

उत्तर प्रदेश सरकार
लोक निर्माण विभाग

कार्यालय मुख्य अभियन्ता (राष्ट्रीय मार्ग)
Office of Chief Engineer
(National Highways)
लोकनिर्वि०, लखनऊ-226001
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Letter No. 296 NH/21N/18

Date: 24/01/2024

Office Order

The Work of "Consultancy Services for Ayodhya 84 Kosi Parikrama Marg NH-227B" was awarded to M/s JC Technocrats Pvt. Ltd. vide CB no 08/SE Circle/2018-19, dated 03.10.2018.

2. SE, NH Circle, PWD, Lucknow vide letter no. 3480/702C-NH Circle/2023, dated 16.11.2023 and No.370/702C-NH Circle/2023, dated 24.01.2024 has submitted the proposal for Penal Action against the DPR Consultant for the unsatisfactory performance on their part. The matter was earlier referred to CE-RO, MoRTH, Lucknow vide CE (NH) UPPWD letter no. 3507NH/21N/18, dated 24.11.2023 for debarment/blacklisting for a period of one year from all works of NH PWD/MoRTH/ NHAI/Centrally Sponsored Work. CE-RO, MoRTH, Lucknow vide letter no. CE-RO/LKO/In-Principle Approved NH/UP/2018- 19/564/1670, dated 10.01.2024 has instructed to take action by State PWD in view of the Agreement being executed by State PWD.

3. Various meetings were held from time to time to review the progress of the Consultancy Work & Pre-Construction Activities. A meeting was held in the office of the CE(NH) on 18.11.2023 and Minutes of Meeting were issued vide CE (NH) UPPWD office letter no. 259 Camp/CE-(NH)-6 P.A.(MOM)/22, dated 23.11.2023. The status of various pre-construction activities was found unsatisfactory/erroneous/delayed due to non-performance on part of the Consultant. The Consultant Representative assured to deploy sufficient personnel and take up the pre-construction activities expeditiously.

3. The progress of the pre-construction activities was again reviewed by CE (NH) UPPWD on 12.01.2024 and the Minutes of the Meeting were issued vide letter no. 13 Camp/CE(NH)-6 P.A.(MOM)/22, dated 15.01.2024. It is observed that pre-construction activities in almost all packages are delayed extraordinarily without any reason and there isn't much improvement in the status as on 18.11.23. The major pre-construction activities status recorded on 12.01.2024 is as follows:

- i) **84 Kosi Parikrama Marg (Package-I)**-It was apprised by EE, NH Division, PWD, Basti that land acquisition for 53 villages for an area of 177.991 Ha. is under process by Consultant, M/s JC Technocrats Pvt. Ltd., Delhi. It was further intimated that 3(a) was published on 28.01.2022, 3(A) for 50 villages was notified on 20.09.2022 and its 3(D) on 09.03.2023. The additional 3(A) for an area of 25.8 ha. has been submitted to CALA and is pending with Tehsil-Hariaya for signing of officials due to lack of coordination by the Consultant. The 3(G) award for 11 villages has been declared by CALA, but the remaining award is under observation due to various discrepancies in the 3(D).

It is observed that the Consultant has submitted the erroneous 3(D) to CALA and the same can be modified only after the Re-JMS. The Consultant was instructed to submit the correct report over the observations made by CALA within a week. The progress of land acquisition since the last meeting held on 18.11.2023, is highly unsatisfactory. It was also apprised by EE that compliance report of the conditions mentioned in the approval letter of FC Stage-I has still not been submitted by the Consultant due to which permission to cut the trees is not being possible to be issued by DFO, Basti to DLM, Gorakhpur.

