

भारत कोकिंग कोल लिमिटेड
(एक मिनी रत्न कम्पनी)
(कोल इंडिया की सहायक कंपनी)
पंजीकृत कार्यालय: कोयला भवन,
कोयला नगर, धनबाद-826005,
सी.आइ.एन.ः: U10101JH1972GOI000918
वेब-साइट: www.bcclweb.in



A
Maharatna
Company

BHARAT COKING COAL LIMITED
(A Mini Ratna Company)
(A Subsidiary of Coal India Ltd. – A
MahaRatna Company)

CONTRACT MANAGEMENT CELL,
Level – V, Koyla Bhawan, Koyla Nagar,
Dhanbad – 826 005 (Jharkhand) India.
Phone: 0326-2230206
e-mail: gmcmc.bccl@coalindia.in

Ref.: BCCL/CMC/H-HEMM-59/Debar/NNT Developers Pvt Ltd/2022/ 235 Date: 16/5/2022 05.2022

Confidential

To,
M/s NNT DEVELOPERS PRIVATE LIMITED,
(Shri Suyash Kumar, Director)
104 SRIRAM TOWER,
KANKARBAGH MAIN ROAD PATNA,
NEAR JALAN SHOP
Patna, Bihar, PIN- 800020.

Through Speed Post
e-mail: nntdpl@gmail.com
Mobile No.: +91-8083980999

Subject : Order of debarring from participating in future tenders of BCCL for a period of 2 years.

Reference : 1. Tender for the work of "Hiring of HEMM for removal of OB, extraction and transportation of Coal from XI/XII, IX/X, VIII C, VIII B, VIII A & V/VI/VII (combined) seams at Ashakothi Patch, Phularitand Section of Amalgamated Muraidih-Phularitand Colliery, Barora Area, BCCL."
2. NIT No.: BCCL/CMC/H-HEMM/e-Tender/2021/406, Date: 27.09.2021 vide e-Tender Notice No. H-HEMM-59
3. Tender ID: 2021_BCCL_218848_1
4. Your Bid ID No. 728332 submitted online on 28-Oct-2021 at 04:42 PM against the E-Tender of above work invited at e-tendering portal of CIL (<https://coalindiatenders.nic.in>)
5. Show Cause Notice issued to you vide ref. no. BCCL/CMC/H-HEMM-59/Show-Cause/NNT Developers Pvt Ltd/2022/119 Date: 14.03.2022
6. Reminder issued to you vide ref. no. BCCL/CMC/H-HEMM-59/Show-Cause-Reminder/NNT Developers Pvt Ltd/2022/51 Date: 31.03.2022.

Dear Sir,

1. An e-tender for the work under reference (1) with an estimated cost of Rs. 645,56,61,454/- was invited from CMC Dept., BCCL at e-Procurement Portal of CIL (<https://coalindiatenders.nic.in>) vide NIT under reference (2) & Tender Notice under reference (3). In this connection, a Bid was submitted online at the Portal on 28-Oct-2021 by M/s NNT DEVELOPERS PRIVATE LIMITED.
2. While examining the bid document & subsequent clarification submitted by you, the following have been observed:

In documents uploaded by you, you have claimed experience for two works as detailed below:

- I. Protection Work of Left Embankment, in upstream of Gandak Barrage at Valmiki Nagar West Champaran for the period: 09.03.2019 to 07.03.2020

In support of above work experience claimed, you have submitted following documents:

- i) A self attested copy of Performance Certificate vide ref no. 767/Valmiki Nagar dated 08.10.2021 issued by Executive Engineer, Head Works Division, Valmikinagar (W. Champaran) Email id : hwdvalmikinagar@gmail.com is mentioned on Performance Certificate
- ii) A self certified copy of LOA vide Ref. No. 156/ Valmiki Nagar, dated 08.03.2019 issued by EE, HWD, Valmiki Nagar.
- iii) A copy of Agreement No. 01/SBD-09.03.2019 on non-judicial stamp paper of Rs.1000/- made on 09.03.2019 between Executive Engineer, Head Works Division, Valmiki Nagar and NNT Developers Pvt. Ltd.
- iv) BOQ (Bill of Quantity)

- II. Protection Work of Right Embankment, in upstream of Gandak Barrage at Valmiki Nagar West Champaran for the period: 09.03.2019 to 07.03.2020

