

बिहार शहरी आधारभूत संरचना विकास निगम लि०

Bihar Urban Infrastructure Development Corporation Ltd.

(A Govt. of Bihar Undertaking)

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CIN – U45200BR2009SGC014600



ISO 9001:2008, 14001:2004

सं०/No.: BUIDCO/Yo-1234/2019 (Part-3) - 7559

दिनांक/Date : 04/11/2020

-:आदेश:-

1. **M/s EMS Infracon Pvt. Ltd. in JV with Technocraft Construction Pvt. Ltd.,** 701, DLF Tower A, Jasola, New Delhi-110025 द्वारा बिहार शहरी आधारभूत संरचना विकास निगम लिमिटेड के नमामि गंगे परियोजनान्तर्गत Munger STP and sewerage Network Project, (IFB No: BUIDCO/Yo-1234/2019-54 (IN-NMCG-102757-CW-RFB), dated Date: 05.08.2019) निविदा में भाग लिया गया, जिसमें M/s EMS Infracon Pvt. Ltd. Lead Partner है।
2. M/s EMS Infracon Pvt. Ltd. द्वारा निविदा दस्तावेज के साथ स्वहस्ताक्षरित Form -2 एवं Form 3 B संलग्न किया गया, जिसमें M/s EMS Infracon Pvt. Ltd. द्वारा Project Manager, Construction & Design Services, U.P Jal Nigam, Unit-8, Agra के अंतर्गत किये गये कार्य 36 MLD STP at Shastripuram, Agra का सम्पूर्ण अनुभव अपने (M/s EMS Infracon Pvt. Ltd.) नाम पर दावा किया गया।
3. दिनांक-03.10.2020 को श्री जगवीर नागपाल द्वारा ई-मेल के माध्यम से Complaint समर्पित किया गया, जिसमें उनके द्वारा निम्नवत् उल्लेख किया गया:-
“M/s EMS Infracon Pvt. Ltd. has submitted Completion Certificate in the Name of Project ‘Design, Construction, Erection, Testing and Commissioning of 36 MLD Sewage Treatment Plant based on Sequential Batch Reactor (SBR) Technology at Shastripuram, Agra, Uttar Pradesh’ in their own name (M/s EMS Infracon Pvt. Ltd.) for the department named ‘Construction & Design Services U.P Jal Nigam’ and claiming that they have solely and exclusively completed the work, but in actual, in this Project, there are four JV Partners, and too, the Lead Partner for this Project is M/s Avadh Developers Pvt. Ltd.”
4. प्राप्त Complain के निराकरण के क्रम में अनुभव प्रमाण-पत्र के सत्यापन के दौरान Project Manager, Unit-35, C&DS, U.P Jal Nigam द्वारा पत्र संख्या-1446/Karya Samanya/76 दिनांक-23.10.2020 से स्पष्ट किया गया कि 36 MLD STP at Shastripuram, Agra योजना में M/s EMS Infracon Pvt. Ltd. की सहभागिता केवल 20 प्रतिशत का ही था एवं M/s Avadh Developers Pvt. Ltd., Lead Partner था।
5. इस संबंध में बुडको के पत्रांक-7551, दिनांक-31.10.2020 द्वारा M/s EMS Infracon Pvt. Ltd. से निम्न स्पष्टीकरण पूछा गया:

“Along with the technical bid, you have submitted the Information Form (2), (3B) wherein you have fully claimed the design, construction, erection, testing and commissioning of 36 MLD Sewage Treatment Plant based on Sequential Batch Reactor (SBR) technology at Shastripuram, Agra on turnkey basis in your own name only under office of the Project Manager, Construction & Design Services, U.P. Jal Nigam, Unit – 8, Agra. You have filled up the forms 2 and 3B with above particulars and signed and submitted.

Subsequently a complaint was received stating that there are four JV partners for the aforementioned work. In course of verification, BUIDCO issued letter to Project Manager, C&DS, U.P. Jal Nigam vide letter no. 7204 dated 16.10.2020 to clarify in this regard. Reply from Project Manager, C&DS, U.P. Jal Nigam was received vide letter no.1446/Karya Samanya/76 dated 23.10.2020, wherein it is mentioned as under;

1. *M/s Avadh developers Pvt. Ltd. is the lead partner*
2. *M/s Satish Kumar (Merged with M/s EMS Infracon Pvt. Ltd.) is JV partner having sharing of 20%.*

It has been apparent from the reply of UP Jal Nigam that the aforementioned work was not completed by you alone. Even you are not the lead partner for the contract. M/s EMS Infracon



बिहार सरकार का उपक्रम
Govt. of Bihar Undertaking

बुडको : बेहतर कल के लिये

Pvt. Ltd claim for completing the aforementioned work individually and claiming experience of entire 36 MLD is misleading facts, false and fabricated.

It is evident from above mentioned facts that you have falsely and fraudulently mentioned wrong facts in your form 2 and 3B which you have signed and submitted.

In this regard, you are requested to reply the show cause that why M/s EMS Infracon Pvt. Ltd. should not be blacklisted as per clause no. 11.A (vii) of Bihar Contractor Registration Act 2007. Your reply must reach to the undersigned office by Nov 04, 2020 till 1:00 PM failing which it will be assumed that you have nothing to say in this matter”.

