



BHARATMALA
ROAD TO PROSPERITY



BUILDING INFRASTRUCTURE - BUILDING THE NATION

CIN: U45400DL2014GOI269062

सार्वजनिक क्षेत्र का उपक्रम

A PUBLIC SECTOR UNDERTAKING

No. NHIDCL/DPR/SN-DMP-PC/Manipur/2016/786

Date: 23.04.2018

Office Memorandum

Sub: Debarring/Blacklisting of M/s Wadia Techno Engineering Services Limited in association with M/s Zoma Engineers , M/s Wadia Techno Engineering Services Limited & M/s Zoma Consulting Services Pvt. Ltd. from short-listing; participating or bidding for projects of/or to be undertaken by NHIDCL.

Ref:

- i. Office Memorandum No. NHIDCL / DPR / SN - DMP - PC / Manipur / 2016 / 455 dated 30.11.2017
- ii. Office Memorandum No. NHIDCL / DPR / SN - DMP - PC / Manipur / 2016 / 595 dated 29.01.2018

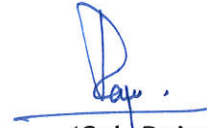
National Highways & Infrastructure Development Corporation Limited (NHIDCL) debarred M/s Wadia Techno Engineering Services Limited in association with M/s Zoma Engineers ,M/s Wadia Techno Engineering Services Limited & M/s Zoma Consulting Services Pvt. Ltd. for a period of 3 years under clause 3.2.4 (i) of letter of invitation of RFP for failing to exercise due diligence and complicity in the preparation of fake ID vide Office Memorandum under reference (i) (Copy enclosed).

Based on representation against debarment order dated 20.11.2017 by the consultants, NHIDCL issued modification vide Office Memorandum under reference (ii) (Copy enclosed) and reduced the debarment period of M/s Wadia Techno Engineering Services Limited in association with M/s Zoma Engineers , M/s Wadia Techno Engineering Services Limited & M/s Zoma Consulting Services Pvt. Ltd. to 2 (two) years from 3 years, effective from the date of issue of debarment order dated 20.11.2017 and other provisions of the earlier order dated 20.11.2017 remained unchanged.

Based on directions of Hon'ble High Court of Delhi vide Order dated 07.02.2018 in W.P (C) No. 1143/2018 and Order dated 13.03.2018 in L.P.A No. 103/2018 after considering the relevant factors/guidelines enumerated by Hon'ble Supreme Court in the case of Kulja Industries Limited vs Chief General Manager, Western Telecom Project BSNL & Ors: AIR 2014 SC 9 and due deliberation, NHIDCL issued fresh debarment vide order No. NHIDCL/DPR/SN-DMP-PC/Manipur/2016/744 dated 06.04.2018 (Copy enclosed) for a period of 2 (Two) years for the breach and violation of the clause 3.2.4 (i) of letter of invitation of RFP for failing to exercise due diligence and complicity in the preparation of fake ID. The debarment of 2 (Two) years will be effective from the date of issue of

debarment order dated 20.11.2017 and other provisions of the earlier letter dated 20.11.2017 remain unchanged.

It is requested to host the content of circular on MoRTH website for wide publicity.



(Col. Rajeev Sood, Retd)
General Manager (Tech)

Encl: a/a

Copy to:

- 1) Secretary, MoRTH
- 2) Chairman, NHAI
- 3) General Manager- Infracon, NHIDCL.
- 4) MoRTH Website through NIC as per MoRTH Circular No. 37010/2/2016/2016/PIC-EAP dated 11.08.2016.

राष्ट्रीय राजमार्ग एवं अवसंरचना विकास निगम लिमिटेड

सड़क परिवहन और राजमार्ग मंत्रालय, भारत सरकार
तीसरी मंजिल, पीटीआई बिल्डिंग, 4-संसद मार्ग, नई दिल्ली-110 001

National Highways & Infrastructure Development Corporation Limited

Ministry of Road Transport & Highways, Govt. of India
3rd Floor, PTI Building, 4-Parliament Street, New Delhi-110001, +91 11 2346 1600, www.nhidcl.com



सार्वजनिक क्षेत्र का उपक्रम

A PUBLIC SECTOR UNDERTAKING

No. NHIDCL/DPR/SN-DMP-PC/Manipur/2016./455

Date: 30.11.2017

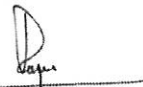
Office Memorandum

Sub: Debarring/Blacklisting of M/s Wadia Techno Engineering Services Limited in association with M/s Zoma Engineers, M/s Wadia Techno Engineering Services Limited & M/s Zoma Consulting Engineers from short-listing; participating or bidding for projects of/or to be undertaken by NHIDCL.