In support of above work experience claimed, bidder has submitted following documents:

- i) A self certified copy of Performance Certificate vide ref no. 767/ Valmiki Nagar dated 08.10.2021 issued by Executive Engineer, Head Works Division, Valmikinagar (W. Champaran) Email id : hwdvalmikinagar@gmail.com is mentioned on Performance Certificate
- ii) A self certified copy of LOA vide Ref. No. 155/ Valmiki Nagar, dated 08.03.2019 issued by EE, HWD, Valmiki Nagar
- iii) A copy of Agreement No. 02/SBD-19.03.2019 on non-judicial stamp paper value of Rs.1000 made on 09.03.2019 between Executive Engineer, Head Works Division, ValmikiNagar and NNT Developers Pvt. Ltd.
- iv) BOQ (Bill of Quantity)

3. The presently submitted documents were already sent for its verification to the issuing authority as cited below.

For verification of Performance Certificate vide ref. no. 767/ Valmiki Nagar dt. 08.10.2021, a letter vide ref. no. BCCL/CMC/ HEMM-59/NNT/Exp. Ver/2021/500 dated 01.11.2021 was sent to experience issuing authority through speed post and e-mail id mentioned on performance certificate (uploaded by bidder) i.e. hwdvalmikinagar@gmail.com.

On 08.11.2021, the verification of experience certificate was received from e-mail id hwdvalmikinagar@gmail.com to the e-mail of GM, CMC, BCCL i.e. gmcmc.bccl@coaliindia.in . It had been confirmed through the said e-mail that the document is authentic and issued from the office. Authenticated copy of the Performance Certificate with other documents were also attached with the said reply.

Further, letter ref. 776/Valmikinagar dated 08.11.2021 regarding verification of experience certificate is also received through Speed Post vide Consignment No. EF747616412IN dtd. 24.12.2021 to the office of GM,CMC vide Dy. No. 2206 dated 29.12.2021.

4. On the official website of Bihar Government, the e-mail id of EE, Head Works Division, Valmikinagar is mentioned as (jamil.wrd@gmail.com) and is different from the e-mail id (hwdvalmikinagar@gmail.com) mentioned in the experience certificate vide ref. no. 767/Valmikinagar dt. 08.10.2021. A letter vide ref. no. 583 dated 20.12.2021 was sent to e-mail id jamil.wrd@gmail.com as mentioned in the website through e-mail and speed post seeking following details:
- To confirm whether the email id: hwdvalmikinagar@gmail.com mentioned on the performance certificate vide ref. no. 767/Valmikinagar dt. 08.10.2021 is official email id of EE, HWD, Valmikinagar or not.
 - To confirm whether the said certificate vide ref. no. 767 dt. 08.10.2021 is genuine and issued from the office of EE, HWD, Valmikinagar; and to send the same certificate after authentication.
 - To confirm whether the authenticated document received through email on 08.11.2021 bears signature of EE, HWD, Valmiki Nagar or not.
5. A reply was received from e-mail id hwdval2017@gmail.com to official e-mail of GM, CMC, BCCL on 25-12-2021. A letter vide ref. no. 920 Valmikinagar, dated 22.12.2021 addressed to GM(CMC), BCCL was attached with other documents. It has been certified that office letter no. 767 dated 08.10.2021, LOAs vide letter no. 155 and 156 dated 08.03.2019 have been issued from their office. Attested copy of the issued letter was also attached with the said e-mail.

On examining the Performance certificate received above it was found letter no. 767 dated 08.10.2021 is same but content of the letter is different from the one which was submitted by you while submitting the bid online. The e-mail id mentioned in the letter head of Performance Certificate vide ref. no. 767/Valmiki Nagar dtd 08.10.2021 received from e-mail id hwdval2017@gmail.com is also different from the performance certificate submitted by you.

Also, LOAs letter no 155 & 156 dated 08.03.2019 is same but content of the LOAs is different from the LOAs uploaded by you. The content of BOQs was also found different from the BOQs uploaded by you.

6. Subsequently, an e-mail from jamil.wrd@gmail.com had been received on 03-01-2022 on official e-mail id of GM,CMC stating that
- e-mail id hwdvalmikinagar@gmail.com is not official e-mail and
 - Certificates issued and other papers attested by Executive Engineer, Head Works Division, Valmikinagar have been enclosed with the e-mail.(Performance Certificate and other documents issued to NNT Developers Private Limited). It was found that this is the same certificates and documents received earlier from e-mail id hwdval2017@gmail.com.

