yercaud. On 11.03.2022 -Participated XXX All India Builders Convention at Chennai.

Annual General Body Meeting 2022 held was on 27.03.2022 in Tirupur Builders Centre. Welcome addressed by Chairman Er. M. Nagarajan. Secretary's Report by Secretary Er. K. Hari, Financial Report submitted by Treasurer Er. KAS. Rameshkumaar. Some Doubts and Questions was raised by members, and answered by Treasurer. After that the accounts was passed by all the Office Bearers and Members. New Members Certificate was distributed. Introduced New Office bearers for the year 2022- 2024. Elected Er. N. Sundarraj as a Chairman, Mr. P. Subramanian as Vice Chairman, Er. K.A.S. Rameshkumaar as a Secretary, Er. R. Krishnakumar as Joint Secretary, Mr. N. Sampathkumar as Treasurer. Announced Elected Er. N. Sundarraj for his Installation Date and other Activities. IPC Remarks by Er. S. Jayabalan. On that day we discussed for Price Hike of Steel, Cement and Soil. Vote of thanks by Joint Secretary Mr. N. Sampathkumar. Annual General Body Meeting ended with delicious Dinner and Fellowship.

Attended all BAI HQ all MCGC meetings via online and physical. And the audited accounts of the Centre was sent in to BAI, HQ in time.

VADODARA CENTRE

A webinar based on topic 'Civionics, its importance in remedial engineering - some case studies' was conducted on 24th of July 2021. Speaker for this subject was Kaizad Engineer. The chief guest was Shri Neerav Parmar (Vice President- West) Shri Pradeep Nagawekar (Gen. Secretary), state chairman Shri Arvind Patel and immediate past State Chairman Shri Kirtibhai Thacker, Shri N.M. Patel, Shri Jagdish Parekh, Shri Nitin Shah, Shri Pankaj Saraiya and many dignitaries attended the program. The program was moderated by Shri Sanjiv Shah.

On 11th September 2021 a webinar based on topic 'Design of utility membrane structures in public spaces combined with use of renewable energy sources' - Speaker for this subject was Vishal Desai. Along with this another webinar based on topic 'How to live 100 years and beyond happily and stress free'. The speaker for this subject was Dr. Ashok Vaishnavi. The keynote speaker was Shri Neerav Parmar (Vice President - West). The guest of honour present were Shri Pradeep Nagawekar (Gen. Secretary), state chairman Shri Arvind Patel and Immediate past State Chairman Shri Kirtibhai Thacker, Shri N.M. Patel, Shri Jagdish Parekh, Shri Nitin Shah, Shri Pankaj Saraiya and many dignitaries attended the programme. The program was moderated by Shri Sanjiv Shah, Chairman, secretary and other four members attended the GCMC meeting at Jaipur, Rajasthan starting on 1st December, 2021.

A dinner and get together was organized for all the BAI Vadodara and Por-ramangamdi center at Shri Vimal Patel's farmhouse in December 2021.

An online zoom meeting was conducted to elect the BAI Vadodara and Por-ramangamdi Chairman on 23rd January 2022 at 11 am. It was conducted for selecting and electing office members for the year 2022-2023.

Dinner and interaction with BAI Vadodara and Porramangamdi Chairman, secretary and executive committee members organized by Shri Sandip Nanavati at his hotel in Vadodara in October 2021 and February 2022. A dinner get-together with family for Vadodara and Por-ramangamdi members was arranged at Shri Rajesh Shah's residence on 27th September 2021.

A dinner get-together with family for Vadodara and Porramangamdi members was arranged at Shri Sandip Nanavati's residence on 11th of January 2022.

High-tea with Chairman, secretary, and executive committee members of Vadodara and Por-Ramangamdi centre was organized in July 2021, November 2021 and March 2022 for discussion related to problems of the construction industry.

VIJAYWADA CENTRE

The year have seen partial lock down in the beginning but later on things started looking better. Contractors have not been able to come out from problems that started due to Covid-19 Pandemic in executing the projects. Still they are facing non-payments of the works executed and extra burden due to following the Pandemic protocol at the work site in their day to day work. To get rid of all these thing, we have sent many request to the various government departments from March 2021 to April 2022. The details of the representation are given below :

On 4th May 2021 regarding representation submitted regarding Participation of tenders -COVID Situation to The Engineer-in-Chief (Admin, & NDB,R&B ,HOD, The Chief Engineer, NH & CRF), The Chief Engineer, (R&B) & MD, The Engineer-in-chief, (R&B) ,State roads and MDR, The Chief Engineer (R&B) RR,Buildings & RSW, HOD buildings, MG Road Vijayawada.