NHIDCL Invited bids for the work of "Consultancy Services for carrying out Feasibility Study, Preparation of Detailed Project Report (DPR) and providing pre-construction services in respect of (i) 2 Laning of Maran-Peren-Dimapur of NH-129A section in the state of Manipur and Nagaland. (ii) 2 Laning of Pallel-Chandel Section of NH- 102C in the state of Manipur. (iii) 2 Laning of Sanshak-Nampisha on NH-102 A in the state of Manipur. M/s Wadia Techno Engineering Services Limited in association with Zoma Consulting Services Pvt. Ltd. (hereinafter referred to as the "Consultant") submitted the bids and was declared as the preferred bidder after opening of the financial bids and was called for negotiations vide letter dated 07.10.2016. During negotiation it was found that the CV of Shri Umesh Chand Srivastava submitted on Infracon was fake and he had not given the consent to any firm to participate in bidding process under user ID ucshrivastava2519@gmail.com.

A show cause was asked from the bidder firms and the reply was duly considered. The reply to the show cause was found unsatisfactory and accordingly, by Order dated 20.11.2017, National Highways & Infrastructure Development Corporation Limited (NHIDCL) debarred M/s Wadia Techno Engineering Services Limited in association with M/s Zoma Engineers, M/s Wadia Techno Engineering Services Limited & M/s Zoma Consulting Engineers for a period of 3 years under clause 3.2.4 (i) of letter of invitation of RFP for failing to exercise due diligence and complicity in the preparation of fake ID. (Copy of NHIDCL letter is enclosed herewith)

It is requested to host the content of circular on MoRTH website for wide publicity


Col. Rajeev Sood (Retd)
General Manager (Tech)

Encl: a/a

Copy to:

- 1) Secretary, MoRTH
- 2) Chairman, NHA
- 3) General Manager- Infracon, NHIDCL.
- 4) MoRTH Website through NIC as per MoRTH Circular No. 37010/2/2016/2016/PIC-EAP dated 11.08.20016

राष्ट्रीय राजमार्ग एवं अवसंरचना विकास निगम लिमिटेड

सड़क परिवहन और राजमार्ग मंत्रालय, भारत सरकार
तीसरी मंजिल, पीटीआई बिल्डिंग, 4-संसद मार्ग, नई दिल्ली-110 001

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Ministry of Road Transport & Highways, Govt. of India

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CIN: U45400DL2014GOI269062

सार्वजनिक क्षेत्र का उपक्रम

A PUBLIC SECTOR UNDERTAKING

No. NHIDCL/DPR/SN-DMP-PC/Manipur/2016./595

Date: 29.01.2018

Office Memorandum

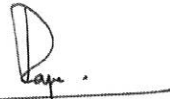
Sub: Debarring/Blacklisting of M/s Wadia Techno Engineering Services Limited in association with M/s Zoma Engineers , M/s Wadia Techno Engineering Services Limited & M/s Zoma Consulting Services Pvt. Ltd. from short-listing; participating or bidding for projects of/or to be undertaken by NHIDCL.

Ref: Office Memorandum No. NHIDCL / DPR / SN - DMP - PC / Manipur / 2016 / 455 dated 30.11.2017

National Highways & Infrastructure Development Corporation Limited (NHIDCL) debarred M/s Wadia Techno Engineering Services Limited in association with M/s Zoma Engineers ,M/s Wadia Techno Engineering Services Limited & M/s Zoma Consulting Services Pvt. Ltd. for a period of 3 years under clause 3.2.4 (i) of letter of invitation of RFP for failing to exercise due diligence and complicity in the preparation of fake ID vide Office Memorandum under reference (Copy enclosed).

Based on representation against debarment order dated 20.11.2017 by the consultants, NHIDCL issued modification vide order dated 23.01.2018 (Copy enclosed) to reduce the debarment period of M/s Wadia Techno Engineering Services Limited in association with M/s Zoma Engineers , M/s Wadia Techno Engineering Services Limited & M/s Zoma Consulting Services Pvt. Ltd. to 2 (two) years from 3 years, effective from the date of issue of debarment order dated 20.11.2017 and other provisions of the earlier order dated 20.11.2017 remain unchanged.

