

To

M/s ARMENGE Engineering Private Limited
in JV with AICON Engineering Private Limited
Akegwo-Avangkhu Road
Email id: armengehrd4@gmail.com

Sub: Consultancy Services for Authority's Engineer for Supervision of: (i) Widening to 2 Lane with Hard shoulder of Akegwo-Avangkhu section of NH-202K for Package-I (Design Chainage 0+000 Km to Km 34+795) in the State of Nagaland on EPC mode under NH (O)-NE (ii) Widening to 2 Lane with Hard shoulder of Akegwo-Avangkhu section of NH-202K for Package-II (Design Chainage Km 34+795 to Km 69+875) in the State of Nagaland on EPC mode under NH (O)-NE (iii) Widening to 2 Lane with Hard shoulder of Akegwo-Avangkhu section of NH-202K for Package-III (Design Chainage Km 69+875 to Km 106+816) in the State of Nagaland on EPC mode under NH (O)-NE -Declaring the Authority's Engineer M/s ARMENGE Engineering Private Limited in JV with AICON Engineering Private Limited as 'Non-Performer'- reg.

Ref: -

- i. MoRTH's letter no. RW/NH-33044/76/2021-S&R(P&B) dated 07.10.2021 reg. *Standard operating Procedure for Debar/Penalize/Declare as Non-Performer.*
- ii. HQ's Office Order no. NHIDCL/HR/Misc. correspondence/2020/E-184648/3562 dated 03.02.2022 reg. *placing the EPC Contractors/ Authority's Engineer/ DPR Consultant in the 'Negative List' of the Authority/ NHIDCL.*
- iii. HQ's Office Order no. NHIDCL/HQ/Admin/PMU& Site Office/Misc. correspondence/2019/180291/692 dated 23.05.2022 reg. *Declaration of Contractor/ Concessionaire/ Authority's Engineer/ Independent Engineer/ Construction Supervision Consultant/ Project Management Consultant as "Non-Performer".*
- iv. HQ's letter no. NHIDCL/Nagaland/AE/NH 202K/PKG-1,2, &3/2022/1808 dated 12.09.2023 reg. *Letter of Award (LOA).*
- v. Consultancy Agreement dated 22.12.2023
- vi. RO-Kohima's letter no. NHIDCL/RO-Kohima/Ak-Av/AE-AEPL/Corres-Vol-1/2021-23/4970 dated 29.12.2023 reg. *Declaration of Commencement Date.*
- vii. HQ's no. NHIDCL/RO-Kohima/Ak-Av/AE-AEPL/Corres-Vol-1/2021-23/1952 dated 24.01.2024 reg. *Approval of replacement of 02 Key Personnel (Resident cum Highway Engineer I&II).*
- viii. RO-Kohima's letter no. NHIDCL/RO-Kohima/Ak-Av/AE-AEPL/EOT&R/Vol-1/2023-24/5114 dated 31.01.2024 reg. *Approval for deployment of sub-professional staff.*
- ix. RO-Kohima's letter no. NHIDCL/RO-Kohima/Ak-Av/AE-AEPL/EOT&R/Vol-1/2023-24/5154 dated 31.01.2024 reg. *Approval for deployment of sub-professional staff.*
- x. Authority's Engineer letter no. ARMENGE/AE/NHIDCL/Nagaland/5111 dated 04.03.2024 reg. *Mobilization update: Sh. Arvind Kumar Mishra - Resident cum Highway Engineer and Personnel Status.*
- xi. HQ's letter no. NHIDCL/RO-Kohima/Ak-Av/AE-AEPL/EOT&R/VOL-1/2023-24/2042 dated 29.04.2024 reg. *Approval of replacement of Key-Personnel (Team Leader Cum Senior Highway Engineer and Bridge/ Structural Engineer).*
- xii. PMU-Pfutsero's letter no. NHIDCL/PMU-PFU/AA-AE/Vol-1/12 dated 22.04.2024 reg. *Explanation call for the absence of Mr. Arvind Kumar Mishra, Resident Engineer from site.*



