

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

3rd Floor, PTI Building, 4-Parliament Street, New Delhi-110001, +91 11 2346 1600, www.nhidcl.com



BHARATMALA
ROAD TO PROSPERITY



BUILDING INFRASTRUCTURE - BUILDING THE NATION

CIN: U45400DL2014GOI269062

सावधानीपूर्वक से नज़र रखें

A PUBLIC SECTOR UNDERTAKING

No. - NHIDCL/AE/Nalupani-Bareti/UK/2017/200

Dated: 04.10.2018

CIRCULAR

Sub: Debarment of M/s Technocrats Advisory Services Pvt. Ltd. and M/s Agnitio Infrastructure Projects Pvt. Ltd. from participating in future projects of/ or to be undertaken by NHIDCL till 31st March, 2019 -reg.

With the approval of Competent Authority, M/s Technocrats Advisory Services Pvt. Ltd., Flat No. - 68, Ajanta Apartment, 36, I.P. Extension, Patparganj, Delhi - 110092 in association with M/s Agnitio Infrastructure Projects Pvt. Ltd., RN-73, 4th Floor, kapil Muni House, Noida Sector-62, Rasulpur Nawada, U.P.-201309 have been debarred from participating in future projects of/or to be undertaken by NHIDCL w.e.f. 04.10.2018 till 31st March, 2019. Copy of debarment order no. NHIDCL/AE/Nalupani-Bareti/UK/2017 Dated 04.10.2018 is enclosed herewith for information and records.

(Y.C. Srivastava)

General Manager (T)

Copy
to:

- (i) Director General (RD) & SS Ministry of Road Transport & Highways
- (ii) Director General (Border Roads), Seema Sadak Bhawan, Ring Road, Narayana, New Delhi 100010.
- (iii) Chief Secretaries/Secretaries (PWD/Roads) of all State Govt. /UT with National Highways and Centrally Sponsored Schemes.
- (iv) Chief Engineers of all State Govt. /UT dealing with National Highways and centrally sponsored schemes.
- (v) P.S. to MD, NHIDCL, Director (A&F) NHIDCL.
- (vi) All officers of NHIDCL-HQ/Branch Offices.
- (vii) Media relation/IT division/Infracon cell with request to get it hosted on NHIDCL website.

SM (JT)

8/10/18

राष्ट्रीय राजमार्ग एवं अवसंरचना विकास निगम लिमिटेड

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CIN: U45400DL2014GOI269062

सार्वजनिक क्षेत्र का उपक्रम

A PUBLIC SECTOR UNDERTAKING

NHIDCL/AE/Nalupani-Bareti/UK/2017/199

Date: 04.10.2018

(Without Prejudice)

To,

1. M/s Technocrats Advisory Services Pvt. Ltd.
(in association with Agnitio Infrastructure Projects Pvt. Ltd.)
Flat No. - 68, Ajanta Apartment,
36, I.P. Extension, Patparganj,
Delhi - 110092.
Email: taspl.2014.bd@gmail.com
2. M/s Technocrats Advisory Services Pvt. Ltd.,
Flat No. - 68, Ajanta Apartment,
36, I.P. Extension, Patparganj,
Delhi - 110092.
Email: taspl.2014.bd@gmail.com
3. M/s Agnitio Infrastructure Projects Pvt. Ltd.,
RN-73, 4th Floor, kapil Muni House,
Noida Sector-62, Rasulpur Nawada,
U.P.-201309

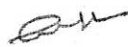
Subject:- Consultancy Services for Authority's Engineer for : (i) Protection works at Nalupani Landslide Zone (Ex.km 123+080 to km. 123+480, km 123+665 to km 123+740 and km 123+770 to km 123+970) Section of NH-34 in the State of Uttarakhand on EPC basis. (ii) Construction of Road, Bridge and Slope Protection works of Landslide at Bareti (Ex. Km. 100.300 to km 101.600 of Section NH-34 in the State of Uttarakhand on EPC basis.

Sir,

Please refer to the Show Cause Notice dated 28.08.2018 served upon you and subsequent personal hearing conducted at NHIDCL, HQ on 31.8.2018. The reply/content submitted by you in your defence has been examined along with Kulja Guidelines (*Kulja Industries vs Chief General Manager, Western Telecom Project BSNL & Ors AIR 2014 SC 9*) and Competent Authority of NHIDCL have

taken following decisions binding on you i.e. both the above mentioned firm(s) in view of clause 1.9 (c) of RFP and as per MoU dated 23.03.2018.