It is requested to host the content of circular on MoRTH website for wide publicity.


Col. Rajeev Sood (Retd)
General Manager (Tech)

Encl: a/a

Copy to:

- 1) Secretary, MoRTH
- 2) Chairman, NHAI
- 3) General Manager- Infracon, NHIDCL.
- 4) MoRTH Website through NIC as per MoRTH Circular No. 37010/2/2016/2016/PIC-EAP dated 11.08.2016.

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सड़क परिवहन और राजमार्ग मंत्रालय, भारत सरकार

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CIN: U45400DL2014GOI269062

सार्वजनिक क्षेत्र का उपक्रम

A PUBLIC SECTOR UNDERTAKING

No. NHIDCL/DPR/SN-DMP-PC/Manipur/2016/744

Dated: 06.04.2018

To

- M/s Wadia Techno Engineering Services Limited
in association with M/s Zoma Engineers
Wing A Raheja Point 1, Pt. Jawaharlal Nehru Road,
Vakala, Santacruz (E), Mumbai- 400055.
2. M/s Wadia Techno Engineering Services Limited,
Wing A Reheja Point 1, Pt. Jawaharlal Nehru Road,
Vakala, Santacruz (E), Mumbai- 400055
3. M/s Zoma Consulting services Pvt. Ltd.
73 C 4th Floor, Prem Complex, Taimoor Nargar
Near New Friends Colony
New Delhi- 110025

Sub: "Consultancy Services for carrying out Feasibility Study, Preparation of Detailed Project Report (DPR) and providing pre-construction services in respect of (i) 2 Laning of Maran-Peren-Dimapur of NH-129A section in the state of Manipur and Nagaland. (ii) 2 Laning of Pallel-Chandel Section of NH- 102C in the state of Manipur. (iii) 2 Laning of Sanshak-Nampisha on NH-102 A in the state of Manipur. Letter of debarment under clause 3.2.4(i) of letter of invitation of RFP and pursuant to Order dated 07.02.2018, passed by the Hon'ble High Court of Delhi in W.P (C) No. 1143/2018 & Order dated 13.03.2018, passed by the Hon'ble High Court of Delhi in L.P.A No. 103/2018.

Ref:

- i. Debarment Letter, NHIDCL / DPR / SN - DMP - PC / Manipur / 2016/434 dated 20.11.2017.
- ii. NHIDCL Letter No. NHIDCL/DPR/SN-DMP-PC/Manipur/2016 dated 23.01.2018.
- iii. M/s Zoma Engineers, Letter dated 28.11.2017.
- iv. M/s Wadia Techno Engineering Services Limited, Letter No. WTESL / Proj / NHIDCL / 870 dated 30.11.2017 and Letter No. WTE/NHIDCL-MPR-01 dated 27.03.2018
- v. Order dated 07.02.2018, passed by the Hon'ble High Court of Delhi in W.P (C) No. 1143/2018.
- vi. Order dated 13.03.2018, passed by the Hon'ble High Court of Delhi in L.P.A No. 103/2018.

Sir,

WHEREAS, M/s Wadia Techno Engineering Services Limited and M/s Zoma Consulting services Pvt. Ltd. was initially debarred under clause 3.2.4(i) of the letter of invitation of RFP for a period of 3 years, jointly and individually from participation in the future projects of NHIDCL vide debarment letter under reference (i).

AND WHEREAS, the Competent Authority of NHIDCL had considered representation of the consultant M/s Wadia Techno Engineering Services Limited and M/s Zoma Consulting services Pvt. Ltd. sympathetically and vide order dated 23.01.2018 reduced the debarment period to 2 (two) years from 3 (three) years from date of issue of debarment order dated 20.11.2017 jointly and individually.

AND WHEREAS, the relevant paras of the letter dated 23.01.2018 issued by NHIDCL thereby reducing the debarment period to 2 (two) years from 3 (three) years are reiterated and repeated herein:

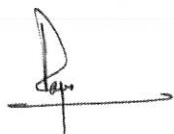
"AND WHEREAS, M/s Zoma Engineers and M/s Wadia Techno Engineering Services Limited requested vide letter under referene (ii) & (iii) respectively to review and recall the debarment letter under reference (i).