- xiii. RO-Kohima letter no. NHIDCL/RO-Kohima/Ak-Av/AE-AEPL/EOT&R/Vol-1/2023-24/5553 dated 03.05.2024 reg. *Approval for replacement of sub-professional staff.*
- xiv. RO-Kohima letter no. NHIDCL/RO-Kohima/Ak-Av/AE-AEPL/Corres-Vol-1/2021-23/5551 dated 03.05.2024 reg. *Notice for declaring the Authority's Engineer as Non-performer.*
- xv. Authority's Engineer letter no. ARMENGE/NHIDCL/Nagaland/AE/Ak-Av/2023-24/5353 dated 04.05.2024 reg. *Mobilization and Authorization letter to Mr. Chandan Kumar Thakur, Resident cum Highway Engineer-II.*
- xvi. Authority's Engineer letter no. ARMENGE/NHIDCL/Nagaland/AE/Ake-Ava/2023-24/Rpl/02 dated 18.05.2024 reg. *Response of Notice for declaring Authority's Engineer as Non-Performer.*
- xvii. PMU-Pfutsaro's letter no. NHIDCL/PMU-PFU/AA/AE/AEPL-AEPL/Vol-1/29, dated 05.07.2024 reg. *Show Cause Notice for non-mobilizing of Team Leader, Mr. Krishan Kumar Chaturvedi.*
- xviii. RO-Kohima's letter no. NHIDCL/RO-Kohima/Ak-Av/AE-AEPL/EOT&R/Vol-1/2023-24/6126 dated 24.09.2024 reg. *Approval for replacement of sub-professional staff.*
- xix. RO-Kohima's letter no. NHIDCL/RO-Kohima/Ak-Av/AE-AEPL/EOT&R/Vol-1/2023-24/6178 dated 01.10.2024 reg. *Approval for replacement of sub-professional staff.*
- xx. HQ's letter no. NHIDCL/Nagaland/AE/NH-202K/Pkg1, 2, &3/2022/3091 dated 15.10.2024 reg. *Approval for replacement of Key Personnel i.e., Senior Quality Cum Material Expert-I.*
- xxi. HQ's letter no. NHIDCL/Nagaland/AE/NH-202K/Pkg1, 2, &3/2022/3094 dated 18.10.2024 reg. *Approval for replacement of Key Personnel i.e., Resident Cum Highway Engineer-I.*
- xxii. RO-Kohima's letter no. NHIDCL/RO-Kohima/Ak-Av/AE-AEPL/EOT&R/Vol-1/2023-24/6452 dated 26.11.2024 reg. *Approval for replacement of sub-professional staff.*
- xxiii. RO-Kohima's letter no. NHIDCL/RO-Kohima/Ak-Av/AE-AEPL/EOT&R/Vol-1/2023-24/6461 dated 27.11.2024 *Approval for replacement of sub-professional staff.*
- xxiv. PMU-Pfutsaro's letter no. NHIDCL/PMU-PFU/AA-AE/Vol-1/50 dated 19.11.2024 reg. *Show Cause Notice for Failure to provide stable manpower such as Key-Personnel at project.*
- xxv. RO-Kohima's letter no. NHIDCL/RO-Kohima/Ak-AB/AE-AEPL/EOT&R/Vol-1/2023-24/6602 dated 02.01.2025 for *Approval for Replacement of Key Personnel (Senior Quality Cum Material Expert-II).*
- xxvi. PMU-Pfutsaro's letter no. NHIDCL/PMU-PFU/AA-AE/Vol-1/61 dated 16.01.2025 reg. *Show Cause Notice for failure to providing stable manpower.*
- xxvii. RO-Kohima's letter no. NHIDCL/RO-Kohima/Ak-Av/AE-AEPL/EOT&R/Vol-1/2023-24/6753 dated 17.02.2025 reg. *Approval of sub-professional staff.*
- xxviii. PMU-Pfutsaro's letter no. NHIDCL/PMU-PFU/AA-AE/Vol-1/66 dated 19.02.2025 reg. *Explanation call for failure to providing stable manpower and non-deployment of vehicle at project site.*
- xxix. PMU- Pfutsaro's letter no. NHIDCL/PMU-PFU/AA-AE/Vol-1/71 dated 04.03.2025 reg. *Show Cause Notice for lack of supervision of the project works and inadequate deployment of Key personnel as well as Sub professional staff.*
- xxx. PMU-Pfutsaro's letter no. NHIDCL/PMU-PFU/AA-AE/Vol-1/72 dated 04.03.2025 reg. *Show Cause Notice for lack in supervision at the Project Site.*
- xxxi. PMU-Pfutsaro's letter no. NHIDCL/PMU-PFU/AA-AE/Vol-1/76 dated 20.03.2025 reg. *Explanation notice for non-adherence of Contractual Obligations as per Contract Agreement.*
- xxxii. RO-Kohima's letter no. NHIDCL/RO-Kohima/Ak-Av/AE-AEPL/EOT&R/Vol-1/2023-24/6996 dated 08.04.2025 reg. *Approval for replacement of sub-professional staff.*
- xxxiii. PMU-Pfutsaro's letter no. NHIDCL/PMU-PFU/AA/AE/AEPL-AEPL/Vol-1/79/60 dated 29.04.2025 reg. *Explanation for non-submission of daily attendance and Daily Progress Report.*

