

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)

NHIDCL/BM-BRT/01/2015/Feedback/DPR/152221/ 2079

Dated: 01.02.2023

WITHOUT PREJUDICE

To,

M/s Feedback Infra Pvt. Ltd.  
311, 3rd Floor, Vardhman Plaza  
Dwarka, New Delhi - 110075  
Email: bdcentral@feedbackinfra.com

(Kind attn. Sh. Prabhakar Jha, Authorised Signatory)

Sub: Consultancy services for carrying out Feasibility study, preparation of Detailed Project Report and providing Pre-Construction services in respect of up-gradation to two lanes with paved shoulder configuration of corridors under BHARATMALA project, NH connectivity to BRT places of the country and ADB funded projects in the state of Assam and West Bengal. - Termination of Consultancy Contract - Reg.

Sir,

NHIDCL appointed M/s Feedback Infra Pvt. Ltd., as the DPR Consultant for the subject consultancy work and in this regard, on 18.10.2016 a Contract Agreement was signed between the NHIDCL and M/s Feedback Infra Pvt. Ltd. at the contract price of Rs. 10,82,69,460/-.

2. WHEREAS, date of commencement of work was determined as 03.11.2016 with the completion date of 02.11.2017, however, the extension was granted for completion of the work and the modified completion date determined as 15.11.2019.

3. WHEREAS, NHIDCL vide letter NHIDCL/BMP-BRT/01/2015/1095 dated 26.12.2019 issued the Show Cause Notice to the DPR Consultant for the unprofessionalism asking therein that as to why the contract should not be terminated & Performance Bank Guarantee should not be encashed including the debarment of the DPR Consultant for the following reasons:

(i) During the review meeting dated 04.12.2019, DPR Consultant was instructed to conclude the public consultation work of minimum 30 public meetings along with all stakeholders including DM/DC.

(ii) In the Review Meeting held on 19.12.2019, the DPR Consultant was again reminded to complete the assignment at the earliest and to attend the PATSC meeting to be held on 26.12.2019 along with cost estimates of already approved alignment by the NHIDCL.

(iii) DPR Consultant did not respond in spite of several efforts. Hence, the unprofessional act on the part of DPR Consultant was viewed seriously and the same was found against the good industry practice.

4. WHEREAS, PMU-Shillong, vide letter PMU-SHG/BHM/Assam/GEN/15/1/1083 dated 08.02.2020 sought the explanation from the DPR Consultant that why action should not be taken for unprofessional behavior. The following defaults of the DPR Consultant were conveyed vide the letter dated 08.02.2020:

(i) During the meeting held on 13.01.2020 at office of the Circle Officer, Algapur Revenue Circle, the representative of DPR Consultant was unable to provide clear justification for proposing the alignment passing through Hailakandi District and was not able to clear the queries raised by the members present in the meeting which led to very embarrassing situation for NHIDCL Officials.

(ii) Subsequently, the matter was discussed with Mr. Pranav Ranjan (Team Leader) on 26.01.2020 and asked him to submit a proposal of the alignment options for Panchgram Bypass clearly indicating the merits/demerits/recommendations. Accordingly, a follow up mail was also sent to the DPR Consultant on 27.01.2020 to provide comments/clarifications on the attached MOM issued by Circle Officer at the earliest. DPR Consultant vide email dated 27.01.2020 submitted a draft proposal of the proposed alignment options to this office for perusal. The issue was again discussed on 28.01.2020 with DPR Consultant. However, it was observed that the comments/clarifications submitted by the DPR Consultant vide email dated 30.01.2020 does not cater all the points discussed.

(iii) The DPR Consultant was again instructed to rectify the observation and re-submit the proposal of the alignment options. In turn, Consultant vide email dated 03.02.2020 re-submitted the proposal and again it was observed that the proposal is not complete.

(iv) In terms of letter received from the Deputy Commissioner, Halilakandi, NHIDCL communicated to the Consultant that a meeting is to be held on 04.02.2020 for discussion on selection of the site for construction of new bridge over Barak river with approaches and Panchgram Bypass with a request to attend the said meeting. The consultant was intimated to depute well versed senior representative for the said meeting.