- (i) That, letter of Negotiation issued vide Letter No. NHIDCL/AE/Nalupani-Bareti/UK/2017/09 dated 10.05.2018 stands withdrawn for the reasons mentioned hereinafter.
 - (ii) That, both the firms are jointly and severally liable for any act of omission and commission in view of clause 1.9 (c) of RFP and as per MoU dated 23.03.2018. That, during physical verification of the CV, credentials of Sh. Anurag Singh , (proposed Team Leader cum Highway Engineer) are found fraudulent and fabricated.
 - (iii) That, in view of the finding that fraud has been perpetrated upon NHIDCL, your Earnest Money Deposit submitted towards bid security vide BG no. 022111G180000006 amounting to Rs. 50,000/- dated 22.03.2018 issued by Indian Bank Abhay Khand branch has been forfeited on account of misrepresentation of facts.
 - (iv) Accordingly, after considering all facts and circumstances and after deliberating on Kulja Guidelines (supra) and as per provision of the RFP, the Competent Authority has decided to debar the firms i.e. M/s Technocrats Advisory Services Pvt. Ltd. and M/s Agnitio Infrastructure Projects Pvt. Ltd. from participating in any future tender of NHIDCL till 31st March, 2019.
2. This letter is issued without prejudice to our rights and remedies available under the provisions of the RFP & applicable law.
 3. This letter is issued with the approval of the Competent Authority.


(V.K Singh)

Executive Director (T)

✓ Copy to: Infracon (IT Cell) for necessary action

Subject **Fwd: Request for unblocking the IDs of M/s Technocrats Advisory Services Pvt. Ltd. and M/s Agnitio Infrastructure Projects Pvt. Ltd. and remove the NHIDCL Circular no. NHIDCL/AE/Nalupani-Bareti/UK/2017/200 dated 04/10/2018 on INFRACON Portal in compliance of order dated 31/10/2018 of Hon'ble High Court of Delhi.**



From Technocrates Advisory Services Private Limited <taspldirdelhi@gmail.com>
To <gmt1@nhidcl.com>, <sandeep.kumar39@gov.in>
Cc <ed4@nhidcl.com>, <gmt3@nhidcl.com>
Date 01-11-2018 16:37

- Letter-97.pdf (~340 KB)
- Court Order.47.pdf (~1.1 MB)

Dear Sir,

Please find the enclosed letter regarding Request for unblocking the IDs.

Thanks & Regards
For M/s Technocrats Advisory Services Pvt. Ltd.

Authorized Signatory
Phone No:011-49429422

Urgent
SM (sr) h
2/11/18
Remove blacklisting. King
2/11

No. TASPL-AIPPL/WP(C) 11846/2018/97

Dated: - 01/11/2018

To,

The IFRACON Cell,
NHIDCL, PTI building,
III Floor, Parliament Street
New Delhi - 110001

Sub: - Request for unblocking the IDs of M/s Technocrats Advisory Services Pvt. Ltd. and M/s Agnitio Infrastructure Projects Pvt. Ltd. and remove the NHIDCL Circular no. NHIDCL/AE/Nalupani-Bareti/UK/2017/200 dated 04/10/2018 on INFRACON Portal in compliance of order dated 31/10/2018 of Hon'ble High Court of Delhi.

Ref: 1. Order of Hon'ble High Court Order Delhi dated 31/10/2018 in W.P. (C) 11846/2018.
2. NHIDCL Circular no. NHIDCL/AE/Nalupani-Bareti/UK/2017/200 dated 04/10/2018.

Dear Sir,

Please refer order of Hon'ble High Court Order Delhi dated 31/10/2018 in W.P. (C) 11846/2018 & cm no. 45864/2018 (copy of order is attached herewith for ready reference) vide which NHIDCL Circular no. NHIDCL/AE/Nalupani-Bareti/UK/2017/200 dated 04/10/2018 (copy of circular is attached herewith for ready reference) has been stayed.

So it is our humble requests kindly unblock the IDs of M/s Technocrats Advisory Services Pvt. Ltd. and M/s Agnitio Infrastructure Projects Pvt. Ltd. and remove the NHIDCL Circular no. NHIDCL/AE/Nalupani-Bareti/UK/2017/200 dated 04/10/2018 on INFRACON Portal with immediate so that our interest can be safeguard.

Thanks and regards.

For TASPL in association with AIPPL

Authorized Signatory

Encl.: As above

Copy to:

1. Mr. Sandeep Kumar, NHIDCL, PTI building, III Floor, Parliament Street New Delhi – 110001 for INFRACON Portal for necessary action please.
2. Executive Director – IV, HQ, NHIDCL, New Delhi (for kind information and necessary action)
3. Shri Y. C. Srivastava GM (T) NHIDCL, PTI building, III Floor, Parliament Street New Delhi - 110001

S-87

• IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 11846/2018

TECHNOCRATS ADVISORY SERVICES PRIVATE
LIMITED

..... Petitioner

Through: Mr Rajshekhar Rao, Ms Mani Gupta,
Mr Vedant Kumar and Mr Kartik
Sunder, Advocates.

versus

NATIONAL HIGHWAYS AND
INFRASTRUCTURE DEVELOPMENT
CORPORATION LTD. AND ORS.