AND WHEREAS, the Competent Authority of NHIDCL has considered representation of the consultant M/s Wadia Techno Engineering Services Limited and M/s Zoma Consulting Services Pvt. Ltd. sympathetically and has decided to reduce the debarment period to 2 years from 3 years from the date of issue of debarment order dated 20.11.2017 jointly and individually.

AND WHEREAS, this letter is only in relation to the period of debarment and other provisions of the earlier letter dated 20.11.2017, remain unchanged."

AND WHEREAS, M/s Wadia Techno Engineering Services Ltd. thereafter filed Writ Petition (C) No. 1143/2018 before Hon'ble High Court of Delhi thereby challenging the debarment order dated 20.11.2017 and 23.01.2018 issued by NHIDCL. The said writ petition was disposed off by the Hon'ble High Court vide its order dated 07.02.2018, the relevant para is reproduced herein below:-

"12. As noticed above, it appears that the concerned authority has not considered the above factors in determining the period of blacklisting. In view of the above, the impugned orders are set aside and the matter is remanded to the concerned authorities to consider the quantum of punishment imposed on the petitioner having regard to the decision of the Supreme Court in Kulja Industries Limited (Supra)".



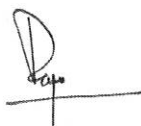
AND WHEREAS, NHIDCL thereafter filed an Appeal/LPA No. 103/2018 impugning the order dated 07.02.2018, passed by the Hon'ble Single Judge in W.P. (C) No. 1143/2018. The Division Bench disposed of the LPA vide its order dated 13.03.2018, by observing that *".....NHAI is generally correct in contending that the guidelines cannot be treated as inflexible or immutable under all circumstances; at the same time minutiae, pointed out by the Supreme Court, with respect to the application of mind in regard to each factor is meant to generally improve decision making and inject greater fairness. If these aspects are kept in mind, the remit order in the opinion of the Court cannot be faulted, especially having regard to the circumstance that the Single Judge has in no manner constrained NHAI from imposing any penalty or impose any objective limit as to the quantum, in the impugned order."* Thus, in compliance of the directions of the Hon'ble High Court, the guidelines referred in the case of Kulja Industries Limited (supra) has been deliberated and considered, which are as follows:

Sl. No.	Relevant factors considered for debarment in terms of judgement of Kulja Industries Limited passed by Hon'ble Supreme court	Remarks/observation of NHIDCL
(a)	The actual or potential harm or impact that results or may result from the wrongdoing.	Cancellation of bidding process and re-invitation of bids have taken place and therefore loss of public money
(b)	The frequency of incidents and/or duration of the wrongdoing.	First, however the wrongdoing is an admitted fact. This is an admitted case of Fake CV.
(c)	Whether there is a pattern or prior history of wrongdoing.	Yes, there is a pattern. M/s Wadia Techno Engineering Services Limited in consortium of M/s Yooshin Engineering Corporation has been debarred by the Assam Government for the projects undertaken by the Assam PWD NH Works as well as works of MoRT&H implemented by Assam PWD NH Works for period of 2 years vide letter no. NHR.26/2016/Pt/50 dated 11.12.2017 on account of forgery.
(d)	Whether the contractor has been excluded or disqualified by an agency of the Federal Government or has not been allowed to participate in State or local contracts or assistance agreements on	Yes, the following companies have been debarred from participating in projects undertaken by the Assam PWD NH Works as well as works of

Sl. No.	Relevant factors considered for debarment in terms of judgement of Kulja Industries Limited passed by Hon'ble Supreme court	Remarks/observation of NHIDCL
	the basis of conduct similar to one or more of the causes for debarment specified in this part.	<p>MoRT&H implemented by Assam PWD NH Works for a period of 2 (two) years vide letter no. NHR.26/2016/Pt/50 dated 11.12.2017:</p> <p>(i) M/s Wadia Techno Engineering Services Ltd (WTESL) in consortium with M/s Yooshin Engineering Corporation</p> <p>(ii) M/s Wadia Tehno Engineering Services Ltd. Wing 'A' Raheja Point I, Pt. Jawaharlal Nehru Road, Vakola Santacruz (E), Mumbai-400055</p> <p>(iii) M/s Yooshin Engineering Corporation Seol, Korea (E-mail: international@yooshin.com)</p> <p>(iv) However Hon'ble Gauhati High Court vide order 28.02.2018 has directed the Assam Government to give an opportunity of personal hearing and pass a fresh order on the issue of blacklisting. Further it is stated that until such time the exercise is carried out, the order of black listing shall not be given effect to.</p>
(e)	Whether and to what extent did the contractor plan, initiate or carry out the wrongdoing.	<p>The consultant planned to win the contract by unfair means. Vide letter no. NHIDCL/DPR/SN-DMP-PC/Manipur/2016 dated 07.10.2016, the Consultant emerged as Most Preferred Bidder and was requested to submit the justification for the cost quoted and called for negotiation as per clause 6 of RFP. All the key personnel's were also called for interaction with the Committee</p>