(v) However, it was observed by the NHIDCL Officer as well as by the DC-Halilkandi that no senior representative of the DPR Consultant was present during the meeting and the representative deputed by the DPR Consultant was not well versed and had come without preparation, justification and reasons for the proposed alignment, which led to create a lot of confusion in the discussion. This has not only created an embarrassing situation for officials of NHIDCL who attended the meeting but also affected the impression of the NHIDCL before the district administration. Hence, the action of DPR Consultant despite clear instruction was found to be unprofessional and unacceptable.

5. WHEREAS, DPR Consultant vide letter FIPL/NHIDCL/BMP-BRT/PKG-01/2016/163 dated 13.02.2020 replied to the letter seeking explanation and by way of the letter it





has been agreed that non availability of senior officials of DPR Consultant in the important district level meeting is unacceptable.

6. WHEREAS, DPR Consultant had failed to submit the Monthly Progress Report, hence, PMU-Silchar, vide letter PMU-Silchar/DPR/BMP-FD/2019-20/698 dated 24.03.2020 informed the DPR to furnish the Monthly Progress Report.

7. WHEREAS, PMU-Silchar, vide letter PMU-Silchar/DPR/BMP-FD/2020-21/698 dated 22.05.2020 informed to the DPR Consultant that NHIDCL would like to physically verify the Schedule- A, Schedule- B, Schedule -H and RoW details as per site conditions. It was communicated to the DPR Consultant that no key-personnel is available at site. Only one Survey Staff is available at Silchar. Hence, the DPR Consultant was once again requested to deploy a dedicated team at site at the earliest.

8. WHEREAS, the DPR Consultant failed to take immediate action on the letter PMU-Silchar/DPR/BMP-FD/2020-21/713 dated 28.05.2020 with regard to mobilization of team at the site, hence, PMU-Silchar, again vide letter dated 28.05.2020 again requested to the DPR Consultant to mobilize key professionals and sub professional staff as per contract within 10 (Ten) days at site positively. It was also requested to furnish the name and contract details of complete team involved in DPR work.

9. WHEREAS, the DPR Consultant continuously failed to mobilize the team at site, hence, PMU-Silchar, vide letter SO-Silchar/DPR/BMP-FD/2020-21/906 dated 16.12.2020 again requested the DPR Consultant to mobilize the team at site before 21.12.2020 so that physical verifications of the DPR Stretch would be completed which have been proposed by the DPR Consultant for Silchar to Churaibari stretch. It was also submitted to the DPR Consultant that inspite of earlier requests of NHIDCL no senior representative of DPR consultant was available at site. As on 16.12.2020, no Key-Professional was available at site. Only one Survey Staff is available at Silchar. DPR Consultant was once again requested to mobilize Key Professionals and Sub Professional at site.

10. WHEREAS, Regional Office-Guwahati, vide letter RO/A-S/BRT/2020/432/1/6285 dated 23.12.2020, had issued the notice for suspension under Section 2.8 of GCC to M/s Feedback Infra Pvt. Ltd., for the following defaults:

(i) Despite being conveyed by the Authority none of the Key Personnel have been deployed at site from 21.12.2020 for finalization of Technical Schedules, etc. The personnel have neither been mobilized at site nor intimated their absence.

(ii) No responsible person is deployed at site. No progress has been observed in the various pre-construction activities that are required considering the fact that the project is supposed to be taken up in the Financial Year 2021-22.

(iii) The deployment of the personnel was requested in light of Hon'ble Minister, Road Transport & Highways & Hon'ble Chief Minister, Assam's visit to Silchar on 25.12.2020, wherein the status of the projects were supposed to be elaborately apprised to the dignitaries.



(iv) That several instructions were conveyed in the various review meetings and interactions & several communications were regularly made by the PMU and the Site Office for expediting the pre-construction activities. However, no satisfactory action was taken by the DPR Consultant.

(v) That due to the acts of the DPR Consultant, it may result in delaying a project of national importance as well as is causing the Authority to lose its goodwill.