xxxiv. PMU-Pfutsero's letter no. NHIDCL/PMU-PFU/AA/AE/AEPL-AEPL/Vol-I /83/79, dated 14.05.2025 reg. *Explanation call of Mr. Chandan Kumar Thakur, Resident Engineer for non-submission of MD review meeting PPT data and Daily Progress Report.*

LOA for supervising the work for Consultancy Services for Authority's Engineer for Supervision of: Widening to 2 (Two) Lane with Hard Shoulder of Akegwo-Avangkhu Section of NH-202K (Design Chainage 0+000 Km to 106+816 Km) (Package I, II & III) in the State of Nagaland on EPC Mode Under NH (O)-NE was issued to M/s Armenge Engineering Private Limited in JV with M/s AICONS Engineering Private Limited (hereinafter referred as the 'Authority's Engineer') on 12.09.2023 by National Highways & Infrastructure Development Corporation Limited (hereinafter referred as 'NHIDCL' or 'Authority').

2. **Whereas**, the Contract Agreement for supervising the above-mentioned work was signed on 22.12.2023 between the Authority and the Authority's Engineer, and the Commencement Date for the project was fixed as 29.12.2023.

3. **Whereas**, as per the provisions of the Contract Agreement signed by the Authority's Engineer it is their obligation to discharge its duties in a fair, impartial, and efficient manner, consistent with the highest standards of professional integrity and Good Industry Practice.

4. **Whereas**, Authority's Engineer has failed to deploy the Team Leader cum Senior Highway Engineer at the site for more than 5 months since the commencement of work. The Authority has approved the CV for the replacement of Team Leader cum Senior Highway Engineer vide letter cited at Ref. (xi). However, the Authority's Engineer has failed to deploy the Team Leader at the site till date. The absence of the Team Leader has affected the progress of the project and has in monitoring the quality standards.

5. **Whereas**, non-deployment of the Team Leader has resulted in ineffective supervision at the site. Only one Key- Personnel Mr. Chandan Kumar, Resident Engineer-II is present at the site and has been handling all the supervision works which are supposed to have been contributed by the Team Leader and other key personnel.

6. **Whereas**, the Authority has approved the CV for the replacement of the Bridge Engineer vide letter cited at Ref. (xi). However, the Authority's Engineer has failed to deploy a Bridge Engineer at the site till date. The absence of a Bridge Engineer has resulted in a lack of effective supervision of structural works.

7. **Whereas**, the Authority has approved the CV for the replacement of key-personnel and sub-professional staff vide letter cited at Ref. (viii), (ix), (xi), (xiii), (xviii), (xix), (xx), (xxi), (xxii), (xxiii), (xxv), (xxvii), and (xxxii). However, the key-personnel and sub-professional staff has not been mobilized at the project site as of date.