..... Respondents

Through: Mr B. P. Singh, Mr Vikas Poonia and
Mr Anubhav Gupta, Advocates for R-
1 with Mr Anil Kumar Jha, Junior
Manager (Legal), Mr Vivekanand
Jaiswal (DGM-Tribunal) and Ms
Kavita Vivek (Manager-Tribunal) for
R-1.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

31.10.2018

%

CM No.45865/2018

1. Allowed, subject to all just exceptions.

W.P.(C) 11846/2018 & CM No.45864/2018

2. The petitioner has filed the present petition, *inter alia*, impugning a circular dated 04.10.2018, whereby the petitioner has been debarred from participating in future projects, which have to be undertaken by National Highways and Infrastructure Development Corporation Limited (NHIDCL).

[Signature]
31/10/18

The said action has been taken against the petitioner and it has been found that the curriculum vitae (CV) of one of the Key Personnel as submitted by the petitioner is incorrect. NHIDCL had issued RFP seeking bids for consultancy services in respect of protection works at Nalupani Landslide Zone and construction of road, bridge and slope protection works of landslide at Bareti.

3. The petitioner in joint venture with respondent no.2 (hereafter 'the JV'), responded to the said RFP and submitted its bid. A letter of negotiation was issued by NHIDCL on 10.05.2018 inviting the JV for negotiation. During the course of the negotiation, the petitioner informed NHIDCL that Mr Rakesh Kumar Gupta (who was originally proposed to be a Team leader and Highway Engineer) was not available and sought to replace him with another person – Mr Santosh Kumar Singh. However, that was not acceptable to NHIDCL. Thereafter, on 19.06.2018, the petitioner submitted the CV of Mr Anurag Singh for the position of the Team Leader cum Highway Engineer.

4. The CV of Mr Anurag Singh, as submitted by the JV, indicated that Mr Anurag Singh had worked with eleven entities. Address of two of such entities was not provided. On verification with the remaining nine entities, NHIDCL has found that Mr Anurag Singh had not worked in two of such entities. It is stated no response was received from the remaining seven entities as well. In view of the above, NHIDCL had taken action to debar the petitioner and respondent no.2 from participating in future contracts for a period of six months.

5. The petitioner has contested the aforesaid action on several grounds. First, the submits that the petitioner had verified the CV submitted by Mr

Amr
31/10/18

Anurag Singh from a CV uploaded on the INFRACON website and therefore cannot be faulted for submitting the same.


6. Mr Rajshekhar Rao, learned counsel appearing for the petitioner has also drawn the attention of this Court to the undertaking submitted by the petitioner; the relevant extract of the same is as under:-

"We understand that if any information about our firm/JV Member/Associate/Key Personnel is found contrary to what has been uploaded on INFRACON, the client would be at liberty to remove the concerned personnel from the present assignment and debar our firm/JV Member/Associate/Key Personnel for an appropriate period to be decided by the Client."

7. Second, it was contended that the petitioner had not wilfully concealed any fact and had bonafidely accepted CV submitted by Mr Anurag Singh after verification from one that was uploaded on INFRACON website.

8. Third it is stated that there was also no requirement for the petitioner to replace Mr Santosh Kumar Singh as the petitioner would still qualify for the said work. Therefore, the petitioner derived no additional benefit by replacing Mr Santosh Kumar by Mr Anurag Singh as a Team Leader cum Highway Engineer.

9. It appears from the undertaking given by the petitioner that the petitioner had accepted that the action be taken against it if the CV of any Key Personnel is found "contrary to what has been uploaded on INFRACON". And, the CV of Anurag Singh submitted by the JV is not different from the one uploaded on the said website. This was also one of the defences raised by the petitioner in response to the show cause notice issued


3/11/18
Court Master
Court of Delhi
New Delhi

by NHIDCL.

10. It is seen from the impugned circular that none of the contentions as advanced by the petitioner have been specifically considered. *Prima facie*, this Court is of the view that the impugned circular cannot be sustained.

11. Issue notice. Learned counsel appearing for the respondent accepts notice and seeks time to take instructions/file a reply. Reply be filed within a period of two weeks. Rejoinder, if any, be filed within a period of one week, thereafter.

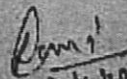
12. In the meanwhile, the impugned circular is stayed till the next date of hearing. NHIDCL shall also retract any further steps taken pursuant to the said circular.

13. List on 30.11.2018.

14. Order *dasti* under signatures of the Court Master.


VIBHU BAKHRU, J

OCTOBER 31, 2018
MK


31/10/18
As Court Master
High Court of Delhi
New Delhi