On 24th May 2021 submitted regarding Request for consideration of prevailing market rates in preparation of Schedule of rates (SOR) for the year 2021-22 to The Chairman, Board of Chief Engineers, Vijayawada.

On 27th May 2021 representation submitted regarding BAI Finalization of Building SOR 2021-22 and for enhancement of Supply rates and labour charges as per market conditions - to The Chief Engineer (R&B), Building, ROB & RR plan, The Engineer in Chief (R&B), MDR Roads, The Engineer in Chief (PR), Admn, AIIB and PMGSY, The Engineer in Chief, Irrigation Department, Vijayawada.

On 14th June 2021 letter submitted regarding Direct payment of 70% share of New Development share(NDB) to contractor's account as per NDB's disbursement handbook Requested to The Principal Secretary, and to the The Engineer-in-Chief (R&B), Admin,& NDB regarding certain discrepancies in the MoRTH data being adopted in R&B department for certain items of works request for consideration.

On 23rd June 2022 regarding Dispensing of DDO distribution of CRF Head(5054-04-337-12-05-530-531-V) in R&B Department-Regarding letter submitted to The Principal Finance Secretary, Finance Department, Govt of Andhra Pradesh.

On 24th June 2021 letter submitte regarding Request to adopt Concrete mixer for all grades of concrete as per MoRTH Data in NDB phase II project to The Engineer-in-Chief (R&B),Admin,& NDB.

On 2nd July 2021 letter submitted regarding approve Hire charges for machinery and transportation data (freight charges) as per market rates to The Engineer-in-Chief (Admin, & NDB)R&B,) The Chief Engineer, NH & CRF), The Chief Engineer, (R&B) & MD, The Engineer-in-chief, (R&B) ,State roads and MDR, The Chief Engineer (R&B) RR, Buildings & RSW & Request for adopting new sand rates along with approved quarries of mines department as per New Sand Policy.

On 6th July 2021 letter submitted regarding request for opening of a designated bank account in the name of Project Director, NDB for credit of 70% share of New Development share(NDB) and state share(30%) -Payment to agencies to Shri Y.S.Jagan Mohan Reddy garu,Hon'ble Chief Minister,Govt of Andhra Pradesh.

On 30th July 2021 letters submitted regarindg request to release 1.5% ESHS performance security as per G.O.Rt No. 266 dt 15-02-2021 to The Engineer-in-chief/Project Director,Admin, AIIB and PMGSY, Panchayat Raj, Request to sanction EOAT due to compensation events at the Project manager level to The Engineer-in-chief/Project Director,Admin, AIIB and PMGSY,Panchayat Raj and Request to consider sanction of Price adjustment for all components for agreements with 18 months period to The The Engineer-in-chief/Project Director,Admin, AIIB and PMGSY,Panchayat Raj.

On 9th August 2021 letter submitted regarding Request for payments under NIDA loan directly to contractors bank account to The Principal Secretary, TR&B,A.P. Secretariat.

On 3rd September 2021 letter submitted regarding Request to allow new sand rates w.e.f. 14-05-2021 for ongong works under APRRP project to The Engineer-inchief/Project Director,Admn , AIIB and PMGSY.

On 29th October 2021 letter submitted regardeing Request to issue an U.O.Note regarding allowing extension of time to works in all engineering department for delayed payment without any

liquidated damages to The Principal Finance Secretary, Finance Department,Govt of Andhra Pradesh, Amaravathi.

On 16th December 2021 letter submitted regarding Request to approve Revised charges for metal as per latest G.O.Issued by the Govt of A.P to The Chairman, Board of Chief Engineers.

On 20th December 2021 letter submitted regarding Request to approve front loading/advance for EAP projects financed by AIIB,NDB,ADB etc., along with releasing of loan to project director

account without going through consolidated fund of GoAP to Additional Secretar MBC), Departmentof Economic Affairs (DEA), Ministry of finance, Government of India, New Delhi. On 20.12.2021. Lr. No. BAI/AP/2020-21/23.