Sl. No.	Relevant factors considered for debarment in terms of judgement of Kulja Industries Limited passed by Hon'ble Supreme court	Remarks/observation of NHIDCL
		within 7 days.
(f)	Whether the contractor has accepted responsibility for the wrongdoing and recognized the seriousness of the misconduct.	Yes, admitted fact.
(g)	Whether the contractor has paid or agreed to pay all criminal, civil and administrative liabilities for the improper activity, including any investigative or administrative costs incurred by the Government, and has made or agreed to make full restitution.	No
(h)	Whether the contractor has cooperated fully with the government agencies during the investigation and any court or administrative action.	Yes, the consultant has replied to Show Cause Notices, etc.
(i)	Whether the wrongdoing was pervasive within the contractor's organization.	Not known
(j)	The kind of positions held by the individuals involved in the wrongdoing.	Not known
(k)	Whether the contractor has taken appropriate corrective action or remedial measures, such as establishing ethics training and implementing programs to prevent recurrence.	Not known
(l)	Whether the contractor fully investigated the circumstances surrounding the cause for debarment and, if so, made the result of the investigation available to the debarring official.	The Consultant has stated that its associate M/z Zoma Engineering has done the wrong doing and replied to the Show Cause Notice, accordingly, its associate M/s Zoma Engineering has accepted the wrongdoing.

The Competent Authority of NHIDCL deliberated the matter in detail vide 49th Meeting of Executive Committee dated 23.03.2018 and on 04.04.2018 and after considering the relevant factors/guidelines enumerated by the Hon'ble Supreme Court of India in the case of Kulja Industries Limited (supra), and for the conduct



of breach and violation of the clause 3.2.4 (i) of letter of invitation of RFP for failing to exercise due diligence and complicity in the preparation of fake ID. The Competent Authority after taking into consideration all the facts and records, as per the guidelines stipulated in Kulja Industries Limited (supra) hereby passes the following orders:


1. The Association of M/s Zoma Consulting Engineers along with M/s Wadia Techno Engineering Services Limited is hereby debarred under clause 3.2.4 (i) of letter of invitation of RFP for a period of 2 (two) years from participation in the future projects of NHIDCL.
2. M/s Zoma Consulting Engineers is hereby debarred under clause 3.2.4(i) of the letter of invitation of RFP for a period of 2 (two) years for complicity in the preparation of fake ID and as admitted in their letter dated 19.06.2017. They are debarred for a period of 2 (two) years from participation in the future projects of NHIDCL.
3. M/s Wadia Techno Engineering Services Limited is hereby debarred under clause 3.2.4(i) of the letter of invitation of RFP for a period of 2 (two) years for failing to exercise due diligence and complicity in the preparation of fake ID. They are debarred for a period of 2 (two) years from participation in the future projects of NHIDCL.

In view of the Clause 1.8.2 (v) of the RFP and Clause 5 of MOU dated 19.07.2016 both the firms i.e. M/s Zoma Consulting Engineers and M/s Wadia Techno Engineering Services Limited are jointly and individually liable and, therefore, debarred for a period of 2 (two) years w.e.f. 20.11.2017 from participation in the future projects of NHIDCL as per clause 3.2.4(i) of the letter of invitation and natural consequence of the present debarment which includes appropriate action on the Infracon portal shall also be initiated by NHIDCL.

This letter is only in relation to the period of debarment and other provisions of the earlier letter dated 20.11.2017 and subsequently letter dated 23.01.2018 shall remain unchanged.

This letter is issued without prejudice to our rights and remedies and it may be noted that NHIDCL, shall be at liberty to take such other and further steps as per the contract and applicable laws.

This is issued with the approval of Competent Authority.


