

ईस्टर्न कोलफील्ड्स लिमिटेड
(कोल इंडिया का एक अभिन्न अंग)
अधिकर्ता का कार्यालय- निमचा (आर) कोलियरी,
सतग्राम क्षेत्र, ईरीएल, पत्रालय-बिधनबाग, जिला-
पश्चिम बर्धमान, पश्चिम बंगाल - 713337



Eastern Coalfields Limited
(A subsidiary of Coal India Limited)
Office of the Agent- Nimcha (R) Colliery,
Satgram Area, ECL, P.O.-Bidhanbag,
Dist-Paschim Bardhaman, W.B Pin -713337
Email: collerynimcha@gmail.com

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(An ISO 9001, ISO 14001 & OHSAS 18001 certified Company)

(एक आईएसओ 9001, आईएसओ 14001 और OHSAS 18001 प्रमाणित कंपनी)

Ref. No. NIM/AGT/2023/4575

Dated: 21-07-2023

To,

1. M/S BPCPL AND ARETPL (JV)
Saguna, Gandhi Murti, Danapur Cantt.
City - Patna, Pin- 801503, Dist - Patna (Bihar)
Email Id:- dharmendrapathak7310@gmail.com
bhowneshwarpathak@gmail.com
2. M/s BHUWNESHWAR PATHAK CONSTRUCTION PRIVATE LIMITED
Saguna, Gandhi Murti, Danapur Cantt,
Patna- 801503 (Bihar)
3. M/s ASHIRBAD REAL ESTATE & TRANSPORT PRIVATE LIMITED
Sanjay Gandhi Chowk, N.H. Bye Pass Road,
Malthon, Dist- Dhanbad (Jharkhand), Pin- 828207

References:

Work Order Ref. No. ECI/11Q/CMC/W.O/Nimcha(AmkolaExtn.)OC Patch/381 Dt. 21-07-2020
Agreement No. ECL/SAT/GM/ Nimcha (Amkola) OC Patch Extension/2020-21/286 Dt. 23-07-2020
LOA No: ECI/11Q/CMC/LOA/ Nimcha(Amkola Extn.)OC Patch /361, Dt. 09-07-2020
Tender Id: 2020_ECL_167226_1, Bid Id: 507840
First Notice of Termination of contract vide Ref No. Nim/AGT/23/3457 Dt. 01-04-2023
Show Cause for Poor Performance vide ref. no. NIM/AGT/23/3981 Dt. 28-05-2023
Notice of Termination of Contract vide ref. no. NIM/AGT/2023/4116, Dt. 10-06-2023
Name of Work: "Hiring of HEMM for Extraction and Transportation of 16.70 L.Tes of coal, removal and transportation of 106.80 L.Cum of OB and re-handling of 37.30 L.Cum OB at Nimcha (Amkola Extn.) OC Patch under Satgram Area"

SUBJECT: Termination of Contract for the above work unexecuted Quantity along with Imposing penalty not limiting to Rs. 20,97,04,386.49, debarring M/S BPCPL AND ARETPL (JV) for a period of 3 years from participating in future tenders of ECL.

Dear Sir,

You were awarded the contract/work of "Hiring of HEMM for Extraction and Transportation of 16.70 L.Tes of coal, removal and transportation of 106.80 L.Cum of OB and re-handling of 37.30 L.Cum OB at Nimcha (Amkola Extn.) OC Patch under Satgram Area".

In the view of above competent authority ECFDS of ECL in its meeting (18th of 2023) held on 19.07.2023 (vide minutes of meeting ref. no. ECI/CS/ 27(2-8)/9524, dated- 20.07.2023), In the view of above, implementation of approved directives of ECFDs contacting inter alia point No. (v), item No. 2 of said minutes dated 20.07.2023, agreed on following action against you which are deliberated below:

- a. Termination of the Contract for the subject work awarded to M/s BPCPL and ARETPL (JV) w.e.f. 16.06.2023 (last date of working) as per clause no. 9 of GTC.
- b. Imposition of penalty not limiting to Rs. 20,97,04,386.49 as per Clause No. 9.2 (e) of GTC. However, actual penalty will be ascertained by Engineer-In- Charge (EIC) after final measurement by CMPDIL and recovery of the same will be the responsibility of EIC.
- c. Banning of Business of M/s BPCPL and ARETPL (JV) and its constituent partners from participating in future tenders of ECL for a period of 3(three) years.

