



## **ABSTRACT**

Water Resources Department – Payment of fees Rs.7,50,000/- to the Arbitrator in O.P.No.108 of 2017 and A.F.No.8 of 2018 relating to the dispute arising out of the work for Construction of Barrage across river Cauvery at 250m downstream of existing Kattalai Bed Regulator in Mayanur Village of Krishnapuram Taluk in Karur District – Administrative Sanction - Orders Issued

### **Water Resources (S2)Department**

**G.O (2D) No.44**

**Dated.23.08.2023**

சோபகிருது, ஆவணி 6,  
திருவள்ளூர் ஆண்டு 2054

Read :

From the Engineer-in-Chief and Chief Engineer  
(General), Water Resources Department, Letter  
No. HDO/ Sr.DO.1 / F.23783/2023, dated  
24.03.2023.

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### **ORDER:**

In the letter read above, Engineer-in-Chief and Chief Engineer (General), Water Resources Department has sent a proposal for making payment of Arbitrator fees for the Arbitration Case filed by M/s. Avexa Corporation Limited., (formerly known as Sivaswathi Constructions Private Limited, Hyderabad) since the Sole Arbitrator Justice S.Rajeswaran has sent intimation to remit the payment mentioning no payment was made from the beginning by the respondent vide E.mail dated 24.09.2022 with following details so as to make the payment to the Sole Arbitrator as early.

- (i) The work of "Construction of Barrage across river Cauvery at 250m downstream of existing Kattalai Bed Regulator in

Mayanur Village of Krishnapuram Taluk in Karur District – Tamil Nadu” Estimate amount of Rs.165.00 Crore, estimate No.CER No.47 CE (T) /2008-09 was entrusted to M/s.Sivaswathi Constructions Private Limited, Hyderabad (now renamed as M/s.Avexa Corporation Limited) vide agreement No.C.R.No.90 LA / Floods / 2008-09 when disputes were raised by the contractor, the Sole Arbitrator Justice S.Rajeswaran was appointed to resolve the disputes.

- (ii) Accordingly, the first meeting was held on 28.07.2018 at Chennai. Subsequent meetings were held on 28.08.2018, 14.08.2019, 24.01.2019, 25.11.2019, 13.02.2020, 06.03.2020, 03.08.2022, 06.09.2022 (FN & AN), 20.09.2022 (FN & AN), 21.09.2022 (FN & AN) and 16.11.2022. Regarding the Arbitrator fees, the Arbitrator has stated that he shall be paid Rs.1,00,000/- per sitting and the same shall be shared by the both parties equally i.e. Rs.50,000/- per sitting by each party.
- (iii) So far 15 sittings has been conducted at the rate of Rs.50,000/- per sittings, a sum of Rs.7,50,000/- i.e 50,000 x 15) has to be paid towards arbitrator. This amount has to be paid as per terms and conditions. The Arbitrator has demanded to pay the Advance.
- (iv) The Chief Engineer, Water Resources Department, Trichy Region, Trichy has requested to obtain necessary sanction from the Government for a sum of Rs.7,50,000/- under the head of account 2701 – 80 – 001 AF -33 Payment of Professional and Special Service – 01 – Pleader Fees so as to make the payment to the Sole Arbitrator as early.

2. The Engineer-in-Chief and Chief Engineer (General), Water Resources Department, Chennai has therefore requested to obtain necessary orders of the Government for making payment of the 50% Government share for the Arbitrator Fees for Rs.7,50,000/-.

3. The Government, after careful examination have decided to accept the above proposal of the Engineer-in-Chief and Chief Engineer (General), Water Resources Department, Chennai. Accordingly, administrative sanction is accorded for the payment of 50% Government share towards Arbitration fee and other common expenses for Rs.7,50,000/- (Rupees Seven lakh fifty thousand only) to

the sole Arbitrator for Arbitration in O.P.No.108 of 2017 and A.F.No.8 of 2018 as follows :

Sl. No.	Fee Details	Amount
1.	28.07.2018	50,000/-
2.	28.08.2018	50,000/-
3.	14.08.2019	50,000/-
4.	24.10.2019	50,000/-
5.	25.11.2019	50,000/-
6.	13.02.2020	50,000/-
7.	06.03.2020	50,000/-
8.	03.08.2022	50,000/-
9.	06.09.2022	50,000/-
10.	19.09.2022 FN	50,000/-
11.	19.09.2022 AN	50,000/-
12.	20.09.2022 FN	50,000/-
13.	20.09.2022 AN	50,000/-
14.	21.09.2022 FN	50,000/-
15.	21.09.2022 AN	50,000/-
	Total	7,50,000/-

4. The expenditure sanctioned in para 3 above shall be debited to the following head of account:- (40-01)

"2701 - Medium Irrigation - 80 - General -  
001 - Direction and Administration State's Expenditure -  
AF - Executive Establishment (Territorial) Divisions  
under Water Resources Department -  
333 - Payments for Professional and Special Services -  
01 - Pleaders Fees.

(IFHRMS DPC 2701 - 80 - 001 - AF - 33301)

5. Necessary funds have been provided in B.E. 2023 - 2024. The Engineer-in-Chief and Chief Engineer (General), Water Resources Department is requested to meet over the expenditure, from the above provision.

6. The concerned Engineer is authorized to draw and disburse the amount to the Sole Arbitrator by following the procedures in force.

7. This order issues with the concurrence of Finance Department vide its U.O. No.3357/Infra-II/2023-1 dated 07.08.2023.

**(BY ORDER OF THE GOVERNOR)**

**SANDEEP SAXENA,  
ADDITIONAL CHIEF SECRETARY TO GOVERNMENT**

To

The Engineer-in-Chief and Chief Engineer (General), Water Resources Department, Chennai-5.

The Chief Engineer, Plan Formulation, Water Resources Department, Chennai-5.

The Chief Engineer, Water Resources Department, Trichy Region, Trichy.

The District Collector, Karur

The District Treasury Officer, Karur.

The Pay and Accounts Officer (East), Chennai-8.

The Principal Accountant General (A&E), Chennai-18.

The Principal Accountant General, (Economic and Revenue Sector Audit), Chennai-18.

The Resident Audit Officer, Secretariat, Chennai-9.

Copy to

The Finance (Infra-II / BG II/ W&M-I) Department, Secretariat, Chennai-9.

The Water Resources (OP-II / ISpl.I) Department, Secretariat, Chennai-9.

Stock File / Spare Copy.

**// Forwarded by Order //**

*S. Santhosh* 23/8/2023

**Section Officer**

*S. Santhosh*  
23/8/2023