



भारत सरकार  
केन्द्रीय लोक निर्माण विभाग  
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Government of India  
Central Public Works Department  
O/o Additional Director General (Delhi)  
216-A, Nirman Bhawan,  
New Delhi 110011



संख्या: 23(General)/ADG(D)/W&TLQA/2023 -24/ 7583

दिनांक: 24/12/2024

### Office Memorandum

**Sub:- Debarment of M/s Sharma Brothers Enlisted in Class-III Buildings & Roads Category in CPWD for a period of two year from the date of issue of this order.**

1. WHEREAS, the tender for the work of "A.R. & M.O. of Telephone Exchange at IIT Delhi. Sub-Head Maintenance of Telephone Indoor and Outdoor Telephone Network at IIT Delhi" was called by the EE(E) Division-II IIT Delhi vide NIT: - 10146/77/EW/IITD/2022-23 on dated 28.02.2022.
2. WHEREAS, the work has been called in two bid system viz technical bid and price bid.
3. WHEREAS, on dated 15.03.2022 technical bid was to be opened. In response to the tender document uploaded on website, 06 Nos. bidders had tendered their bids and out of which 05 Nos. were meeting the eligibility criteria based on the completion certificate of work they uploaded with the tender document.
4. WHEREAS, the eligibility criteria as per tender document are as under:-
  - a. Three similar works each costing not less than Rs. 16,34,107/- or two similar works each costing not less than Rs. 24,51,161/- or one similar work costing not less than Rs. 32,68,214/- (all figures rounded to nearest thousand). Similar works means **"Maintenance work of outdoor and indoor telephone network in Government/Public Sector undertaking/ Central Autonomous bodies"**.
  - b. The value of executed work shall be brought to current costing level by enhancing the actual value of work at simple rate of 7% per annum; calculated from the date of completion to last date of submission of financial bid.
5. WHEREAS, M/s Sharma Brothers was also a prospective bidder for the said tender.
6. WHEREAS, financial bids were due to be opened on 11.04.2022. Total 06 Nos. of Bids were received. Out of which 05 Nos. were fulfilling the eligible criteria. M/s Sharma



Brothers (office Aliganj, Kotla Mubarak Pur, New Delhi-110003, an enlisted contractor in class-III B&R category vide office order no. C-III/Enlist/ADG(D)/391/SE DC-9/2022-23/2808 dated 29.11.2022 valid upto 28.11.2027), was the 1<sup>st</sup> lowest. Who had quoted 11.80% below the ECPT of Rs. 40,85,268/- and his tendered amount worked out to Rs. 36,03,120/-.

7. WHEREAS, M/s Sharma Brothers attached completion certificate of the work, “**RMO specialized Electrical & Mechanical services of Delhi High Court, Delhi. (SH: Routine Maintenance and Operation of NEC make EPABX system)**”. This has been shown as issued by the EE (E), (Delhi High Court & ND/ Central) MSO Building, Ground Floor, New Delhi-110002 vide letter dated 11.03.2022 showing estimated cost Rs. 28,34,360/-, Tendered amount Rs. 27,38,000/- and Actual value of work done Rs. 29,21,741/- and on the basis of this, he has become eligible for qualifying for the second stage i.e. for opening of price bid.
8. WHEREAS, the completion certificate uploaded by M/s Sharma Brothers along with his bid document, has been sent vide letter No. IITD/2022/IITE-1/34525 dated 29.04.2022 to the issuing authority i.e. to EE (E), (Delhi High Court & ND/ Central) MSO Building, Ground Floor, New Delhi-110002 by Sh. G.K. Taneja, Executive Engineer (E-1) for verifying the genuineness of the completion certificate.
9. WHEREAS, In reply to the letter No. IITD/2022/IITE-1/34525 dated 29.04.2022 related for verification and authentication of completion certificate issued to M/s Sharma Brothers, the issuing authority i.e. EE (E), (Delhi High Court & ND/ Central) has sent the original completion certificate issued by him intimating vide letter no. 54 (विधि) / दि० उ० न्याय० एवं एन० डी० / सैन्ट्रल / 1220 दिनांक 11-05-2022 that the completion certificate uploaded by M/s Sharma Brothers with tender document has been tampered. M/s Sharma Brothers has added “2” before Estimated Cost, Tendered Amount & Actual work done. As per EE (E), (Delhi High Court & ND/ Central) said letter, the completion certificate issued vide letter dated 11.03.2022 to M/s Sharma Brothers, has the estimated cost of work Rs. 8,34,360/-, the Tendered amount of work Rs. 7,38,000/- and Actual value of work done of Rs. 9,21,741/-. Thus, M/s Sharma Brothers has tampered the completion certificate at 3 places and which cannot be considered that such changes have occurred due to any other reason other than a deliberate attempt by them to earn a contract by forgery.