Whereas, various Key Personnel and Sub- Professional Staffs which was previously approved by the Authority. However, your firm has consistency failed to deploy at project site till date. The details of Key Personnel and Sub- Professional Staffs are tabulated hereunder: -

CV Replacement Details of Key Personnel					
Sl. No.	As per Contract Agreement		Replacement details with Name of the Key Personnel	Present Status	Remarks
	Position	Name of Key Personnel			

1	Team Leader Cum Senior Highway Engineer	Rajesh Kumar (Bid)	1 st Replacement Krishna Kumar Chaturvedi	not mobilized at site	Approved vide HQ letter 2042 dated April 2024 However not mobilized at site.
			2 nd Replacement Mr. Agasthi Raghavendra	CV was withdrawn by Authority's Engineer	CV of Mr Agasthi Raghavendra for replacement of Team Leader cum Senior Highway Engineer was submitted however during the time of interaction the CV was withdrawn by AE.
2	Resident Cum Highway Engineer - I	Vasimraja Abdulrashid Bagwan (Bid)	1 st Replacement Mr Arvind Kumar Mishra	Mobilized but left the site	Approved vide HQ letter 1952 dated 24.01.2024 Mobilized on 02.03.2024 (Left to mother death)
			2 nd Replacement Bussi Viswa Santhi Raju.	not mobilized at site	Approved vide HQ letter 3094 dated 18.10.2024 Refused to join
			3 rd Replacement Mr Agasthi Srinivas	not mobilized at site	CV of Mr Agasthi Srinivas for replacement of Resident Cum Highway Engineer - I was submitted however during the time of interaction the CV was withdrawn by AE
3	Resident Cum Highway Engineer - II	Shubhash Chandra (Bid)	1 st Replacement Mr Chandan Kumar Thakur	Mobilized but not present at site	Approved vide HQ letter 1952 dated 24.01.2024 Mobilized at Site on 04.05.2024.
4	Bridge/Structural Engineer	Vikas Saini (Bid)	1 st Replacement Krishna Kumar	not mobilized at site	Approved vide HQ letter 2042 dated 30.04.2024. Authority Engineer not able to mobilized the Engineer at the site
5	Senior Pavement Specialist-I	Ritu Raj Kumar (Bid)	-	not mobilized at site	No Replacement CV Submitted till date
6	Senior Pavement Specialist-II	Sanjay Kumar Singh (Bid)	-	not mobilized at site	No Replacement CV Submitted till date
7	Senior Quality cum Material Expert-I	Samrat Rahul (Bid)	1 st Replacement Mr Vinay Kumar	not mobilized at site	Approved vide HQ letter 3091 dated 15.10.2024. However, Authority's Engineer unable to mobilized the Key Personnel at the site
8	Senior Quality cum Material Expert-II	Sanjay Kumar (Bid)	1 st Replacement Mr Chabila Kumar	not mobilized at site	Proposal for replacement has been approved by HQ, NHIDCL on 01.01.2025. Yet to be mobilized.
9	Senior Quality cum Material Expert-III	Vazir pal (Bid)	-	Mobilized but left the site	Mobilized at Site on 14.06.2024.
10	Road Safety Expert	K. Venkata Ramana Murty (Bid)	-	Mobilized but not present at site	Mobilized at Site on 29.12.2023. (Working From Headquarter of AE)

Replacement details of Sub- Professional Staff					
Sl. No	Position	Name of Sub-Professional Staff	Replacement	Present Status	Remarks
1	Survey Engineer- I	Anshul Sharma	-	Mobilized but left the site	Approved vide RO-Kohima letter 5154 dated 14.02.2024, left site on 27.04.2024
		Mr. Kuldeep	1 st Replacement	not mobilized at site	Approved vide RO-Kohima letter 5553 dated 03.05.2024, not mobilized.
		Mr Anish	2 nd Replacement	not mobilized at site	Approved vide RO-Kohima letter 6461 dated 27.11.2024, Yet to be Mobilized