(Col Rajeev Sood, Retd)
GM (Tech)

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CIN: U45400DL2014GOI269062

सार्वजनिक क्षेत्र का उपक्रम

A PUBLIC SECTOR UNDERTAKING

No. NHIDCL/DPR/SN-DMP-PC/Manipur/2016/589

Dated: 23.01.2018

To

M/s Wadia Techno Engineering Services Limited
in association with M/s Zoma Engineers
Wing A Raheja Point 1, Pt. Jawaharlal Nehru Road,
Vakala, Santacruz (E), Mumbai- 400055.

2. M/s Wadia Techno Engineering Services Limited,
Wing A Reheja Point 1, Pt. Jawaharlal Nehru Road,
Vakala, Santacruz (E), Mumbai- 400055
3. M/s Zoma Consulting services Pvt. Ltd.
73 C 4th Floor, Prem Complex, Taimoor Nargar
Near New Friends Colony
New Delhi- 110025

Sub: "Consultancy Services for carrying out Feasibility Study, Preparation of Detailed Project Report (DPR) and providing pre-construction services in respect of (i) 2 Laning of Maran-Peren-Dimapur of NH-129A section in the state of Manipur and Nagaland. (ii) 2 Laning of Pallel-Chandel Section of NH- 102C in the state of Manipur. (iii) 2 Laning of Sanshak-Nampisha on NH-102 A in the state of Manipur. Letter of debarment under clause 3.2.4(i) of letter of invitation of RFP.

Ref:

- i. Debarment Letter, NHIDCL / DPR / SN - DMP - PC / Manipur / 2016/434 dated 20.11.2017.
- ii. M/s Zoma Engineers, Letter dated 28.11.2017.
- iii. M/s Wadia Techno Engineering Services Limited, Letter No. WTESL / Proj / NHIDCL / 870 dated 30.11.2017.

Sir


WHEREAS, M/s Wadia Techno Engineering Services Limited and M/s Zoma Consulting services Pvt. Ltd. was debarred under clause 3.2.4(i) of the letter of invitation of RFP for a period of 3 years, jointly and individually from participation in the future projects of NHIDCL vide debarment letter under reference (i).

AND WHEREAS, M/s Zoma Engineers and M/s Wadia Techno Engineering Services Limited requested vide letter under reference (ii) & (iii) respectively to review and recall the debarment letter under reference (i).

AND WHEREAS, the Competent Authority of NHIDCL has considered representation of the consultant M/s Wadia Techno Engineering Services Limited and M/s Zoma Consulting services Pvt. Ltd. sympathetically and has decided to reduce the debarment period to 2 years from 3 years from date of issue of debarment order dated 20.11.2017 jointly and individually.

AND WHEREAS, this letter is only in relation to the period of debarment and other provisions of the earlier letter dated 20.11.2017 remain unchanged.

This is issued with the approval of Competent Authority.


(Col Rajeev Sood, Retd)
GM (Tech)

राष्ट्रीय राजमार्ग एवं अवसंरचना विकास निगम लिमिटेड

सड़क परिवहन और राजमार्ग मंत्रालय, भारत सरकार
तीसरी मंजिल, पीटीआई बिल्डिंग, 4-संसद मार्ग, नई दिल्ली-110 001

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सार्वजनिक क्षेत्र का उपक्रम

A PUBLIC SECTOR UNDERTAKING

Without Prejudice

No. NHIDCL/DPR/SN-DMP-PC/Manipur/2016./434

Dated: 20.11.2017

To

M/s Wadia Techno Engineering Services Limited
in association with M/s Zoma Engineers
Wing A Raheja Point 1, Pt. Jawaharlal Nehru Road,
Vakala, Santacruz (E), Mumbai- 400055.

2. M/s Wadia Techno Engineering Services Limited,
Wing A Reheja Point 1, Pt. Jawaharlal Nehru Road,
Vakala, Santacruz (E), Mumbai- 400055
3. M/s Zoma Consulting Engineers
73 C 4th Floor, Prem Complex, Taimoor Nargar
Near New Friends Colony
New Delhi- 110025

Sub: "Consultancy Services for carrying out Feasibility Study, Preparation of Detailed Project Report (DPR) and providing pre-construction services in respect of (i) 2 Laning of Maran-Peren-Dimapur of NH-129A section in the state of Manipur and Nagaland. (ii) 2 Laning of Pallel-Chandel Section of NH- 102C in the state of Manipur. (iii) 2 Laning of Sanshak-Nampisha on NH-102 A in the state of Manipur. Letter of debarment under clause 3.2.4(i) of letter of invitation of RFP.