On 5th January 2022 letter submitted regarding Request to allow delay in payments under compensation events for sanctioning Extension of time (EOT) without any liquidated damages in

APRRP Project (financed by AIIB) to The Principal Secretary, Panchayat Raj and Rural Development 2) request to extends benefits under G.O.Ms no 266 dt 17-02-2020 for further period upto 31-03-2023 -Regarding letter submitted to The Principal Secretary, TR&B, Revise GST rate @18% (SGST -9% & CGST -9%) in respect of works executed for Government Authority /Government Entity-Regarding. letter submitted to The Principal Finance Secretary 3) Request to adopt Letter No. CCT's Ref. No. GST/23/2019 Dt -03-2019 for arriving GST supply value-Regarding. Letter submitted to The Managing Director, APIIC Ltd, Mangalagiri and The Chief General Manager (F) (I/c), APIIC Ltd., Mangalari.

On 4th March 2022 Nomination of Sri.D.Pankaj Reddy, State Chairman on behalf of Builders Association of India –Sri. D.Pankaj Reddy State Chairman for the Builders Association of India , Andhra Pradesh shall be our representative for Grievance Redressal Committee – Regarding letter submitted to Sri J.V.M.sarma, Joint Commissioner of State Tax,O/o Chief Commissioner of State Tax, Andhra Pradesh, Edupugallu, Vijayawada.

On 8th March 2022 letter submitted regarding Request for Rate revision for Road safety Items – Regarding to The Engineer in chief (R&B), Admin, The Engineer-in-chief (R&B) NDB Projects, The Chief Engineer (R&B), NABARD & LWE, The Chief Engineer, (R&B) NH & CRF, The Chief Engineer (R&B) Quality Control, State HOD Building, M.G.Road, Vijayawada.

We conducted many Executive Committee and General Body Meeting during the year 2021-22. And attended all National level MCGC meeting called by HQ.



Builders' Association of India

(All India Association of Engineering Construction Contractors and Builders)

FUNCTIONING CENTRES

WESTERN REGION	Sangamner
GOA STATE	Sangli
Goa	Satara Shahda
GUJARAT STATE	Solapur
Baroda	Ulhasnagar
Bharuch	Wai
Gandhinagar	NORTHERN RE
Gujarat (Ahmedabad)	RAJASTHAN ST
Karnavati	Greater Jaipur
Por-Ramangamdi Rajkot	Jaisalmer
Surat	Jodhpur
MADHYA PRADESH STATE	Pink City Jaipur
	Rajasthan (Jaipur
Bhopal Indore	UTTAR PRADES
Jabalpur	Agra
CHATTISGARH STATE	Agra Cantt
Bilaspur	Allahabad
Durg-Bhillai	Aligarh Baghpat
Jagdalpur	Gautam Buddha I
Kanker	Ghaziabad
Raipur	Greater Noida
MAHARASHTRA STATE	Hapur
Ahmednagar	Loni
Amravati	Lucknow Meerut
Aurangabad	Meerut Cantonme
Baramati	Modinagar
Butibori	Moradabad North
Dhule Ichalkaranji	Muzaffarnagar
Jalgaon	Kanpur
Kolhapur	Kanpur-South
Latur	Sahibabad Western U.P. Elec
Malegaon	
Mumbai	DELHI STATE
Nagpur Nasik	Delhi Delhi
Nanded	Delhi East Shaha Delhi North
Nandurbar	Delhi South
Pandharpur	Delhi West
Parbhani	HARYANA STATE
Phaltan	Faridabad
Pune	Gurgaon
Raigad	Surgaon

EGION ATE r) H STATE Nagar ent nern Railway ctrical Idara Έ **TELANGANA STATE** Adilabad

Karnal Kundli Panipat* Chandigarh **PUNJAB STATE** Mohali UTTARAKHAND STATE Dehradun EASTERN REGION ASSAM STATE Guwahati Silchar North Eastern (Tezpur) **BIHAR STATE** Danapur Patna JHARKHAND STATE Dhanbad Hazaribagh Jharkhand (Ranchi) Jamshedpur **ODISHA STATE** Bhubaneswar WEST BENGAL STATE Eastern (Calcutta) Durgapur Haldia **SOUTHERN REGION - I** ANDHRA PRADESH STATE Amaravathi Guntur Nellore Ongole* Rajahmundry Ravulapalem Tanuku Viiavwada Visakhapatnam Vizag Steel City

