

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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BHARATMALA
ROAD TO PROSPERITY



NHIDCL
BUILDING INFRASTRUCTURE - BUILDING THE NATION

CIN: U45400DL2014GOI269062

(भारत सरकार का उद्यम)

(A Government of India Enterprise)

NHIDCL/Megh./N-R-K/Package-I/2020

05.11.2021

To

All Bidders

Sub: Rehabilitation and Upgradation of Nongstoin-Rambrai-Kyrshai road up to Meghalaya-Assam Border from km 0.335 to km 34.039 to 2-Lane under SARDP-NE "Phase-A" in the state of Meghalaya on EPC mode (Package-I)-**Result of Technical Evaluation (2nd TEC)- Reg.**

Ref.: Your Bid submitted on 16.09.2021

Sir,

Please refer to your bid submitted for the subject cited above. The following is the result of technical evaluation after 2nd meeting of Technical Evaluation Committee. (Minutes enclosed). The time for opening of Financial Bids will be intimated later.

Sr. No.	Name of the Bidder	Status	Remarks
1	M/s Spica Projects and Infrastructure Pvt. Ltd.	Responsive	
2	M/s Tantia Constructions Limited in JV with M/s Nidhi Creative Infrastructure Pvt. Ltd.	Responsive	
3	M/s UDIT Infraworld Pvt. Ltd.	Responsive	
4	M/s Sarjan Infracon Pvt. Ltd.	Responsive	
5	M/s Shivam Condev Private Limited	Non-Responsive	Non Compliance of provisions of Clause 2.1.15, 2.1.14 (xiii), Annex-IX and Appendix 1A of RFP
6	M/s DMR Builders Pvt. Ltd. in JV with M/s Arcons Infrastructure and Constructions Pvt. Ltd.	Responsive	
7	M/s Dhar Construction Company	Responsive	
8	M/s PRL Projects & Infrastructure Limited in JV with M/s Ram Prakash Constructions Pvt. Ltd.	Responsive	

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9	M/s JKM Infracore LLP	Responsive	
10	M/s Rajinder Infrastructure Private Limited in JV with M/s Amit Singla	Responsive	

2. In compliance to Clause No. 2.1.15, the financial bids will be opened in order of the date of opening of the Technical bids and Package wise for bids invited in packages. Accordingly, the Technical qualification of the bidders will be reviewed during the opening of financial bids and bidders who have been declared as L-1 bidder in 2 bids will not be eligible for consideration for opening of financial bids in the subsequent bids.


(Vivekanand Jaiswal)
Dy. GM (Tech.)
vjnhidcl@gmail.com

Encl :- As above.

National Highways & Infrastructure Development Corporation

Minutes of 2nd Meetings of Technical Bid Evaluation Committee (TEC) for “Rehabilitation and Upgradation of Nongstoin-Rambrai-Kyrshai road up to Meghalaya-Assam Border from km 0.335 to km 34.039 to 2-Lane under SARDP-NE “Phase-A” in the state of Meghalaya on EPC mode (Package-I)” held at NHIDCL, New Delhi on 05.11.2021

1. The bids for the subject work were invited on 26.08.2021 and received on/before 16.09.2021 upto 1500 hrs.
2. Technical bid have opened on 17.09.2021 at 1630 Hrs. The following bidders have submitted their bids online -

S. No.	Name of Bidders
A. Bids Received on CPP Portal	
1.	M/s Spica Projects and Infrastructure Pvt. Ltd.
2.	M/s Tania Constructions Limited in JV with M/s Nidhi Creative Infrastructure Pvt. Ltd.
3.	M/s UDIT Infracore Pvt. Ltd.
4.	M/s Sarjan Infracore Pvt. Ltd.
5.	M/s Shivam Condev Private Limited
6.	M/s DMR Builders Pvt. Ltd. in JV with M/s Arcons Infrastructure and Constructions Pvt. Ltd.
7.	M/s Dhar Construction Company
8.	M/s PRL Projects & Infrastructure Limited in JV with M/s Ram Prakash Constructions Pvt. Ltd.
9.	M/s JKM Infracore LLP
10.	M/s Rajinder Infrastructure Private Limited in JV with M/s Amit Singla

3. Based on the documents submitted by the bidders, Technical Evaluation Committee (TEC) in its 1st meeting dated 30.09.2021 recommended for opening of the financial bids of the following Technically Responsive bidders subject to the condition 2.1.15 (Section 2) of RFP:

Sr. No.	Name of the Bidder	Status	Remarks	No of already awarded project in NHIDCL
1	M/s Spica Projects and Infrastructure Pvt. Ltd.	Responsive		Nil
2	M/s Tania Constructions Limited in JV with M/s Nidhi Creative Infrastructure Pvt. Ltd.	Responsive		Nil
3	M/s UDIT Infracore Pvt. Ltd.	Responsive		Nil
4	M/s Sarjan Infracore Pvt. Ltd.	Responsive		Nil
5	M/s Shivam Condev Private Limited	Non-Responsive	Non Compliance of provisions of Clause 2.1.15, 2.1.14 (xiii), Annex-IX and Appendix 1A of RFP	1 No. in Sikkim

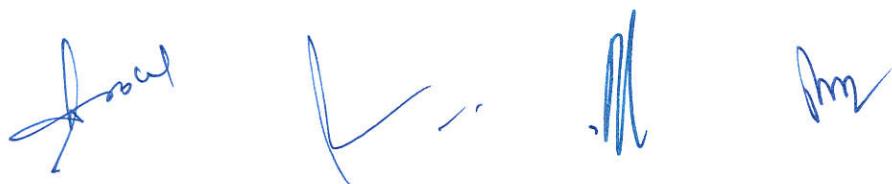
6	M/s DMR Builders Pvt. Ltd. in JV with M/s Arcons Infrastructure and Constructions Pvt. Ltd.	Responsive		DMR Builders Pvt. Ltd.: 1 No. in Meghalaya
7	M/s Dhar Construction Company	Responsive		1 No. in Meghalaya
8	M/s PRL Projects & Infrastructure Limited in JV with M/s Ram Prakash Constructions Pvt. Ltd.	Responsive		PRL Projects and Infrastructure Limited: 1 No. in Assam
9	M/s JKM Infraworks LLP	Responsive		1 No. in Arunachal Pradesh
10	M/s Rajinder Infrastructure Private Limited in JV with M/s Amit Singla	Responsive		Rajinder Infrastructure Private Limited: 1 No. in Assam

4. Accordingly, the results of Technical Evaluation were uploaded on CPPP and NHIDCL website on 06.10.2021. The bidder M/s Shivam Condev Pvt Ltd vide letter dated 07.10.2021 has submitted a representation stating that , *“we request you to kindly intimate us the cause of Rejection/Non-responsive of our bid before opening of financial bid i.e. 13.10.2021, 04:30 PM”*. While the Technical Division was processing the reply, a case was filed by M/s Shivam Condev Pvt Ltd listed on 12.10.2021 before the Divisional Bench of Delhi, High Court, wherein, after hearing the defense in the case presented by NHIDCL, Honb’le High Court directed to defer the financial opening, which was scheduled on 13.10.2021. (Copy of Honb’le High Court dated 12.10.2021 is as Annexure-A).

5. The committee was deliberated that the reason for Non-responsiveness of the bidder M/s Shivam Condev Pvt Ltd has now been communicated vide letter NHIDCL/Megh./N-R-K/Package-I/2020-Part (1)/2020/2117 dated 27.10.2021 and the same has also been uploaded on NHIDCL website. The reasons for non-responsiveness of the bidder as communicated to the bidder are as below:

(i) The Directors of the M/s Shivam Condev Pvt Ltd, Mr. Sourav Aggarwal and Mr. Ankush Aggarwal, who are, are also the Directors of ‘M/s Siddhant Financial Services Pvt. Ltd.’ which holds 14.98% shares in M/s ARSS Infrastructure Projects Pvt. Ltd. M/s Shivam Condev Pvt Ltd and M/s ARSS Infrastructure Project Ltd. are related parties having common directors through intermediary company M/s Siddhant Financial Services Pvt. Lt.

(ii) The firm M/s Shivam Condev Pvt Ltd and its related parties already have 2 of the following ongoing projects in NHIDCL which has not been disclosed by the bidder in documents submitted in response to Clause 2.1.15 of the RFP:



S No.	Name of Project	Date of LOA
1.	"Rehabilitation and up-gradation to 2-lane with Paved shoulder of MH-510 (Singtam-Tarku-Rabongla-Legship-Gyalshing) (Design chainage from km 33+600 to km 58+840) in the State of Sikkim in EPC Mode-Package IV	31.08.2020
2.	Package-II-Improvement to 2 lane with paved shoulder of NH-40 section from km93+490 to km 123+800(design km 10 +670to km 37 +550) design length 26.55 km in the Stateof Meghalaya on EPC Mode under JICA Loan Assistance- (Package-II)	24.11.2020 (Awarded to M/s ARSS Infrastructure Projects Limited, Bhubaneswar)

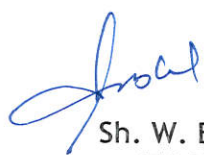
Since, the firm M/s Shivam Condev Pvt Ltd has been executing the abovementioned Sikkim Project with NHIDCL and its related Party M/s ARSS Infrastructure is also executing one project in Meghalaya with NHIDCL, as per provisions of Clause 2.1.15 of the RFP, Technical Bid of the bidder has been declared Non-Responsive for the aforesaid work.