10. WHEREAS, in view of above, show cause notice has been issued vide letter No. EOAIWMF 108779 dated 03.01.2023 to M/s Sharma Brothers by IITD, for violating Tender Clauses and integrity Pact, asking them to submit a reply, if any, along with supporting document to IITD office within 14 days of the receipt of the said notice.
11. WHEREAS, in the reply to the Show cause notice of 03.01.2023, M/s Sharma Brothers has stated vide letter Nil dated 17.01.2023 that **"It is submitted that while uploading documents online for the subject tender, the documents which have been pointed to be altered was uploaded erroneously by the computer operator of my office which could not be rechecked by us during final submission. The Inconvenience caused is deeply regretted and it is assured that this will never happen in future"**.
12. WHEREAS, in his reply, M/s Sharma Brothers has not mentioned how such tampering to the completion certificate has occurred, whereas such changes are directly benefiting him for getting a contract.
13. WHEREAS, a committee headed by Professor Dipayan Das, Chairman with 05 other Members was constituted vide order No. AIEN/91062 (3550) dated 03.11.2022 for taking up disciplinary action against the vendor as per terms of the agreement.
14. WHEREAS, constituted committee had issued show cause notice to M/s Sharma Brothers vide letter No. EOAIWMF 108779 dated 03.01.2023. In response to that M/s Sharma Brothers submitted his reply on 17.01.2023. After receipt of the reply another meeting of the committee was held on 03.02.2023 and finally had given its findings vide letter No. IITD/2023/HTEX/143108 dated 10.04.2023.
- a. As per the tender documents of any bidders submitted forged/tampered documents for eligibility, the bidder is liable for disciplinary action.
  - b. As stated in the NIT (Page No. 19) : **"In case any discrepancy is noticed between the documents as uploaded at the time of submission of the bid online and hard copies as to be submitted physically in IIT Delhi, if so desired by the accepting authority, then the bid submitted shall become invalid and the IIT Delhi shall, without prejudice to any other right or remedy, SUSPEND THE BIDDER FOR ONE YEAR AND SHALL NOT BE ALLOWED TO BID FOR IIT DELHI TENDERS FROM THE DATE OF ISSUE OF SUSPENSION ORDER."**



