



Govt. of India
Director General
CPWD, Contract & Manual
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Telephone-011-23061838, Email – secm@nic.in



Through email/Speed Post


No. C/14-1(S)/Composite/02/ 2018/ 971
e-file: 9162420

Dated: 28.08.2023

OFFICE ORDER

Sub:- Debarment of M/s Kamladityya Construction Pvt. Ltd. Enlisted in Class-I(Super) category from tendering in CPWD Works for a period of two years from the date of issue of this order.

1. Whereas the work of "Construction of New Campus of Indian Information Technology, Kalyani, W.B. on Engineering, Procurement and Construction (EPC) basis" was awarded to you and agreement No.17/CE/EE/KCD-VII/2018-19 was drawn.
2. Whereas, the stipulated date of start and completion of subject work was 23.03.2019 and 22.02.2021. The revised likely date of completion was 21.02.2023, but the work is still incomplete and in progress.
3. Whereas, the subject work is badly delayed and the work has not been executed satisfactorily and you have also violated the conditions of contract as detailed below:
 - i. As per scope of work given in the agreement the buildings are to be planned, designed and registered to meet 3 STAR TERI-GRIHA or LEED-Gold Star or IGBC-Gold Star. Number of letters was written by Engineer-in-Charge for registering the project for obtaining green rating, but the Project was registered only in the month of July-2021. The 1st site visit was conducted in September-2021 and report of IGBC consultant was shared on 08th October-2021. However, you have not submitted the compliance report even after repeated reminders by the Engineer-in-Charge.
 - ii. As per Clause-6.1 of Architectural Consultancy in the agreement, model of the campus has not been submitted to the Engineer-in-Charge even after repeated reminders by the Engineer-in-Charge.
 - iii. Technical staff has not been deployed as per Clause-36(1)(B) and details given in Schedule "F" of the agreement even after issue of notices by the Engineer-in-Charge and deduction of payment on this account.
 - iv. Non-deployment of sufficient resources and manpower at site even after repeated reminders by the Engineer-in-Charge resulting in delay in work and the work is not expected to be completed as per revised target date of completion of 21.02.2023, though the earlier decided date of completion was

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21.08.2022 and you are solely responsible for this delay. Further on account of slow progress, amount against 3rd Milestones of Rs. 1,07,17,809/- has been withheld as per Clause-5 and details given in Schedule "F" of the Agreement but there are no efforts have been made from your side to make up the delay. You have failed to achieve the next milestone also.

- v. Part work related to "sliding Aluminium window of corridors of hostels, window at stair case of hostels, grill at ground floor of hostels, balance work of culvert, balance work of boundary wall and main gate" was withdrawn from your scope after issue of Show Cause Notice under clause 14 by the Engineer-in-Charge vide letter dated 05.07.2022 and is to be executed on your risk and cost due to non-performance on your part.

4. Whereas, several letters dated 16.03.2021, 07.04.2021, 28.04.2021, 11.05.2021, 19.06.2021, 03.08.2021, 13.08.2021, 26.08.2021, 22.10.2021, 22.12.2021, 07.03.2022, 23.03.2022, 14.06.2022, 20.07.2022, 27.07.2022 and 27.08.2022 etc. were written to you on the above issues by the Engineer-in-Charge.

5. Whereas, you have failed to achieve the desired progress including not executing the work satisfactorily and you have also violated the conditions of contract.

6. Whereas, as per Rule 13.6 of Rules for Enlistment of Contractors in CPWD 2022, the contractor may be debarred, if it is established that :

- (i) "Fails to execute a contract or executes it unsatisfactorily".
- (ii) "Violates any conditions of the contract".

7. Whereas, by failing to execute the contract satisfactorily and violating the conditions of contract even after repeated notices by the Engineer-in-Charge, you have made yourself liable for action for debarment as per Rule 13.6 of Rules for Enlistment of Contractors in CPWD 2022.

8. Whereas, a show notice was issued to you viz. M/s Kamladityya Construction Pvt. Ltd. vide letter No. C/14-1(Super) - 01/2018/Composite/2021-22/1254 dated 30.09.2022 to show cause within 15 days of the issue of notice as to why disciplinary action should not be taken against you under Rule 13 of the Enlistment Rules - 2022.

9. Whereas the reply was submitted by you viz. M/s Kamladityya Construction Pvt. Ltd. vide letter No. KCPL/IIT/2022-23/380 dated 14.10.2022 along with supporting documents and Annexures.

10. Whereas, as per Serial No. 5 & 11 of your Enlistment order issued vide office order No. 08 {Composite - I (Super)} from file No. C/14-1(Super)/Composite/02/2018 dated 12.07.2019, "They shall have to abide by Enlistment Rules of the Department and amendment thereafter time to time. Further, they shall have also to abide by the terms and conditions of the NIT/Contract/Agreement as they stand or as may be altered from time to time."

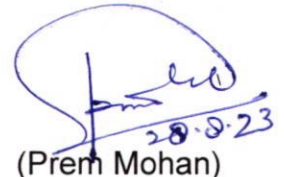
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11. Whereas, by failing to abide by the terms and conditions of the NIT/Contract/Agreement and Enlistment Rules of department, M/s Kamladityya Construction Pvt. Ltd. have made themselves liable for action for debarment as per Rule 13.6 of "Rules for Enlistment of Contractors in CPWD 2022 (amended time to time)".

12. After carefully considering your reply of show cause notice, taking into consideration of all the facts placed on record, circumstances of the case and recommendations of the Empowered Committee, the Enlisting Authority found that action against M/s Kamladityya Construction Pvt. Ltd. is justified in above mentioned rules and exercising the powers conferred upon Rule 13 of "Rules of ER in CPWD 2022" hereby debar M/s Kamladityya Construction Pvt. Ltd. for a period of two years from the date of issue of this order. The debarment would entail following:-

- i. Ban on participation in the tendering process in CPWD and PWD (Delhi).
- ii. Award of contract for works in CPWD and PWD (Delhi).
- iii. However, running contracts shall remain unaffected.

This is issued with approval of DG CPWD.



28.8.23

(Prem Mohan)
Chief Engineer CSQ (Civil), CPWD
(For and on behalf of Enlisting Authority)

To,

M/s Kamladityya Construction Pvt. Ltd.
Kamla Awas, 201, Co-operative Colony,
Bokaro Steel City, Bokaro,
Jharkhan – 827001
(Email : kcpl19@gmail.com)