Greater Hyderabad Hyderabad Kamareddy Karimnagar Khammam Mahboobnagar Medak Medachal^{*} Nalgonda Nizambad Ranga Reddy Vikarabad Warangal Yadadri

KARNATAKA STATE

Karnataka (Bangalore) Chitradurga Chikamagalur Hassan Mandya Mangalore Mysore Raichur Shimoga

SOUTHERN REGION - II KERALA STATE

Alleppey Aluva Angamaly Calicut Cochin Changanacherry Ettumanoor Idukki Kodungallur Kerala (Trivandrum) Kottayam Kollam Muvattupuzha North Malabar Thripunithura Thrissur Thiruvalla TAMIL NADU STATE Avadi

Chettinadu Chengai Coimbatore Dharapuram Dindigul Erode Kalapakkam Kallakurichi Kanchipuram Kanyakumari Kodaikanal Kumbakonam Southern (Chennai) Madurai Madhuranthakam Mayiladuthurai Nagapattnam Namakkal Nilgiri Neyveli Palani Perambalur Ponneri Poonamallee Pudukkottai Ramanathapuram Salem Thanjavur Thenni Thiruthuraipoondi Thiruvanamalai* Thiruvarur Tiruchiranalli Tirunelveli Tirupur Tiruvallur Tuticorin Tambaram Tenkasi Thiruporur Udumalpet Vellore Villupuram UNION TERRITORIES Andaman & Nicobar

Karaikal Pondicherry

AFFILIATED ASSOCIATIONS

- Amravati District Contractors' Association, Amravati Kanchipuram Civil Engineers Association • • Association of Builders for Chennai Development KIIFB Contractors' Association • Building Contractor Association Ichalkaranji Latur District Builders' Association, Latur Chennai Flat Promoters' Association - North • Mumbai Housing & Area Development Contractors' Association, Mumbai Chennai Road Builders' Association • Nagpur Contactors Association • Chennai Suburban Builders Association Pavers And Blocks Manufacturers Association Coimbatore Builders and Contractors Association • Pavers Finished Road Builders' Association. Chennai Confederation of Real Estate Developers Association of India (CREDAI), Karnataka . Postal And Bsnl Contractors Societies Contractors and Builders Association of Vidarbha • Singara Chennai Builders Association • CPWD Civil Contractor Association Southern Region Petrolum Corporation Contractors Welfare Association • Earthmoving Contractors & Machinery Owners Association State of Andhra Pradesh Building Contractors Association (SABCA) • Flat Promoters Association (Ambattur & Avadi) The Association of Engineering Constractors CMWSS Board Flat Promoters Association- Chennai South • Tamilnadu Fly Ash Bricks & Blocks Manufacturers Association, Gujarat Contractors' Association, Ahmedabad • Tamil Nadu Solid, Hollow & Paver Blocks Manufactures Association Jharkhand Local Thekedar Sangh, Ranchi . The Southern Railway Engineering Contractors Association Karnataka State Contractors' Association, Bangalore • Kerala CPWD Contractors Association
 - Telangana Electrical Contractors Association •

BUILDERS' ASSOCIATION OF INDIA

Builders' Association Of India

All India Association of Engineering Construction Contractors and Builders) G-1/G-20, 7th Floor, Commerce Centre, J. Dadajee Road, Tardeo, Mumbai - 400034 Tel.: (91-22) 23520507, 23521328 Website: www.baionline.in • E-mail: baihq.mumbai@gmail.com

PROXY

Name of the Member

I/We, the undersigned
of
being a Member of Builders' Association of India hereby appoint
of
or failing him/her
of
or failing him/her
of

as my/our proxy to vote for me/us and on my/our behalf at the 81st Annual General Meeting of the Association being held on Saturday, 24th September 2022, at 6.00 pm at Uday Samudra Hotel (UDS), Kovalam in Thiruvananthapuram District, (Kerala).

Signed this



(Signature of Member with Rubber Stamp)

Note: Proxies, in order to be effective, must be received by the Association not less than 48 hours before the time of the Meeting.