Sir,

WHEREAS, M/s Wadia Techno Engineering Services Limited in association with Zoma Consulting Services Pvt. Ltd. (hereinafter referred to as the "Consultant") was declared as the preferred bidder after opening of the financial bids and was called for negotiations vide letter dated 07.10.2016 after approval of the competent authority.

AND WHEREAS, in the meantime, an affidavit from Shri Umesh Chand Srivastava was received wherein he had stated that the INFRACON User ID ucshrivastava2519@gmail.com was not created by him and he had not given the

consent to any firm to participate in bidding process under this User ID. He has also stated that he had gone through the CV and it does not relate to his actual profile. Even the personal information e.g. Mother's name, Aadhar Card have not been provided by him to any individual or company as required for creation of User ID ucshrivastava2519@gmail.com. The affidavit further states that his actual User ID is ucs_73@yahoo.co and he owns full responsibility for the information contained in the CV under this User ID only which was uploaded on INFRACON.

AND WHEREAS, it is observed that Mr. Umesh Chand Srivastava, the complainant, is one of the key personnel i.e. Traffic-cum-Safety Expert proposed by the consultant using the User ID ucshrivastava2519@gmail.com which has been disowned by Shri Umesh Chand Srivastava. The consultant was declared the preferred bidder based on the score obtained by this key personnel using the User ID ucshrivastava2519@gmail.com. It is also observed that the experience of key personnel for Traffic-cum-Safety Expert has been created in the User ID, as in actual CV there is no such experience mentioned by the key personnel.

AND WHEREAS, the said Mr. Umesh Chand Srivastava had thereafter issued an email dated 26.12.2016 thereby indicating that he may be prepared to work with the consultant, in a complete volte face from the earlier stand.

AND WHEREAS, in the interest of the project and the e-mail dated 26.12.2016, it was suggested by NHIDCL that a Joint affidavit shall have to be executed between the said Mr. Umesh Chand Srivastava and the consultant to evince their firm intention to commence the project and in furtherance of the e-mail dated 26.12.2016.

AND WHEREAS vide letter dated 25.01.2017 you were asked to submit a joint affidavit executed between the authorized signatory of the consultant and Mr. Umesh Chand Srivastava thereby agreeing to work on the project. However, you failed to submit the joint affidavit which implies that the affidavit earlier submitted by the key personnel Mr. Umesh Chand Srivastava is genuine and you have misrepresented the information to qualify for the subject work and moreover further delayed the project after giving fake assurances.

AND WHEREAS on account of fraudulent practice adopted by the firm the security deposit submitted by the firm was encashed pursuant to Clause 6.8 of RFP, after observing all formalities of show cause by letter dated 30.05.2017.

AND WHEREAS, the relevant provision of the LOI of the RFP regarding debarment is as under:-

3.2.4 (i) *"The CV of the Key Personnel would have to be submitted through INFRACON. It may please be ensured that information is correct. If at*

any stage information is found incorrect action including termination and debarment of the personnel and the Firm from future NHIDCL/Ministry projects up to 3 years may be taken by NHIDCL. Such submissions would also make the concerned key personnel liable for criminal action, as deemed fit".

AND WHEREAS, as per clause 1.8.2 (v) of the RFP and clause 5 of the MOU dated 19.07.2016, both the firms consisting of the Association are jointly and severally liable, morefully as under:

Clause 1.8.2 (v) of RFP:

"An undertaking that the JV firms are jointly and severally liable to the Employer for the performance of the services."

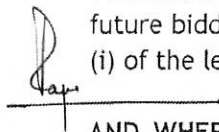
Clause 5 of MOU:

"Joint and Several Liability: The Parties do hereby undertake to be jointly and severally responsible for all obligations and liabilities relating to the Consultancy and in accordance with the terms of the RFP and the Contract, for the performance of the Contract."

AND WHEREAS, the letter of proposal submitted by the consultant along with bid and morefully in Para 2, says as follows:

"All information provided in the Proposal, INFRACON and Appendices is true and correct and all documents accompanying such Proposal and submitted on INFRACON (Digilocker) are true copies of their respective originals."

AND WHEREAS, in order to grant an opportunity to the Consultant and in compliance of the principles of natural justice, vide show cause Notice for debarment dated 30.05.2017 the consultant was called for personal hearing on 19.06.2017 as to why the consultant should not be debarred for taking part in future bidding process of NHIDCL for a period of three years as per the clause 3.2.4 (i) of the letter of invitation of RFP.