- c. As mentioned in the NIT (Page No. 24) : “ If the bidders (s)/Contractor(s), either before award or during execution of contract has committed a transgression through a violation of Article-2 above or any other form, such as to put his reliability or credibility in question, the principal/owner after giving 14 days’ notice to the contractor shall have powers to disqualify the Bidders(s)/Contractors(s) from the tender process or terminate/determine the contract, if already executed or exclude the Bidder/Contractor from future contract award processes. The imposition and duration of the exclusion will be determined by the severity of transgression and determined by the Principal/Owner. Such exclusion may be forever or for a limited period as decided by the Principal/Owner.”
- d. As per GFR: “False declarations will be in breach of code of integrity under rule 175(1) (i) (h) of the General Financial Rules for which a bidder of its successors can be debarred for up to two years as per Rule 151 (iii) of the General Financial Rules along with such other actions as may be permissible under law.”
15. WHEREAS, IITD issued Office order on dated 15.05.2023 for debarment of M/s Sharma Brothers for one year from the date of issue of the debarment order i.e. from 15.05.2023. The institute further decided that the firm M/s Sharma Brothers through proprietor Mr. Jagat Sharma shall not be allowed to bid for IIT Delhi tenders unless you submit a “No Objection Certificate” (NOC) issued by CPWD, the enlisting authority.
16. WHEREAS, IITD vide letter dated 26.05.2023, has informed to the enlisting authority i.e. ADG, Delhi CPWD regarding issue of debarment order against M/s Sharma Brothers and has requested ADG(Delhi)/CPWD to take necessary action against M/s Sharma Brothers as per Enlistment Rule 2021.
17. WHEREAS, In response to the IIT Delhi dated 26.05.2023 a show cause notice has been issued on 23.10.2023 by SE (W&TLQA)/ADG(Delhi) CPWD office, as being an enlisting authority, to M/s Sharma Brothers for disciplinary action as per ER-2022.
18. WHEREAS, Competent Enlisting Authority i.e. ADG (Delhi) constituted Empower committee for disciplinary action against M/s Sharma Brothers on dated 17.01.2024. And 1<sup>st</sup> meeting of empowered committee was held on dated 19.01.2024 and decided to verify the facts and asked to IITD to submit the certified copy various documents related to the tender and debarment process on dated 29.02.2024.



19. WHEREAS, M/s Sharma Brothers submitted reply against show cause notice on dated 03.11.2023 and subsequently 2<sup>nd</sup> reply on 22.11.2023. The reply of M/s Sharma Brothers and Empower committee findings are as under: -

a. Para-1: Matter of fact

b. Para-2: The contention was raised by the IIT Delhi through your show cause notice for completion certificate for that regard the IIT Delhi has never been raised any objections during the course of period from 14.03.2022 to 25.05.2023 even without considering the facts and circumstances no issue were raised by the IIT Delhi during the above said period.

**Findings:** -The empower committee (CPWD) has gone thoroughly to the reply submitted by the M/s Sharma Brothers. The reply given through Para-2 by M/s Sharma Brothers is totally false. IIT Delhi has issued show cause notice on 03.01.2023 and the reply to the same was given by the M/s Sharma Brother on 17.01.2023. So, the contention of the M/s Sharma Brother that IIT Delhi has never raised any objection during period from 14.03.2022 to 25.05.2023 has been found false.

c. Para-3: The contention raised by IITD that during the scrutiny in the said documents material alteration was found however during the above said period IITD never issued any show cause to the M/s Sharma Brothers not any objection raised during such period as well never asked any clarification regarding such documents even documents is still in dubious situation in a manner procured burden and onus are lying against the IITD not in the M/s Sharma Brothers.

**Findings:-**The reply given through Para-3 by M/s Sharma Brothers is totally false. IIT Delhi has issued show cause notice on 03.01.2023 and the reply to the same was given by the M/s Sharma Brother on 17.01.2023. So, the contention of the M/s Sharma Brothers that IIT Delhi has never raised any objection and sought clarification during the period from 14.03.2022 to 25.05.2023 has been found false.



- d. Para-4: As per the contention raised in Para-4 in your show cause notice the M/s Sharma Brothers did not cause any considerable loss to the IITD reason being that the IITD in your show cause notice Para-3 already averred that never allocated any tender in the favour of M/s Sharma Brothers more over the application was regarding present tender was stand cancelled rather M/s Sharma Brothers had absolute loss reason that the IITD initially wasted time from 15.03.2022 to 26.05.2023 (almost 15 months) keep away from allocation of any tender by the IITD banned the M/s Sharma Brothers for further 12 months from 26.05.2023.