Based on above facts, it can be concluded that

- e-mail id jamil.wrd@gmail.com (as mentioned in official website of Bihar Govt.) and hwdval2017@gmail.com is authentic e-mail id of EE, Head Works Division, Valmikinagar, West Champran.
- e-mail id hwdvalmikinagar@gmail.com mentioned on the submitted performance certificate vide ref. no. 767/Valmiki Nagar dtd. 08.10.2021 (at the time of bid submission) is not the official e-mail id of EE, Head Works Division, Valmikinagar, West Champran.
- Performance certificate vide ref. no. 767/Valmiki Nagar dtd. 08.10.2021 along with LOAs ref. no. 155 and 156 dated 08-03-2019 and BOQ submitted by you were not issued by the EE, Head Works Division, Valmikinagar.

7. In view of above it can be concluded that you have submitted the following manipulated/forged documents in the instant tender:

S.No.	Document
1.	Performance Certificate vide ref. no. 767/Valmiki Nagar dtd. 08.10.2021
2.	LOA vide ref. no. 155 dtd. 08.03.2019
3.	LOA vide ref. no. 156 dtd. 08.03.2019
4.	BOQs

8. Following discrepancies were found in above mentioned manipulated/forged documents submitted by you:

S.No.	Document	Content of document submitted by you during submission of bid	Content of original document issued by EE, HWD, Valmikinagar
1.	Performance Certificate vide ref. no. 767/Valmiki Nagar dtd. 08.10.2021	Gross value of work done by NNT Developers Pvt. Ltd for both works vide agreement No. 01SBD/2018-19 dated 09.03.2019 and 02SBD/2018-19 dated 09.03.2019 are Rs. 60,21,22,003/- (Rs. Sixty Crore Twenty One Lakh Twenty Two Thousand and Three Only) in work of Excavation, Loading and Transportation of Soil during period 09.03.2019 to 07.03.2020.	Total value of work done for agreement no. 01SBD/2017-18 dt 14/01/2017 is mentioned as Rs. 2767.36283 Lakh. Quantity executed in Earth Work in Excavation is mentioned as 84648.01 cum. However value of work done in earth work in excavation is not mentioned in certificate.
2.	LOA vide ref. no. 155 dtd. 08.03.2019	Performance Security is mentioned as Rs. 1,54,32,822.00/- and Additional Performance Guarantee is mentioned as Rs. 2,89,36,541.00/- for Protection work on Right Bank in upstream of Gandak Barrage at Valmikinagar.	Performance Security is mentioned as Rs. 58,59,100.00/- and Additional Performance Guarantee is mentioned as Rs. 2,89,36,600.00/- for Protection work on Right embankment in upstream of Gandak Barrage at Valmikinagar.
3.	LOA vide ref. no. 156 dtd. 08.03.2019	Performance Security is mentioned as Rs. 50,80,545.00/- and Additional Performance Guarantee is mentioned as Rs. 95,26,022.00/- for Protection work on Right Bank in upstream of Gandak Barrage at Valmikinagar.	Performance Security is mentioned as Rs. 12,58,000.00/- and

