

राष्ट्रीय राजमार्ग एवं अवसंरचना विकास निगम लिमिटेड

सड़क परिवहन और राजमार्ग मंत्रालय, भारत सरकार
तीसरी मंजिल, पीटीआई बिल्डिंग, 4-संसद मार्ग, नई दिल्ली-110001

National Highways & Infrastructure Development Corporation Limited

Ministry of Road Transport & Highways, Govt. of India
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(भारत सरकार का उद्यम)

(A Government of India Enterprise)

No. NHIDCL/Mizoram/DPR/Aizawl bypass/2020-21/244

Date: 17.11.2022

To,

M/s. CM Engineering & Solution in JV with
Anandjiwala Infra Advisory in association with
Anandjiwala Technical Consultancy,
House No.- 1473A, Maruti Vihar,
Gurgaon, Haryana- 122002.
Contact No.: 9811406386, 7228079050
Email: cmesconsultancy@gmail.com, ananjiwalainfra@gmail.com

Sub: Declaring the DPR Consultant M/s CM Engineering & Solution in JV with
Anandjiwala Infra Advisory in association with Anandjiwala Technical
Consultancy as Non-Performer -reg.

Ref.: (i) Contract Agreement dated 19.01.2022
(ii) Letter of Commencement of services no. NHIDCL/Mizoram/DPR/Aizawl
bypass/2020-21/16 dated 01.02.2021.
(iii) Notice issued by ED(P), NHIDCL RO-Aizawl vide letter no.
NHIDCL/RO/DPR/AB/2022/162 dated 03.06.2022.

Sir,

1. National Highways & Infrastructure Development Corporation Limited (hereinafter referred as "NHIDCL or Client") and M/s CM Engineering & Solution in JV with Anandjiwala Infra Advisory in association with Anandjiwala Technical Consultancy (hereinafter referred as "Consultants or DPR Consultant") signed the Contract Agreement on 19.01.2022 for the work "Consultancy services for preparation of Detailed Project Report for 2-laning of Aizawl Bypass including Tunnel (Connecting Sairang on NH-6 to NH-6/NH-2) in the State of Mizoram under Bharatmala Pariyojna" at the Contract Price of Rs. 2,67,98,000/- (Rupees Two Crore Sixty Seven Lakh and Ninety Eight Thousand Only) excluding GST for a contract period of six months i.e. upto 31.07.2021, on the terms, condition and covenants contained in the Contract Agreement.

2. Whereas, the letter for commencement of services was issued vide letter under reference (ii) on 01.02.2021.

3. Whereas, the DPR consultant had submitted Inception Report in May'2021 and the Alignment Report was submitted by the DPR Consultant on 30.06.2021.

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4. Whereas, the alignment of subject project was approved by the Executive Committee of NHIDCL on 30.11.2021.
5. Whereas, ED(P), RO-Aizawl vide letter under reference (iii) a show cause notice for suspension of services and debarring / Non Performing of the CM Engineering & Solution in JV with Anandjiwala Infra Advisory in association with Anandjiwala Technical Consultancy. However, no reply to the show cause notice is received till date
6. Whereas, after approval of alignment on 30.11.2021, the DPR Consultant has significantly delayed the submission of Feasibility report and the Feasibility report was submitted by the DPR Consultant vide letter no. CMES/NH-6/NHIDCL/AB/03 dated 05.09.2022. Final DPR of complete project is yet to be submitted by the DPR Consultant.
7. Whereas, during the review meeting of ongoing DPR works held on 27.04.2022, DPR Consultant had informed that the DPR will be completed by June'2022. Further, after lapse of timelines and in the next review meetings from June'2022 to August'2022 and latest on 16th September'2022, DPR Consultant informed that the Feasibility Report will be submitted by 30.06.2022 and DPR will be submitted by 30.09.2022.
8. Whereas, when the DPR was not received till 30.09.2022, the DPR Consultant was called for a meeting at NHIDCL, HQ on 03.10.2022 and the Minutes of Meeting were issued vide letter dated 06.10.2022.
9. Whereas, the directions were given in the Minutes of Meeting that the total length of proposed alignment is to be divided into the three packages i.e. **Package-1:** Road portion of starting 11.30 km, **Package-2:** Tunnel portion of 2.5 km plus 500m approach road on both side of tunnel portal and **Package-3:** Remaining road portion of 19.69 km upto end of alignment near Phaibawk. DPR of Package-1 and Package-3 having road portion is to be submitted by **15.10.2022**, since the DPR Consultant had informed that they have completed the work of road portion. DPR of Package-2 having Tunnel portion with approach road is to be submitted by **31.12.2022**.
10. Whereas, DPR Consultant again failed to submit the DPR of Road portions i.e. Package-1 and Package-3 by 15.10.2022 in spite of making commitment that the DPR of road portion is ready, in the meeting held at NHIDCL HQ on 03.10.2022.
11. Whereas, the alignment of subject project was approved by NHIDCL HQ on 30.11.2021. As per the Enclosure-III of the Contract Agreement, the DPR Consultant is required to submit the Feasibility Report within 30 days of approval of alignment i.e. by 30.12.2021 and DPR is required to be submitted within 115 days of approval of alignment i.e. latest by 29.04.2022. However, the DPR Consultant has submitted Feasibility report on 05.09.2022 with a delay of more than 8 months and the complete DPR is still awaited.
12. Whereas, besides the clauses of suspension and termination of Contract as mentioned in clause 2.8 and 2.9 of General Conditions of Contract (GCC) respectively,