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Hence as per directives of competent authority following may be noted as "ORDER" with respect to the said contract is communicated to you:

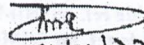
1. Termination of the Contract for the subject work awarded to M/s BPCPL and ARETPL (JV) w.e.f. 16.06.2023 (last date of working) as per clause no. 9 of GTC.
2. Recovery of penalty not limiting to Rs. 20,97,04,386.49 as per Clause No. 9.2 (c) of GTC will be recovered by forfeiting of PSD and additional PSD submitted as BG amounting Rs. 1,46,14,000.00 (BG No. CDIGPGE201990001, CDIGPGE201990002 & CDIGPGE201990003) in first instance and balance amount will be recovered as per clause 9.2 (c) (ii) of GTC of agreement quoted below.

Quote: - "The amount to be recovered from the contractor as determined above, shall, without prejudice to any other right or remedy available to the employer as per law or as per agreement, will be recovered from any money due to the contractor on any account or under any other contract and in the event of any shortfall, the contractor shall be liable to pay the same within 30 days. In case of failure to pay the same the amount shall be debt payable."

However, actual penalty will be ascertained by Engineer-In- Charge (EIC) after final measurement by CMPDII, and recovery of the same will be made accordingly.

3. Banning of Business of M/s BPCPL and ARETPL (JV), registered office at Saguna, Gandhi Murti, Danapur Cantt, Patna- 801503 (Bihar) and its constituent partners M/s BHUWNESHWAR PATHAK CONSTRUCTION PRIVATE LIMITED, registered office at Saguna, Gandhi Murti, Danapur Cantt, Patna- 801503 (Bihar) and M/s ASHIRBAD REAL ESTATE & TRANSPORT PRIVATE LIMITED, registered office at Sanjay Gandhi Chowk, N.I.L. Bye Pass Road, Maithon, Dist- Dhanbad (Jharkhand), Pin- 828207 from participating in future tenders of ECL for a period of 3(three) years with effect from date of issuance of this letter i.e. w.e.f. 21.07.2023.

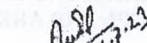
This letter is issued with due approval from competent authority.

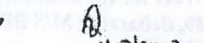

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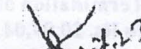
Agent/Engineer-In-Charge
Nimcha(Amkola Extn.) OC Patch
Satgram-Sripur Area

c.c to: (for kind information)

1. CMD, ECL, HQ
2. D(T) OP, ECL, HQ
3. D(T) P&P, ECL, HQ
4. D(F), ECL, HQ
5. TS to CMD, ECL, HQ
6. TS to D(T) OP, ECL, HQ
7. TS to D(T) P&P, ECL, HQ
8. GM(CMC), ECL, HQ
9. Ch. Manager (PR), PR Deptt. ECL, HQ: for necessary arrangement for wide publication on ECL web site.
10. Nodal Officer e-Procurement cell, ECL, HQ: for necessary arrangement for wide publication on e-procurement portal for banning purpose
11. General Manager, Satgram-Sripur Area
12. AGM, Satgram-Sripur Area
13. AM(P&D), Satgram-Sripur Area
14. AFM, Satgram-Sripur Area
15. Area Survey Officer, Satgram-Sripur Area
16. AFM, Satgram-Sripur Area
17. Manager, Nimcha(Amkola Extn.) OC Patch Satgram-Sripur Area
18. Assistant Manager(Fin.), Nimcha(Amkola Extn.) OC Patch Satgram-Sripur Area
19. Manager(Pers.), Nimcha(Amkola Extn.) OC Patch Satgram-Sripur Area
20. Colliery Engineer, Nimcha(Amkola Extn.) OC Patch Satgram-Sripur Area
21. Surveyor, Nimcha(Amkola Extn.) OC Patch Satgram-Sripur Area
22. Office Copy


21/7/23
SURVEYOR


21/7/23
FINANCE MANAGER


21/7/23
MANAGER