- ii) **84 Kosi Parikrama Marg (Package-II)**-It was apprised by EE, NH Division, PWD, Basti that land acquisition for 3 villages for an area of 14.56 Ha. in Basti District and 11 villages for an area of 68.42 ha. in Ayodhya District is under process by the Consultant, M/s JC Technocrats Pvt. Ltd., Delhi. It was further intimated that 3(a) was published on 28.01.2022, 3(A) for Ayodhya District of 11 villages on 20.01.2023 but the 3(A) for 3 villages in Basti District is pending with the Ministry due to late submission by the Consultant. It was further intimated by EE that 3(D) for 10 villages of Ayodhya District has been notified on 02.01.2024 and that of 01 village of Ayodhya district is still pending with the Consultant. It was also apprised by EE that the GAD of ROB is still pending for approval due to lack of coordination by the

4

Consultant. It was observed that the Consultant has not shown the sufficient progress even after the assurances given in the last meeting held on 18.11.2023.

- iii) **84 Kosi Parikrama Marg (Package-III)**-It was apprised by EE, NH Division, PWD, Basti that land acquisition for 16 villages for an area of 102.42 ha. in Ayodhya District and 07 villages for an area of 42.76 ha. in Ambedkar Nagar District is under process by the Consultant, M/s JC Technocrats Pvt. Ltd., Delhi. It was further apprised that 3(a) was published on 28.01.2022 and 3(A) for Ayodhya/Ambedkar Nagar on 16.08.2022.

It is informed that the Additional 3(A) for the remaining plot numbers is still pending with the Consultant. Verification and valuation of private trees for remaining 20 villages is still pending due to lack of coordination by the Consultant. The Consultant has assured to submit the valuation of private trees within a week and additional 3(A) by next 02 weeks. It is observed that 3(D) process for all villages is still not completed by the Consultant in spite of continuous assurance from Consultant.

- iv) **84 Kosi Parikrama Marg (Package-IV)**- It was apprised by EE, NH Division, PWD, Ayodhya that land acquisition for 70 villages for an area of 365.41 ha. in Ayodhya District under process by Consultant, M/s JC Technocrats Pvt. Ltd., Delhi. It was further apprised that 3(a) was published on 28.01.2022, 3(A) on 20.03.2023 and 3(D) draft proposal for 63 villages is submitted to CALA on 11.09.2023 for JMS and the same is being verified by CALA and Tehsil officials. CALA has observed the discrepancies in the submitted proposal which is to be corrected by the Consultant. This is also intimated by EE that the 3(A) will expire on 19.03.2024 hence, 3(D) has to get notified, before expiry date.

Forest Clearance Stage-I Proposal for 2.5766 ha. land diversion was submitted very late by the Consultant on 06.08.2023. The EDS raised by the Forest Department are still pending with the Consultant since 13.10.2023.

GAD of ROB with proposal no. NRLKO0062, dated 26.06.2023 and NRLKO0063 dated 26.06.2023 is under consideration with NR, New Delhi. The observations raised by Chief Bridge Engineer, NR have been complied with and modified GAD has been submitted by Consultant on 11.01.2024.

It is observed that the Consultant has not achieved the significant progress in the preconstruction activities even after various assurance given by the Consultant in the last meeting dated 18.11.2023.

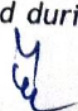
- v) **84 Kosi Parikrama Marg (Package-V)**- It was apprised by EE, NH Division, PWD, Lucknow that land acquisition for 18 villages for an area of 87.24 ha. in Barabanki District and one village of area of 11.976 ha. in Gonda District is under process by Consultant, M/s JC Technocrats Pvt. Ltd., Delhi. It was CE/English Letter 102 further apprised that 3(a) was published on 28.01.2022, while 3(A) was on 18.06.2023 for 18 villages of District Barabanki. 3(A) of 2 villages is to be re-submitted on account of discrepancies found. EE further intimated that 3(A) for two villages must be resubmitted due to discrepancies found during the process. 3(D) for 15 villages was uploaded on the portal by December 11, 2023, but it could not be processed due to discrepancies.

It is observed that the LA process is unsatisfactory. It was instructed to expedite the process so that the 3(G) process may be started.