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there are following provisions for penalty and debarring and declaring the firm Non-Performer:

Clause 7.3.2 of GCC (Penalty for delay):

In case of delay in completion of services, a penalty equal to 0.05% of the contract price per day subject to a maximum 5% of the contract value will be imposed and shall be recovered from payments due/performance security. However in case of delay due to reasons beyond the control of the consultant, suitable extension of time will be granted on case to case basis.

Clause 7.4.2 of GCC (Debarring / Non Performing):

In the case of major deficiencies in the Detailed Project Report involving time and cost overrun and adverse effect on reputation of NHIDCL, the firm shall be declared as non-performing and the firm will not be eligible for participating in future projects of the Ministry (including NHAI, NHIDCL, BRO, etc.) for a period of 5 years.

13. Whereas, there is delay in completion of services on part of DPR Consultant for more than 8 months and the DPR of said project is yet to be completed. Therefore, in view of the foregoing, it is clearly evident that the Consultancy Firm has failed to uphold its contractual obligations as per the provisions of the Contract Agreement and also failed to provide the technical services as per the provisions of Contract Agreement.

14. Whereas, in view of above, NHIDCL is imposing a penalty of Rs. 13,39,900/- on the DPR Consultant, M/s CM Engineering & Solution in JV with Anandjiwala Infra Advisory in association with Anandjiwala Technical Consultancy as per clause 7.3.2 of GCC of Contract Agreement for delay in completion of services.

15. Whereas, there is significant delay in completion of the DPR of such an important project involving time overrun, hence the NHIDCL is also declaring the DPR Consultant, M/s CM Engineering & Solution in JV with Anandjiwala Infra Advisory in association with Anandjiwala Technical Consultancy as "Non-Performer" for a period of six months or till the rectification of the deficiency whichever is later, for failure in submission of DPR within the schedule time as per provisions of Contract Agreement. Upon declaration of non-performer, the DPR Consultant will not be able to participate in any bid for National Highway Projects with MoRT&H or any other executing agencies till such time the non-performer persists or the DPR Consultant is removed from the list of non-performers. The DPR Consultant shall include its JV or associate partners, promoters etc. whose credentials were considered while qualifying them for the project.

16. This issues with the approval of the Competent Authority.

(M. Riten Kumar Singh)
Executive Director (T)

Copy for kind information to:

1. The Chairman, NHAI, New Delhi.
2. The Chief Secretaries (PWD/Roads) of all State Govt./UT with National Highways and Centrally Sponsored Schemes.
3. The Director General (RD) & Special Secretary, MoRT&H.
4. The Director General (Border Roads), New Delhi.
5. The Chief Engineers (PWD/Roads) of all State Govt./UT with National Highways and Centrally Sponsored Schemes.
6. PS to MD, NHIDCL and PS to Director (Technical), NHIDCL
7. All Executive Director (T/P)s, NHIDCL.
8. General Manager (IT), NHIDCL HQ, New Delhi- with a request to put up the notice on the NHIDCL website.

Prashant