**Findings:** -M/s Sharma Brothers has not produced any evidence in his support that he has not been issued any tender document by IITD till the issue of the penalization order dated 15.05.2023 i.e. in between 15.03.2022 to 26.05.2023. So, the contention raised by the M/s Sharma Brothers is not proved.

- e. Para- 5: As per your show cause notice for taking disciplinary action against M/s Sharma Brothers it has been presumed that under rule 13 of enlistment rules of contractor in CPWD this not a Suo-moto action by the CPWD, the disciplinary action has initiated only after the reference letter IITD/2023 dated 26.05.2023. On the merit IITD do not confer any power by any rule as a superseding authority over CPWD to take or initiate disciplinary action.

**Findings:**-It is not the truth. IITD has got the power only as per tender document of the said work uploaded by M/s Sharma Brothers on the website and IITD has acted accordingly.

- f. Para-6: As per the Para-6 contentions raised through this show cause notice it seems to this notice has been served without application of judicious brain in the arbitrary manner reason why the IITD already awarded sanction upon M/s Sharma Brothers for one year from the 26.05.2023 without applying and judicious brain even IITD had restricted and kept away from work almost 15 months even prior to sanctioned period. So, it a well settled law the cardinal principle of the double jeopardy shall not applicable in the Indian Judicial



System as well as res-judicata. Even if CPWD is superseding body over IITD so IITD did not make any appeal or revision before superseding body to enhance the sanctioned.

- g. Para-7: for being duty bound and obliged citizen and law man I am bound to reply your show cause notice dated 23.10.2023 through this reply with stipulated period of 15 days.

20. WHEREAS, In his subsequent reply, it has been stated by M/s Sharma Brothers that "it is pertinent to mention here that M/s Sharma Brothers itself verbally intimated the competent authority regarding uploading of erroneous documents by the firm's computer operator and requested to cancel the candidature of M/s Sharma Brothers for subject tender. However, instead of cancellation of candidature of M/s Sharma Brothers for the said tender, the IITD cancelled the tender as a whole therefore, making M/s Sharma Brothers responsible for loss does not seem to be appropriate".

**Findings:** -While going through the documents received from IITD, right from call of tender to imposing of Penalty, no such confession in written format has been found. The committee constituted by IITD has also not recorded anywhere in its finding that M/s Sharma Brothers has intimated verbally to the competent authority regarding uploading of erroneous documents by the computer operator. This fact has been brought in the notice, first time, in his reply by M/s Sharma Brothers to the empower committee (CPWD). So, the said statement of M/s Sharma Brothers is an afterthought and hence cannot be considered for deciding quantum of penalty against him.

21. Empower committee further mentioned that "It is not out of place to mention here that CPWD is a premiere construction agency of Govt. of India and whatever rules and regulation framed by CPWD is being followed by various PSU's, Central Govt. Agency, State Govt. Agencies etc. all over India. The CPWD enlisted contractors are highly rated in the construction field by various Private and Government Sector. Their method of working is a matter of reference for other organizations in executing the work. Therefore, it is onus on CPWD contractors to set a precedence by way of their act. Any CPWD



enlisted contractor gets a tender in other organization simply by way of showing their enlistment in CPWD, then it is their prime responsibility to follow rules and regulations set by CPWD or by the concerned department. Any deliberate breach by them must invite severe punishment as they are the best gainer due to CPWD enlisted contractors. It is true that M/s Sharma Brothers has already been penalized by IITD for violating the rules, so this question arises whether he should be penalized again by CPWD for the same wrong doing or not. Any trend setter or leader of the market must adhere to rules and regulation, so that their followers must have respect for the same. If he is left unpunished by CPWD, it will send a wrong message to Government and Private sector about CPWD and it will lower the image of CPWD among them."