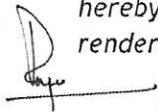


AND WHEREAS a pursuant to show cause notice dated 30.05.2017, a personal hearing was given on 19.06.2017 to the authorized representatives of the consultant which was presided by the Managing Director of NHIDCL. The Consultant vide letter dated 19.06.2017 submitted a written apology for misrepresentation made by their associate M/s Zoma Consulting Engineers. M/s Zoma Consulting Engineers Pvt. Ltd. vide letter dated 19.06.2017 has admitted that the entire responsibility of CV is with them and M/s Wadia Techno Engineering Services Limited is not at fault and requested to pardon them and relieve M/s Wadia Techno Engineering Services Limited without any penalty or action since they are not involved in the act. In fact by letter dated 19.06.2017, it has been admitted by M/s Zoma Consulting Engineers as follows:-

"The entire act of preparation of the said CV and related documents has been done by us on our own and the same was submitted to M/s. Wadia Techno Engineering Services Ltd (WTESL) to consider the same for the intermittent inputs of 3 months. They have submitted the same in good faith. Accordingly, they are not involved in this process and the entire responsibility in this regard is ours for which we request you to kindly pardon us.

The said key-person has not extended his consent for this project. When we were called upon for an explanation from M/s. WTESL, we accepted our indulgence and requested them to pardon us. As a damage control exercise, we also hereby convey our willingness to utilize the key personnel already proposed directly by M/s WTESL on their own with their own terms and conditions.

Accordingly M/s WTESL have directly negotiated with Mr. Umesh Chand Srivastava for taking him into their regular employment so as to have a better permanent arrangement for the availability of the said key person for the entire duration of the project. Further, we have no objection if our name is withdrawn and the assignment is awarded to M/s. WTESL without our association. We also hereby confirm that any support services required for this project will be rendered to M/s. WTESL if they wish.



We regret for the inconvenience caused to you and M/s. WTESL, more particularly the embarrassment caused to M/s. WTESL. Keeping in view of the fact that we are already successfully working in the most difficult terrain, where the insurgency level is also high, and we have also achieved good success in other projects in this region duly maintaining the required personnel, logistic arrangements for field works etc, we request you to kindly pardon us and relieve M/s Wadia Techno Engineering Services Ltd (WTESL) without any penalty or action since they are not involved in the said act."

AND WHEREAS, the competent Authority also considered the representation dated 19.06.2017 given pursuant to the personal hearing and after carefully considering the written and oral submissions of the firm, the Competent Authority was not satisfied as the creation of the fake ID was apparent and writ large on the face of record.

The Competent Authority of NHIDCL has considered all the facts and found the reply of the consultant M/s Wadia Techno Engineering Services Limited with M/s Zoma Consulting Engineers not satisfactory.

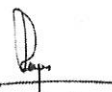
Therefore, in view of the above, the competent authority hereby passes the following orders:

1. The Association of M/s Zoma Consulting Engineers along with M/s Wadia Techno Engineering Services Limited is hereby debarred under clause 3.2.4 (i) of letter of invitation of RFP for a period of 3 years from participation in the future projects of NHIDCL.
2. M/s Zoma Consulting Engineers is hereby debarred under clause 3.2.4(i) of the letter of invitation of RFP for a period of 3 years for complicity in the preparation of fake ID and as admitted in their letter dated 19.06.2017. They are debarred for a period of 3 years from participation in the future projects of NHIDCL.
3. M/s Wadia Techno Engineering Services Limited is hereby debarred under clause 3.2.4 (i) of the letter of invitation of RFP for a period of 3 years for failing to exercise due diligence and complicity in the preparation of fake ID. They are debarred from participation in the future projects of NHIDCL for a period of 3 years.

In view of the clause 1.8.2 (v) of the RFP and clause 5 of the MOU dated 19.07.2016 both the firms i.e. M/s Zoma Consulting Engineers and M/s Wadia Techno Engineering Services Limited are jointly and severally liable and, therefore, debarred for a period of 3 years from participation in the future projects of NHIDCL as per clause 3.2.4 (i) of letter of invitation of RFP for the reasons stated hereinabove.

It may be noted that NHIDCL shall be at Liberty to take such other and further steps as per the Contract and applicable laws.

This is issued with the approval of Competent Authority.


(Col Rajeev Sood, Retd)
GM (Tech)