6. M/s EMS Infracon Pvt. Ltd. द्वारा दिनांक-04.11.2020 को स्पष्टीकरण समर्पित किया गया है, जिसमें उनके द्वारा सूचित किया गया है कि

“Your allegation of “mentioning false and fraudulent information in Form 2 and 3B” is unjustified since we have submitted the same performance certificate issued by U. P. Jal Nigam without any alteration and genuineness of this can be verified from department itself. However, based on this certificate we did not claim our technical qualification. The said document was submitted for reference purpose only where some of the data was not filled/ left blank which came to our notice from your aforesaid letter and for your kind information we did not claimed in information form 2, 3A & 3B for EMS as a Sole Bidder and hence such allegation on us does not exist. Further to this we would like to give a brief background for 36 MLD Agra project, during execution of the project some financial issues noticed between the JV partners wherein in the interest of satisfactory completion of the project M/s. EMS has decided to replace the 100% Contract Performance Bank Guarantee of the Lead partners M/s. Awadh Developer and the said CPBG is still with the Jal Nigam only. Thereby, M/s. EMS has received balance payment directly into EMS account and project has been commissioned and O & M started and successfully completed the defect liability period after its commissioning by EMS. M/s. EMS Infracon has deployed their O & M team at site and directly billed and payment claimed. Now EMS in the process of handing over this plant to another agency as directed by U. P. Jal Nigam. Please appreciate EMS was participate as JV partner with 20% stake in JV however as per clause which state jointly and severally responsibilities of all members to complete the project which EMS complied at their own and thus recognition by the department was given.”

7. M/s EMS Infracon Pvt. Ltd. से प्राप्त जबाब का विश्लेषण किया गया एवं पाया गया कि M/s EMS Infracon Pvt. Ltd. द्वारा 36 MLD STP at Shastripuram, Agra योजना के संबंध में दी गयी सूचना, कि JV Agreement के बीच Dispute होने के बाद शेष बचे कार्यों को M/s EMS Infracon Pvt. Ltd. द्वारा पूर्ण किया गया है, तब भी इस योजना का कार्य JV द्वारा ही पूर्ण किया गया माना जायेगा। इस योजना का 100% Credential का दावा M/s EMS Infracon Pvt. Ltd. नहीं कर सकती है। अनुभव प्रमाण-पत्र के सत्यापन में M/s EMS Infracon Pvt. Ltd. की भागीदारी 20% की है, स्पष्ट किया गया है। इस प्रकार M/s EMS Infracon Pvt. Ltd. द्वारा निविदा के Form-2 एवं Form-3B में जानबूझकर गलत एवं भ्रामक तथ्यों का उल्लेख किया गया है एवं इन पर उनका हस्ताक्षर भी किया गया है।
8. अतः उपरोक्त सभी तथ्यों पर सम्यक् विचारोपरान्त बिहार ठेकेदारी निबंधन नियमावली 2007 का नियम 11 (क), Vii के आलोक में M/s EMS Infracon Pvt. Ltd., 701, DLF Tower A, Jasola, New Delhi-110025 को इस आदेश की तिथि से अगले एक (01) वर्ष तक कालीकृत किया जाता है।

Har
04/11/20
मुख्य अभियंता

आयोजन, निरूपण एवं अनुश्रवण
नगर विकास एवं आवास विभाग,
पटना।

ज्ञापांक- 7559

दिनांक- 04/11/2020

प्रतिलिपि: M/s EMS Infracon Pvt. Ltd., 701, DLF Tower A, Jasola, New Delhi-110025 को सूचनार्थ प्रेषित।

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04/11/20
मुख्य अभियंता



ज्ञापांक- 7559

दिनांक- 04/11/2020

प्रतिलिपि: विकास आयुक्त, बिहार, सचिव, नगर विकास एवं आवास विभाग/अभियंता प्रमुख-सह-अपर आयुक्त-सह-विशेष सचिव/नगर विकास एवं आवास विभाग/पथ निर्माण विभाग/भवन निर्माण विभाग/ग्रामीण कार्य विभाग/जल संसाधन विभाग/लघु जल संसाधन विभाग/लोक स्वास्थ्य अभियंत्रण विभाग/साउथ बिहार पावर डिस्ट्रीब्यूशन कंपनी लि०/नॉर्थ बिहार पावर डिस्ट्रीब्यूशन कंपनी लि०/प्रबंध निदेशक, बिहार राज्य पुल निर्माण निगम लि० पटना/मुख्य महाप्रबंधक, बिहार राज्य पथ विकास निगम लि०, पटना को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

Rac
04/11/20

मुख्य अभियंता

ज्ञापांक- 7559

दिनांक- 04/11/2020

प्रतिलिपि: प्रबंध निदेशक/सभी मुख्य अभियंता/सभी अधीक्षण अभियंता/सभी कार्यपालक अभियंता/आई.टी. मैनेजर, बुडको को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

Rac
04/11/20

मुख्य अभियंता