Y

2	Survey Engineer- II	Hakim Singh Gurjar	-	not mobilized at site	Approved vide RO-Kohima letter 5114 dated 31.01.2024, not joined.
		Mr. Vikash Kumar	1st Replacement	not mobilized at site	Approved vide RO-Kohima letter 6126 dated 24.09.2024, not joined.
		Mr Situ Seikh	2nd Replacement	not mobilized at site	Approved vide RO-Kohima letter 6461 dated 27.11.2024, Yet to be Mobilized
3	Survey Engineer- III	Pinnika Raveendra	-	not mobilized at site	Approved vide RO-Kohima letter 5114 dated 31.01.2024, not joined.
		Mr. Sanjeet Kumar Pandey	1st Replacement	not mobilized at site	Approved vide RO-Kohima letter 5553 dated 03.05.2024, not mobilized.
		Mr Mahesh	2nd Replacement	not mobilized at site	Approved vide RO-Kohima letter 6164 dated 28.09.2024, not mobilized.
4	Lab Technician- I	Amar Choudhary	-	not mobilized at site	Approved vide RO-Kohima letter 5114 dated 31.01.2024, not joined.
		Mr. Shiva Tiwari	1st Replacement	not mobilized at site	Approved vide RO-Kohima letter 6126 dated 24.09.2024, not joined.
		Mr. Raju	2nd Replacement	not mobilized at site	Approved vide RO-Kohima letter 6178 dated 01.10.2024, not joined.
		Mr Neeraj Kumar	3rd Replacement	not mobilized at site	Joined site on 13.01.2025 but he has left the site on 16.01.2025
		Mr. Rajiv Ranjan	-	not mobilized at site	Approved vide RO-Kohima letter 6753 dated 17.02.2025, not joined.
5	Lab Technician- II	Chittibomma Jagdeesh	-	not mobilized at site	Approved vide RO-Kohima letter 5114 dated 31.01.2024, not joined.
		Mr Mukul Anand Mandolia	1st Replacement	not mobilized at site	Approved vide RO-Kohima letter 5553 dated 03.05.2024, not mobilized.
		Mr Rohit Raj	2nd Replacement	not mobilized at site	Approved vide RO-Kohima letter 6452 dated 26.11.2024, Yet to be Mobilized
6	Lab Technician- III	Rohit Kumar	-	Mobilized but left the site	Approved vide RO-Kohima letter 5154 dated 14.02.2024, left site on 08.06.2024.
		Mr. Jaiveer Giri	1st Replacement	Mobilized but left the site	Mobilized at Site since 28.09.2024.
7	Quantity Surveyor- I	Priyanshu Kumar	-	not mobilized at site	Approved vide RO-Kohima letter 5114 dated 31.01.2024, not joined.
		Mr. Aayush Gupta	1st Replacement	Mobilized but not present at site	Approved vide RO-Kohima letter 5553 dated 03.05.2024, not present at site working from the HQ of AE
8	Quantity Surveyor- II	Rohit Kumar	-	not mobilized at site	Approved vide RO-Kohima letter 5114 dated 31.01.2024, not joined.
9	Quantity Surveyor- III	Mr. Pranav Kaushal	-	not mobilized at site	Approved vide RO-Kohima letter 6126 dated 24.09.2024, not joined.

10	Asst. Bridge Engineer	Aman Badal	-	Mobilized but left the site	Approved vide RO-Kohima letter 5154 dated 14.02.2024, left site on 31.07.2024
		Mr. Anmol Kumar	1st Replacement	not mobilized at site	Approved vide RO-Kohima letter 6126 dated 24.09.2024, not joined.

8. In regards to the above, it is clearly indicating that the Authority by fulfilling their obligations has approved several key personnel and sub professional staff CVs for deployment. However, the Authority's Engineer has failed to mobilize even after the approval of the replacement CVs by the Authority.