			Additional Performance Guarantee is mentioned as Rs. 95,26,100.00/- for Protection work on Right embankment in upstream of Gandak Barrage at Valmikinagar.												
4.	BOQ for Protection work on left bank	<p>Quantity and rate for earth work by mechanical means with help of excavator, tipper....is mentioned as</p> <table border="1"> <thead> <tr> <th>Lead</th> <th>Quantity</th> <th>Rate</th> <th>Amount</th> </tr> </thead> <tbody> <tr> <td>0-2.50 KM</td> <td>447965 cum</td> <td>Rs. 279.40/cum</td> <td>Rs. 125161421</td> </tr> <tr> <td>2.5-3.0 KM</td> <td>148260 cum</td> <td>Rs. 302.00/cum</td> <td>Rs. 44774520</td> </tr> </tbody> </table> <p>Thus total value of earth work amounts to Rs. 16,99,35,941/-</p>	Lead	Quantity	Rate	Amount	0-2.50 KM	447965 cum	Rs. 279.40/cum	Rs. 125161421	2.5-3.0 KM	148260 cum	Rs. 302.00/cum	Rs. 44774520	Quantity and rate for earth work in excavation is mentioned as 64304.210 cum and Rs. 139.20/cum. Total value of earth work in excavation is Rs. 8,95,11,46.03
Lead	Quantity	Rate	Amount												
0-2.50 KM	447965 cum	Rs. 279.40/cum	Rs. 125161421												
2.5-3.0 KM	148260 cum	Rs. 302.00/cum	Rs. 44774520												
5.	BOQ for Protection work on right bank	<p>Quantity and rate for earth work by mechanical means with help of excavator, tipper....is mentioned as</p> <table border="1"> <thead> <tr> <th>Lead</th> <th>Quantity</th> <th>Rate</th> <th>Amount</th> </tr> </thead> <tbody> <tr> <td>0-2.50 KM</td> <td>986857 cum</td> <td>Rs. 279.40/cum</td> <td>Rs. 275727845.8</td> </tr> <tr> <td>2.5-3.0 KM</td> <td>566080 cum</td> <td>Rs. 302.00/cum</td> <td>Rs. 170956160</td> </tr> </tbody> </table> <p>Thus total value of earth work amounts to Rs. 44,66,84,005.80/-</p>	Lead	Quantity	Rate	Amount	0-2.50 KM	986857 cum	Rs. 279.40/cum	Rs. 275727845.8	2.5-3.0 KM	566080 cum	Rs. 302.00/cum	Rs. 170956160	Quantity and rate for earth work in excavation is mentioned as 33194.680 cum and Rs. 139.20/cum. Total value of earth work in excavation is Rs. 46,20,699.45
Lead	Quantity	Rate	Amount												
0-2.50 KM	986857 cum	Rs. 279.40/cum	Rs. 275727845.8												
2.5-3.0 KM	566080 cum	Rs. 302.00/cum	Rs. 170956160												

Based on above facts it can be concluded that manipulated and forged documents has been submitted by you to become an eligible bidder in the instant tender.

Vide letter under ref 5 as above you were issued Show Cause followed by reminder vide letter under ref 6 to explain as to why action in terms of NIT be not initiated against NNT Developers.

However, in spite of getting Show Cause, you have opted not to submit any reply in your defense. As no reply to the show cause notice is received . It is presumed that you did not have any point to state in your defense and allegations leveled against you in the show case notice are admitted by you.

9. In view of above, it is concluded that the bid of bidder M/s NNT Developers Pvt. Ltd. is not techno-commercially qualified bidder and manipulated and forged documents has been submitted by you to become an eligible bidder in the instant tender
10. In connection to the false performance certificate submitted by bidder M/s NNT Developers Pvt. Ltd., it is to be noted that during online submission of bid bidder has accepted all the technical & commercial clauses & terms and conditions of NIT.

5/8

During online submission of bid, you have accepted all the terms & conditions of NIT/ tender document. The conduct of NNT Developers Pvt. Ltd. by submitting forged and manipulated documents attracts following provisions of NIT/ Tender Document :

- I. "Guidelines for Banning of Business" Clause is quoted below:-

Quote.....

2(VI) Willful suppression of facts or furnishing or wrong information or manipulated or forged documents by the Agency or using any other illegal/unfair means.

.....**Unquote**

- II. Provision of Undertaking (Annexure-C), Point No. 3 & 4:-

Quote.....

3. All information furnished by us in respect of fulfillment of eligibility criteria and qualification information of this Bid is complete, correct and true.

4. All copy of documents, credentials and documents submitted along with this Bid are genuine, authentic, true and valid

.....**Unquote**

Thus, above acts on the part of the JV bidder M/s NNT DEVELOPERS PRIVATE LIMITED amount to violation of the above said clauses.

The said lapses and violation of provisions of NIT/TD attracts penal actions under following clauses:

- I. Sub Clause 8.6 under clause 8 of e-Notice Inviting Tender:-

Quote.....

"If any information/declaration furnished online by the bidder against eligibility criteria is found to be wrong at any stage which changes the eligibility status of the bidder penal action as mentioned in Annexure-C will be applicable".

..... **Unquote**

- II. Provision of Undertaking (Annexure-C), Point No. 9:-

Quote.....