- vi) **84 Kosi Parikrama Marg (Package-VI)**- It was apprised by EE, NH Division, PWD, Ayodhya that land acquisition for 42 villages for an area of 358.640 ha. in Gonda District is under process by Consultant, M/s JC Technocrats Pvt. Ltd., Delhi. It was further apprised that 3(a) for 42 villages was published on 28.01.2022, 21 villages on 21.08.2023, 3(A) for 37 villages on 09.10.2023. It is observed that negligence and non-performance is the main reason for the very slow progress of LA. It is also observed that Forest Proposal has yet not been uploaded by Consultant on Parivesh Portal. The estimates from UPPTL is yet not been received by the Consultant.

4. The various relevant Clauses of Contract Agreement Section-7.1.1 is read as follows:

"The Consultant shall be responsible for accuracy of the data collected, by him directly or procured from other agencies/authorities, the designs, drawings, estimates and all other details prepared by him as part of these services. He shall indemnify the Authority against any inaccuracy in the work which might surface during implementation of the project. The Consultant will also be responsible for correcting, at his own cost and risk, the drawing including any re-survey/ investigations and correcting layout etc. if required during the execution of the Services."



Clause-7.3.2 Penalty for delay

"In case of delay in completion of services, a penalty equal to 0.05% of the contract price per 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 contract of the consultant, suitable extension of time will be granted."

Clause-7.3.3

"Total amount of recovery from all penalties shall be limited to 10% of the Consultancy Fee."

Clause-7.4.1 Consultants liability towards the Client

"Consultant shall be liable to indemnify the client for any direct loss or damage accrued or likely accrue due to deficiency in service rendered by him."

Clause-7.4.2 Warning/Debarring

"In addition to the penalty as mentioned in para 7.3, warning may be issued to the consultants for minor deficiencies. In the case of major deficiencies in the Detailed Project involving time and cost overrun and adverse effect on reputation of Ministry, other penal action including debarring for certain period may also be initiated as per policy of Ministry."

5. SE, NH Circle, PWD, Lucknow vide letter no. 2491/702C-NH Circle/2023, dated 25.08.2023 has recommend the Penalty for Rs. 4.93 Lacs which is a 1% of the Contract amount of Rs. 4.93 Cr. Pursuant to GCC Clause 7.3.2, which shall be recovered from payments due/ performance security.

6. It is observed that, DPR Consultant, M/s JC Technocrats Pvt. Ltd. has violated the various sections of the Contract Agreement and it will be imperative to take the penal action against the M/s JC Technocrats Pvt. Ltd. for "Non-Performance" & causing the time and cost overrun of the project and its adverse effect on the reputation of the Ministry and NH PWD. M/s JC Technocrats Pvt. Ltd., New Delhi is hereby debarred from all Consultancy Works of NH PWD for one year from all works of NH PWD/MoRTH/Centrally sponsored works of Ministry with immediate effect.

sd/-
(Parvez Ahmad Khan)
Chief Engineer (NH)

Copy for Information and necessary action: -

1. Chief Engineer (North-II), MoRTH, New Delhi.
2. Chairman, NHAI.G-5,6/ Sector -10 Dwarka, New Delhi.
3. E-in-C(HOD)/ E-in-C Rural Road/ E-in-C(D/P), UPPWD Lucknow.
4. CE-RO MoRTH, Lucknow.
5. CE (HQ-2) UPPWD, Lucknow.
6. Superintending Engineer, NH Circle, PWD, Lucknow/Kanpur/Prayagraj/Bareilly/Gorakhpur.
7. All Executive Engineer, NH Division, PWD UP.
8. M/s JC Technocrats Pvt. Ltd., Delhi, 678 Green View Apartment Sector-19, Pocket-2 Dwarka New Delhi. (E mail id- jindaldelhi@gmail.com, jcup275@gmail.com)

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Chief Engineer (NH)