9. **Whereas**, the Authority issued notice to declare the Authority's Engineer as non-performer vide letter at the Ref. (xiv). The compliance of the Authority's Engineer submitted vide letter cited at the Ref. (xvi) is found to be unsatisfactory.

10. **Whereas**, vide letter cited at Ref. (xii), (xvii), (xxiv), (xxvi), (xxviii), (xxix), (xxx), and (xxxi), the PMU has issued several show cause notice and explanation calls to the Authority's Engineer for non-deployment of adequate staffs and lack of supervision of project works. However, it is to inform you that no improvement or action has been taken by the Authority's Engineer till date, due to which the quality and progress of the project works is hampering.

11. **Whereas**, vide letter cited at Ref. (xxxiii) the PMU has issued explanation call to the Authority's Engineer for non-submission of daily attendance of deployment Key Personnel, Sub-Professional and Supporting Staff to this office. Further, the Authority's Engineer also instructed to submit the Daily Progress Report to this office on daily basis. However, you have failed to submit the same till date, which shows your negligence and irresponsible behavior on project works.

12. **Whereas**, vide letter cited at Ref. (xxxiv) the PMU has issued explanation call to the Mr. Chandan Kumar Thakur, Resident Engineer for non-submission of MD review meeting PPT data, Daily Progress Report, and non-adhering of Contractual obligations. However, the suitable reply of the same is not yet received.

13. **Whereas**, as per Article 11 clause 11.7 and 11.8(iii) of the EPC Contract Agreement after the submission of the Monthly Progress Report by the EPC Contractor to the Authority's Engineer, the AE shall promptly give such other relevant information as may be required to the Authority and the Authority's Engineer shall submit a Monthly Inspection Report (**the Inspection Report**). However, the same was submitted after the lapse of almost 5months since the date of commencement.

14. **Whereas**, the Authority's Engineer has caused the breach of the following clauses of GCC & TOR of the Consultancy Services Agreement as well as the duties and responsibilities for AE enshrined in the EPC Contract:

(a) 3.1.1 of GCC- The Consultants shall perform the Services and carry out their obligations hereunder with all diligence, efficiency and economy, in accordance with generally accepted professional techniques and practices, and shall observe sound management practices, and employ appropriate advance technology and safe and effective equipment, machinery, material and methods. The Consultants shall always act, in respect of any matter relating to this Contract, or to the Services, as faithful advisers to the Client, and shall at all times support and safeguard the Client's legitimate interests in any dealing with Sub-Consultants or Third Parties.

(b) **3.1 of TOR-** The Authority's Engineer shall discharge its duties in a fair, impartial and efficient manner, consistent with the highest standards of professional integrity and Good Industry Practice.

(c) **5.6 of TOR** -On daily basis, the concerned Key Personnel of Authority's Engineer shall inspect the Construction Works. Following activities need to be undertaken during the visits:

- Review of Construction including progress, quality and safety of construction.
- Inspection of defects and deficiencies in construction works.
- Witnessing quality inspection tests at labs established by Concessionaire on a sample basis.

(d) **9 of TOR-** The Authority's Engineer shall perform all other duties and functions as specified in the Agreement

(e) **11 of TOR- PERFORMANCE CLAUSE-**Authority's Engineers shall be expected to fully comply with all the provisions of the 'Terms of Reference', and shall be fully responsible for supervising the Designs, Construction and maintenance and operation of the facility takes place in accordance with the provisions of the EPC Agreement and other schedules. Any failure of the Authority Engineer in notifying to Employer and the Contractor on non-compliance of the provisions of the EPC Contract Agreement and other schedules by the EPC Contractor, non-adherence to the provision of ToR and non-adherence to the time schedule prescribed under ToR shall amount to non-performance.

15. Whereas, the Authority's Engineer has also caused the breach of the following following clause of the Ministry circular no RW/NH-33044/76/2021-S&R(P&B), dated 07.10.2021: **Clause 3, Sub-clause"1(c) Delay or submission of improper MPRs, improper review of methodologies, temporary works, QA plan/manual O&M plan/manual etc"**.