(iii) The committee was also appraised that, the project "Construction and upgradation of existing road to 2-lane with paved shoulder from km 37 + 600 (New Rolep Bridge) to km 52+000 (Chochenpheri) of Rhenok-Menla spur (NH-717B) Package-IIC on EPC basis under SARDP-NE Phase 'A' in the State of Sikkim" executed by M/s Shivam Condev Pvt Ltd has been terminated by NHIDCL vide termination letter dated 16.03.2021, which also makes the firm as non-responsive as per clause 2.1.14 (xiii) of the RFP as the bidder M/s Shivam Condev Pvt Ltd has not only failed to disclose about the aforementioned projects, but have also furnished a false undertaking in Annex-IX & Appendix-IA in its bid submitted for the subject work.

6. The Committee opined that as per the provisions stipulated in Clause 2.19 of the RFP, more than 7 days have already been passed since the reason of non-responsiveness has been communicated to the bidder M/s Shivam Condev Pvt Ltd and no response has been received till the time of this meeting dated 05.11.2021 and hence, the result of Technical evaluation remains unchanged and is represented as under:-

Sr. No.	Name of the Bidder	Status	Remarks	No of already awarded project in NHIDCL
1	M/s Spica Projects and Infrastructure Pvt. Ltd.	Responsive		Nil
2	M/s Tania Constructions Limited in JV with M/s Nidhi Creative Infrastructure Pvt. Ltd.	Responsive		Nil
3	M/s UDIT Infracore Pvt. Ltd.	Responsive		Nil
4	M/s Sarjan Infracore Pvt. Ltd.	Responsive		Nil
5	M/s Shivam Condev Private Limited	Non-Responsive	Non Compliance of provisions of Clause 2.1.15, 2.1.14 (xiii), Annex-IX and Appendix 1A of RFP	1 No. in Sikkim 1 in Meghalaya by related party M/s ARSS Infrastructure Projects Limited
6	M/s DMR Builders Pvt. Ltd. in JV with M/s Arcons Infrastructure and Constructions Pvt. Ltd.	Responsive		DMR Builders Pvt. Ltd.: 1 No. in Meghalaya
7	M/s Dhar Construction Company	Responsive		1 No. in Meghalaya
8	M/s PRL Projects & Infrastructure Limited in JV with M/s Ram Prakash Constructions Pvt. Ltd.	Responsive		PRL Projects and Infrastructure Limited: 1 No. in Assam
9	M/s JKM Infracore LLP	Responsive		1 No. in Arunachal Pradesh
10	M/s Rajinder Infrastructure Private Limited in JV with M/s Amit Singla	Responsive		Rajinder Infrastructure Private Limited: 1 No. in Assam

Meeting ended with vote of thanks to chair.



Sh. W. Blah
(ED-V)
Convener



Sh. V. Jaiswal
DGM(T)
Member Secretary/ Presenting Officer



Sh. Col. B. Shivprasad
GM (T)
Member



Sh. Bhaskar Mallick,
Manager (F)
Member

Annexure-A

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 11759/2021****MS SHIVAM CONDEV PRIVATE LIMITED** PetitionerThrough: Mr. Ramesh Singh, Sr. Adv. with Ms
Monisha Handa and Mr. Mohit D.
Ram, Advocates.

versus

NATIONAL HIGHWAYS AND INFRASTRUCTURE**DEVELOPMENT CORPORATION LTD**

..... Respondent

Through: Ms. Pinky Anand, ASG with Ms.
Ruchira Gupta and Ms. Kirti Dua,
advocates.**CORAM:****HON'BLE MR. JUSTICE VIPIN SANGHI****HON'BLE MR. JUSTICE JASMEET SINGH****ORDER**

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12.10.2021**CM APPL. 36396/2021**

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 11759/2021 & CM APPL. 36395/2021

Issue notice. Ms. Gupta accepts notice on behalf of the respondent.

The submission of Mr. Ramesh Singh, learned senior counsel for the petitioner is that contrary to the terms and conditions of the tender itself, while rejecting the technical bid of the petitioner, no reasons for the petitioner's non-responsiveness have been indicated.

Ms. Anand, learned ASG submits that the respondents have reasons for the petitioner's disqualification and the petitioner's representation shall be responded to within a day or two providing the reasons.

Let the counter-affidavit be filed within 2 weeks. Rejoinder be filed before the next date of hearing.

List on 11.11.2021.

In the meantime, the respondents may either not open any of the financial bids or, if they so desire, they may open the financial bids, including that of the petitioner without prejudice to the rights and contentions of either party.

VIPIN SANGHI, J

JASMEET SINGH, J

OCTOBER 12, 2021

N.Khanna