

Order

19.03.2014

The present order is being passed by way of disposal of the appeal petition filed by **Nalanda Tubewell Boring Works Pvt. Ltd.**, a Contractor, against the order of Black listing passed by Engineer-in-Chief, Middle vide his order dated 4717 dated 29.08.2013, under Bihar Contractor Enlistment Rules

The appellant has been heard and documents relating to the matter have been perused.

The order of Black-listing issued by Engineer-in-Chief is apparently based on confirmation of allegation against the appellant that he used a false experience certificate to manipulate a tender in his favour by submitting a document that they possessed the experience of laying 29038.49 sqmt. of G.T. Filter, whereas subsequent enquiry revealed that the Contractor only had an experience of 9038.49 sqmt. G.T. Filter Works executed earlier.

The defense taken by the appellant is that the said document was not deliberately prepared to mislead the tender deciding authority but the error was a result of computer mal-

function while typing, due to reasons attributable to virus affecting the computer. In course of hearing, however, this defense could not be fully substantiated by the Contractor but taking into account the fact that there was a misrepresentation in just one entry of the various qualification eligibility as also the fact that due to blacklisting the interest of the Contractor would be severely and irreversibly jeopardized forever, the appellant has made a submission for a lenient view to be taken in the matter.

The Contractor's enlistment Rules permits for suspension of the contractor's registration for a period of time. In my view, the interest of the justice would be served if by way of punishment, the registration of the contractor is directed to give kept in suspension for a further period of three months i.e. till 30.06.2014. It may be mentioned that the Contractor has already been deprived of the facilities of registration since 29.08.2013 and will not be able to use his registration till the suspension is effective i.e. 30.06.2014.

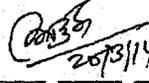
The above may be treated as a final warning to the Contractor which may also be recorded in the registration certificate and any subsequent default by the Contractor would invite severe disciplinary consequences and he would not be entitled to any lenient

view for subsequent misconduct or delinquency in submission of tender documents in the future.

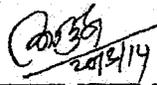
The appeal is disposed of as above.


Principal Secretary,
Department of Water resources
Cum-Appellate Authority

जाप संख्या :- 11/विविध6-09/2013 पार्ट-1-1228 पटना, दिनांक : 20.03.14
प्रतिलिपि श्री विवेकानन्द कुमार, एम.डी, नालंदा ट्यूबवेल बोर्डिंग वर्क्स प्रा0लि0-5,
आश्रय रामेश्व एपार्टमेन्ट, एन0एम0सी0, कंकड़बाग रोड, पटना-800026 को सूचनार्थ
एवं आवश्यक कार्रवाई हेतु प्रेषित ।


(आनन्द कुमार दत्ता)
अवर सचिव,
जल संसाधन विभाग

जाप संख्या :- 11/विविध6-09/2013 पार्ट-1-1228 पटना, दिनांक 20.03.14
प्रतिलिपि प्रधान सचिव, जल संसाधन विभाग/प्रधान सचिव, लोक स्वास्थ्य
अभियंत्रण विभाग, बिहार, पटना/ सचिव, पथ निर्माण विभाग/सचिव, ग्रामीण कार्य
विभाग/सचिव, भवन निर्माण विभाग, पटना/ अपर सचिव, जल संसाधन विभाग/सभी
मुख्य अभियंता, जल संसाधन विभाग/अधीक्षण अभियंता, बाढ़ नियंत्रण, योजना एवं
मो0 पटना/ अधीक्षण अभियंता, योजना एवं मो0 अंचल- 2/3/4, पटना/ निदेशक, कार्य
भंडार एवं सामग्री प्रबंधन, पटना/प्रशाखा पदाधिकारी, 11/22/आई0टी0 मैनेजर, जल
संसाधन विभाग, बिहार, पटना को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित ।


(आनन्द कुमार दत्ता)
अवर सचिव,
जल संसाधन विभाग