9. If any information and document submitted is found to be false/ incorrect at any time, department may cancel my/our Bid and action as deemed fit may be taken against me/us, including termination of the contract, forfeiture of all dues including Earnest Money (EMD, if applicable), Performance Security Deposit and to banning us for minimum two years (including all individual partners of JV/ partnership firm) from being eligible to submit bids in future tenders of CIL and its subsidiaries. Additionally, company without prejudice to any other right or remedy, be at liberty, to initiate other legal actions against me/us.

.....**Unquote**

- III. Provision of Letter of Bid (Annexure-A):-

Quote.....

If any information furnished by me/us towards eligibility criteria of this bid is found to be incorrect at any time, penal action as deemed fit may be taken against me/us for which I/We shall have no claim against Bharat Coking Coal Limited.

.....Unquote

IV. Clause- 4 & 5 at Guidelines for Banning of Business :

Quote.....

4. The banning shall be for a minimum period of one year and shall be effective for the concerned Subsidiary for the tenders invited at Subsidiary level. Similarly, in case of tenders of CIL HQ, banning shall be for CIL HQ. However, if such 'Banning of Business' has to be made effective for entire CIL and its Subsidiaries then approval of Chairman, CIL shall be required.

5. Once a contracting entity is banned, it shall be extended to the constituents of that entity, all partners in case of Joint Venture, all the partners in case of Partnership Firm, owner/proprietor in case of Proprietorship Firm and all the Directors in case of Limited Company. If such banned owner/Proprietor/Partner/Director make/form different Firms/entity and attempts to participate in tenders, the same will not be entertained during the currency of such banning.

.....Unquote

11. With the said acts as deliberated at Sl. No. (8) above, it appears that you have submitted manipulated/forged documents on 28.10.2021 while submission of your bid in violation of the provisions of NIT/ tender document.

In this regard attention is further invited towards the "ANNEXURE-A: LETTER OF BID" which was uploaded and digitally signed by Shri Suyash Kumar, Director which reads as below:

Quote.....

This has reference to above referred bid. I have read and examined the conditions of contract, Scope of Work, technical specifications, BOQ and other documents carefully.

I am pleased to submit our bid for the above work. I hereby unconditionally accept the bid conditions and bid documents in its entirety for the above work and agree to abide by and fulfill all terms and conditions and specifications as contained in the bid document.

I here by submit all the documents as required to meet the eligibility criteria as per provision of the bid notice/document.

I hereby confirm that this bid complies with the Bid validity, Bid security and other documents as required by the Bidding documents.

If any information furnished by me/us towards eligibility criteria of this bid is found to be incorrect at any time, penal action as deemed fit may be taken against me/us for which I shall have no claim against Bharat Coking Coal Limited."

.....Unquote

Vide said Annexure-A, the bidder M/s NNT DEVELOPERS PRIVATE LIMITED certified that they had read and examined the conditions of contract, Scope of Work, technical specifications, BOQ and other documents carefully and unconditionally accept the same.

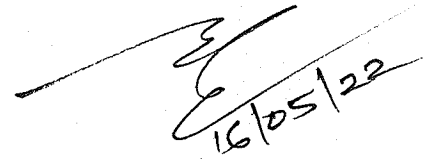
Thus, in view of the seriousness and gravity of the acts on the part of the bidder M/s NNT DEVELOPERS PRIVATE LIMITED, the competent authority of Bharat Coking Coal Limited has taken decision as below:

1. Forfeiture of EMD.
2. Debar the bidder M/s NNT DEVELOPERS PRIVATE LIMITED from participating in future bids in all tenders of BCCL for a period of 02 (two) year.

Accordingly, the bidder M/s NNT DEVELOPERS PRIVATE LIMITED is hereby debarred from participating in future bids in all tenders of BCCL, in individual capacity or as a joint venture, for a period of 02 (two) year from the date of issue of this order.

This issues with the approval of competent authority.

Sincerely

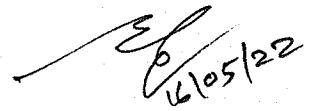


16/05/22

GM (CMC), BCCL

Copy for kind information to :

1. CMD/D(F)/D(T) Op./D(T) P&P BCCL
2. CVO BCCL for kind information
3. GM(CMC), CIL, Kolkata
4. GM(CMC) ECL/CCL/SECL/WCL/MCL/NCL/NEC
5. All HODs, BCCL HQ
6. All Area GMs of BCCL
7. GM(System)- for uploading on BCCL Website
8. Office Copy



16/05/22

GM (CMC), BCCL

2/8.