


<p><b>ईस्टर्न कोलफील्ड्स लिमिटेड</b>  (कोल इंडिया का एक अभिन्न अंग)  अध्यक्ष-सह-प्रबंध निदेशक का कार्यालय  सांकलौडिया, पत्रालय -डिसेरगढ़,  जिला -पश्चिम बर्धमान, पश्चिम बंगाल-713333-  संविदा प्रबंधन प्रकोष्ठ  Website <a href="http://www.easterncoal.nic.in">www.easterncoal.nic.in</a>  Email id: <a href="mailto:cgmcmc.ecl.cil@coalindia.in">cgmcmc.ecl.cil@coalindia.in</a></p>		<p><b>EASTERN COALFIELDS LIMITED</b>  (A subsidiary of Coal India Limited)  Office of the Chairman-cum-Managing Director  Sanctoria, P.O.: Dishergarh,  Dist.-Paschim Bardhaman, West Bengal-713333  <b>Contract Management Cell</b>  CIN-U10101WB1975GOI030295  Website <a href="http://www.easterncoal.nic.in">www.easterncoal.nic.in</a>  Email id: <a href="mailto:cgmcmc.ecl.cil@coalindia.in">cgmcmc.ecl.cil@coalindia.in</a></p>
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Ref. No: ECL/HQ/CMC/239

Dated: 15.05.2023

To,

1. M/s.ME AND ARETPL (JV),  
C-1/8, UDAY SHANKAR BITHI,  
CITY CENTER, DURGAPUR W.B, PIN- 713216.
2. M/s MRINMAYEE ENTERPRISE  
C-1/8, Uday Shankar Bithi,  
City Centre, Durgapur,  
Dist- Paschim Bardhaman-713216 (W.B.)
3. M/s ASHIRBAD REAL ESTATE & TRANSPORT PRIVATE LIMITED  
Sanjay Gandhi Chowk, N.H. Bye Pass Road,  
Maithon, Dist-Dhanbad-828207 (JH)

Sub: Banning of business of M/s ME AND ARETPL (JV) and its constituent partners of Joint Venture firm for a period of three years from participating in future tenders of Eastern Coalfields Limited (ECL).

- Ref: 1. LOA No: ECL/HQ/CMC/LOA/Badjna OC Patch/24, dated :14.01.2021.  
2. Work Order No: ECL/GM/MA/WO/2021/19(F)/216, dated 10.02.2021.

Dear Sir,

You were awarded the work of "Hiring of HEMM for Extraction & Transportation of 5.67 L. Te of Coal, Removal & Transportation of 40.34 L. Cum of OB and Re-handling of 2.09 L. Cum OB at Badjna OC patch of Mugma Area." for completion period of Two (02) Years, vide above referred LOA and Work Order.

Your overall achievement of OB removal and Coal extraction in first year of execution of contract is 13.05% & 11.44% respectively vis-à-vis agreed target. Similarly, the overall achievement in second year of execution of contract is 2.63% & 3.94% respectively. Overall achievement during the contract period in respect of OB & Coal comes to 5.42% and 5.89% respectively.

During the course of execution of the contract, several letters had been issued by the Engineer-In-Charge to you in view of poor performance, to improve the performance in respect of Coal Extraction and OB Removal but you had failed to improve the performance of the work.

As a result of your performance falling below 70% for each and every month during the contract period, it attracted the provisions of Cl No. 9(b) Notes of GTC. (i.e. TERMINATION, SUSPENSION, CANCELLATION & FORECLOSURE OF CONTRACT, which reads as under:

Quote - "Note: In such cases. The contractor may be banned for minimum one year from participating in future bidding allowing the present business to continue without going into termination of contract." Unquote.



The poor performance in execution of work also attracted the following penal provisions of guidelines for "Banning of Business" of CMM Chapter-6. The relevant clause cl no. 2(iv & v) of guidelines for "Banning of Business" is stated below:

"Cl. no.2. The contracting entity may be banned in the following circumstances: -

iv) In case of failure to execute the work as per mutually agreed work schedule.

v) Continued and repeated failure to meet contractual Obligations:

a. In case of partial failure on performance, agency shall be banned from future participation in tenders keeping his present contract alive."

Due to your poor performance, ECL has incurred a huge irreparable loss. Your consistent poor performance shows that you are likely to severely impair production capacity of the Company if allowed to do business with ECL in future.

After exercising all the efforts at all the level to improve the performance a show cause notice for banning of business of your firm and all partners of your Joint venture firm was served to the contractor vide no ECL/GM/MA/2023/19(F)/233 dated 03.03.2023 by the Area General Manager, Mugma Area / EIC, Badjna (H) OC Patch. In response to the said notice, a reply was submitted by you vide no. ME-ARETPL/Badjna/22-23/21 dated 06.03.2023, but no merit in the letter was found by the EIC / Mugma Area Authority.

Thereafter, in observance of principal of natural justice, another opportunity was provided to you, by way of personal hearing, on 29.03.2023 at 04:30 PM at office of G.M. (Mugma Area), however outcome of personal hearing was not satisfactory

Therefore, on the ground of continued poor performance, it has been decided by management of ECL, to ban your firm along with partners of your Joint Venture firm as per provisions of guidelines for "Banning of Business" & clause No. 9(b) Notes of GTC of contract agreement from participation in future tenders of ECL for a period of three years keeping the instant contract alive.

The relevant clause no. 3 of guidelines for "Banning of Business" relating to the applicability of banning is stated below for ready reference.  
Cl. no.3: Such 'Banning of Business', if and when effected, shall be with prospective effect only. The effect of 'Banning of Business' shall be for future tenders from the date of issue of such order. However, if any contracting entity is banned after online notification of opening of Price Bid, such a ban will not be effective for that work.

In view of above, M/s ME AND ARETPL (JV) and its constituent partners of joint venture i.e. M/s Mrinmayee Enterprise & M/s Ashirbad Real Estate & Transport Pvt Ltd are hereby banned for a period of three years from the date of issue of this order for participation in future tenders of Eastern Coalfields Limited (ECL), keeping the present contract alive.

This is issued with the approval of Competent Authority.

Yours Truly,

  
General Manager (CMC)

ECL HQ  
Distribution  
Distribution:

1. GM(CMC), CIL / All Subsidiaries
2. TS to CMD, ECL
3. TS to D(T)P&P/D(P)/D(T)OP/D(F), ECL
4. HOD(F)Ic/GM(C), ECL
- 5 GM, Mugma Area. (Approval was accorded at Item No.12 ,11<sup>th</sup> of 2023 Empowered Committee of Functional Directors of Eastern Coalfields Ltd. Held on 05.05.2023)
- 6.All area GMs, ECL
- 7.Nodal Officer, e-Procurement Cell, ECL, HQ- with a request to ensure that directive of this order is implemented in online e-procurement portal of CIL as per norms.