(vi) The DPR Consultant is fully aware that the project in question is of national importance and has already been delayed for the entire reasons attributable to DPR Consultant, when time is the essence of the Contract.

11. WHEREAS, PMU-Silchar, vide its letter NHIDCL/PMU-Silchar/DPR/BMP-FD/2020-21/1004 dated 16.03.2021 reminded the DPR Consultant of its careless attitude with regard to the project of national importance stating therein that:

(I) 2 maps are missing from Cachar District and 3 maps from Karimganj District in the Land Acquisition Plan (LAP) submitted by the DPR Consultant.

(II) For the purpose of further verification at site, the Land Acquisition Plan is required to be submitted to the DC and the CALA offices.

(III) Submission of incomplete LAP reflects careless attitude of DPR Consultant towards project of national importance which further paints a bad picture of NHIDCL among District administration.

(IV) The DPR Consultant with a stern warning was directed to submit complete Land Acquisition Plan for further necessary submission at CALA office with a stern warning not to repeat it in the future.

12. WHEREAS, as per the ToR, the DPR consultant is required to provide concise Monthly Progress Report by the 5th day of every month at HQ. However, NHIDCL HQ has not received any monthly progress report since from the date of commencement of the Project.

13. WHEREAS, during VC Review Meeting dated 21.04.2022, competent authority has observed the consistent poor quality & shoddy progress of consultancy services being delivered by the DPR consultant leading to prolonged delays in the implementation of the project.

14. WHEREAS, during a Meeting called by MD, NHIDCL with top management of M/s Feedback Infra projects Pvt. Ltd. on 27.04.2022, it was directed to the consultant that the alignment for the stretch in Assam should have been finalised after compliance to the observations on or before 10.05.2022 failing to which termination proceedings shall be initiated against M/s FIPL in regards to the subject work.

15. WHEREAS, despite several written and oral commitments from the firms' management and the members of consultancy team, the consultant has been unsuccessful to deliver the DPR as per the timeline and still requires more time to complete the DPR after 5.5 years from the date of commencement.





16. WHEREAS, the client had already bore the brunt of delaying the award target of package-2 & 3 in FY 2020-21 to FY 2021-22 which has now been re-scheduled for FY 2022-23 due to the delays caused in light of non- preparation & submission of a comprehensive DPR and obtaining necessary clearances which the Consultant was bound to provide at a very early stage.

17. WHEREAS, Penalty for Delay amounting to ₹ 1,08,26,946 /- was imposed on M/s FIPL vide letter no. 1733 dated 28.07.2022 on account of delays in submission of DPR and non- completion of consultancy work and response of the firm not being found satisfactory.

18. WHEREAS, Penalty for Inaccuracies and Delay imposed by RO-Tripura on 17.05.2022 amounting to ₹ 12,45,700/- (₹ 6,55,632/- towards inaccuracies + ₹ 5,90,068/- towards delays).

19. WHEREAS, show cause notice was served to M/s FIPL vide letter no. 1870 dated 23.09.2022 for declaring as a 'Non-Performer' on account of poor performance and inaccuracies in the DPR preparation for Package 2 & 3 and the response from the firm has not been found satisfactory.

20. WHEREAS, it has been repeatedly noted that DPR Consultant is continuously working in an unprofessional and unacceptable manner despite issuance of several notices and enquiries by the Regional Office as well as the HQ despite your committed timelines vide your letter dated 29.09.2022 for submission of requisite DPR and related deliverables.

21. In view of facts stated above, NHIDCL hereby from the date of this letter terminates your services in regards to the subject consultancy contract except for the stretch of Panchgram & Badarpur Bypass by exercising provisions under GCC Clause 2.9.1(a) of the Contract Agreement on account of failure to remedy your failure in the performance of your obligations.

22. This is issued with the approval of Competent Authority.

  
(W. Blah)  
Executive Director (T)

**Copy To:**

1. ED(P), RO-Assam, NHIDCL, Guwahati - For kind information and further necessary action, please.
2. ED(P), RO-Tripura, NHIDCL, Agartala - For kind information and further necessary action, please.
3. GM (Finance/Legal/HR/IT) - For information & record, please.