16. Whereas, the Authority's Engineer has also caused the breach of the **Clause 3, Sub-clause- 3** of the aforementioned Ministry's circular dt 07.10.2021 by misinterpreting the provisions of the contract agreement in terms of the Clauses of GCC & TOR of the Consultancy Services Agreement as well as the duties and responsibilities for AE.

17. Whereas, the major defaults of the Authority's Engineer M/s ARMENGE Engineering Private Limited in JV with AICON Engineering Private Limited is highlighted as below: -

(i) Failure to mobilize at site, the key-personnel and sub-professional staff within the timeframe of the Contract Agreement or as directed by the Authority

(ii) Failure to deploy all key-personnel as per the Contract Agreement at site,

(iii) Not submitting Monthly Inspection Report in time and as per the format in the Contract Agreement.

(iv) Failure to comply with any other conditions of TOR and any other lawful directions of the Authority.

(v) By misinterpreting the provisions of the contract agreement in terms of the Clauses of GCC & TOR of the Consultancy Services Agreement as well as the duties and responsibilities for AE.

18. Whereas, as per Clause 4.5.2 of GCC "In case notice to commence services is given within 120 days of signing of contract, the Authority expects all the Key Personnel specified in the Proposal to be available during implementation of the Agreement. The Authority will not consider any substitution of Key Personnel except under compelling circumstances beyond the control of the Consultant and the concerned Key Personnel. Such substitution shall be limited to not more than three Key Personnel subject to equally or better qualified and experienced personnel being provided to the satisfaction of the Authority. Replacement of the Team Leader will not normally be considered and may lead to disqualification of the Applicant or termination of the Agreement. Replacement of one Key Personnel shall be permitted subject to reduction of remuneration equal to 5% (five percent) of the total remuneration specified for the Key Personnel who is proposed to be replaced. In case of second replacement the reduction in remuneration shall be 10% (ten percent) and for third and subsequent replacement, such reduction shall be equal to 15% (fifteen percent)".

19. Whereas, in accordance to the G.C.C 7.1 "the parties undertake to act in good faith with respect to each other's rights under this contract and to adopt all reasonable major to ensure the realization of the objective of this contract".

20. In view of the aforesaid facts and circumstances, and in view of the Authority's Engineer persistent & sustained gross defaults and submission of unsatisfactory reply, the Authority is left with no option but to declare the Authority's Engineer M/s ARMENGE Engineering Private Limited in JV with AICON Engineering Private Limited as "**Non-Performer**" for a period of 2 years or till the rectification of deficiency whichever is later" as per the action prescribed for the Firm under Clause 3 of the Ministry's Circular No. RW/NH-33044/76/2021-S&R(P&B) dated 07.10.2021. Also, upon Declaration of Non-Performer, the Authority's Engineer will not be able to participate in any bid for National Highways projects with MORT&H or any other executing agencies till such time this order persists or the Authority's Engineer is removed from the list of non-performers. The Authority's Engineer shall include its JV partners, promoters, etc. whose credentials were considered while qualifying them for the project" as enumerated in Ministry's Circular No. RW/NH-33044/76/2021-S&R(P&B) dated 07.10.2021.

21. This Notice is issued without prejudice to any other rights/contention or remedy available to the Authority under the Contract Agreement and/or applicable law.

Encl: As Stated


(Ashok Kumar Jha)
General Manager (Technical)-II
HQ NHIDCL

Copy to:

- i. Director General (RD&SS), MoRTH
- ii. Director General (Border Roads), Seema Sadak Bhawan, Ring Road, Narayana, New Delhi
- iii. Chairman, NHAI
- iv. Chief Secretaries (PWD Roads) of all State Government/UT with National Highways and Centrally Sponsored Scheme
- v. PPS to MD, NHIDCL
- vi. PS to Director (A&F), Director Technical -I, II, NHIDCL, New Delhi
- vii. All offices of NHIDCL - HQ/RO/PMU/SO
- viii. Media Relation/ IT Division/ Infracon Cell with request to get it posted on NHIDCL Website