22. After carefully considering reply of show cause notice, taking into consideration of all the facts placed on record by IITD, **Empowered Committee recommendations noted in Minutes of meeting ( Issued vide letter dtd 20.12.24)** and circumstances of the case, it found that M/s Sharma Brother has knowingly committed an act to get undue benefits by forging the Govt., document at three places. CPWD considers that such an act of M/s Sharma Brother has damaged CPWD image/ reputation and same for its enlisted contractor's community in the market. CPWD will not allow any contractor to defame its image by doing unethical act. Therefore, the Enlisting Authority i.e. Additional Director General (Delhi) exercise the powers conferred upon Rule 13.5 of "Rules of Enlistment Rules in CPWD 2023" hereby debar M/s Sharma Brothers on ground of indulging in forgery or falsification of records (Para 13.6/(e)ER-2024) for a period of TWO YEAR from the date of issue of this order.

The debarment would entail the following:

- I. Ban on participation in the tendering process in CPWD / PWD (Delhi)/ any other Private and Govt. organization as CPWD enlisted contractor.
- II. Award of contract for works in CPWD and PWD (Delhi) or other PUC and Govt. organization.
- III. The new enlistment/revalidation application shall not be processed till completion of debarment period.



IV. Change in constitution shall not be processed till completion of debarment period.

V. However, running contracts shall remain unaffected.\*

This issue with the approval of competent authority.

*@hogale*

(उदय चोगले)

o/c

अधीक्षण अभियन्ता (कार्य एवंटीएलक्यूए)

O/o अ.म.नि.(दि.) / केलो.नि.वि., नई दिल्ली-11

सेवा में

M/s Sharma Brothers,  
15, Aliganj, Kotla Mubarakpur,  
New Delhi-110003

प्रतिलिपि:-

1. All the officers of CPWD & PWD (Delhi Govt./CCU, Ministry of E&F through CPWD Website for information.
2. Concerned Enlistment file C-III/RD/391/B&R/2021
3. The Director of IIT, Delhi, Hauz Khas, New Delhi-110016
4. Guard File

*@hogale*

o/c

अधीक्षण अभियन्ता (कार्य एवंटीएलक्यूए)

O/o अ.म.नि.(दि.) / केलो.नि.वि., नई दिल्ली-11





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संख्या:-

23(जनरल)/अ.म.नि. (दि.)/कार्य एवं टीएलक्यूए/2024-25/ 1784

दिनांक 18.03.2025

### CORRIGENDUM

विषय:- Debarment of M/s Sharma Brothers Enlisted in Class-III Buildings & Roads Category in CPWD for a period of two year from the date of issue of this order.

In reference to this Office Memorandum no. 23(जनरल)/अ.म.नि. (दि.)/कार्य एवं टीएलक्यूए/2023-24/ 7583 dated 24.12.2024 regarding-debarment of M/s Sharma Brothers Enlisted in Class-III (Buildings & Roads) Category in CPWD for a period of two years from 24.12.2024, the following amendment is hereby made:-

Sl. No.	Page No.	As per OM	May be read as
1	8	(II) Award of contractor for works in CPWD and PWD (Delhi) or other PSC and Govt. organization.	(II) <b>Ban</b> on award of contractor for works in CPWD and PWD (Delhi) or other Public Sector Undertakings (PSU) and Govt. organization.

All other conditions mentioned in above OM shall remain unchanged.

This issues with the approval of Competent authority.

*Phogale*

(उदय चोगले)

अधीक्षण अभियन्ता (कार्य एवंटीएलक्यूए)

olc O/o अ.म.नि.(दि.)/के.लो.नि. वि.,नई दिल्ली-11

सेवा में,

M/s Sharma Brothers,  
15, Aliganj, Kotla MubarakPur,  
New Delhi- 110003

प्रतिलिपि:-

1. The officers of CPWD & PWD (Delhi Govt. /CCU, Ministry of E&F through CPWD Website for information.
2. Concerned Enlistment file C-III/RD/391/B&R/ 2021
3. Guard File.

olc

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