

RW/NH-12011/01/2019/HP/PackagesI-V/EAP
Government of India

Ministry of Roads Transport & Highways

Ground Floor, Tower-1, Jeevan Bharti Building, 124, Connaught Place, New Delhi - 110 001

Dated: 18th July, 2022

To,

1. M/s L N Malviya Infra Projects Pvt. Ltd.
10 IIIRD Floor City Centre Press Complex MP Nagar Zone I
Bhopal INDIA 462011
lnmalviya@rediffmail.com
2. Shri Mayank Mathur, Team Leader cum Senior Highway Engineer,
Authority's Engineer, NH-707,
M/s L. N. Malviya Infra Projects Pvt. Ltd.,
Paonta Sahib-173025 [Email: lnmpsnh707@gmail.com]
3. Shri Ganesh Nairy Karkada, Road Safety Expert,
Authority's Engineer, NH-707,
M/s L. N. Malviya Infra Projects Pvt. Ltd.,
Paonta Sahib-173025 [Email: lnmpsnh707@gmail.com]

Subject: Debarment & Removal of Sh. Mayank Mathur, Team Leader and Sh. Ganesh Nairy Karkada, Road Safety Expert - Consultancy services of Authority Engineer's for the work of "Rehabilitation and Upgradation to Intermediate lane/2-lane/2-lane with paved shoulders/4-lane configuration of Paonta Sahib-Gumma-Fediz Section (km 0.000 to km 103.550) of NH-707 in the State of Himachal Pradesh under Green National Highways Corridor Project (GNHCP) with the loan assistance of World Bank on EPC Mode". -reg.

Ref.: Show Cause Notice No. RO/HP/Works(256)/2022-23/170 dated 31.05.2022

Sir,

WHEREAS, the Ministry of Road Transport and Highways (the "Client") awarded the subject cited work to M/s L.N. Malviya Infra Projects Pvt. Ltd., vide letter no. RW/NH-12011/01/2019/HP/PackagesI-V/EAP dated 12.02.2021 for a contract value of Rs.13,54,28,961/- (Rupees Thirteen Crore Fifty Four lakh Twenty Eight Thousand Nine hundred and sixty one only) (excluding GST) payable in India. The Contract Agreement for the said work was signed on 18.02.2021.

AND WHEREAS, **Shri Mayank Mathur** has been appointed as **Team Leader** cum Senior Highway Engineer by M/s L.N. Malviya Infra Projects Pvt. Ltd. for subject cited work for

reviewing the entire Project preparation and implementation activities of the contractor, to check all the Designs being prepared by the Contractor, ensure execution of works on site as per specification and standards, continuously interact with the PD, PIU, MoRTH, Paonta Sahib & Contractor and undertake Project site visits, guide, supervise, coordinate and monitor the work of other experts in his team as well as those of the Contractor.

AND WHEREAS, **Shri Ganesh Nairy Karkada** has been appointed as **Road Safety Expert** by M/s L.N. Malviya Infra Projects Pvt. Ltd. for subject cited work to look after overall road safety aspect of the project, to ensure safety provisions as per relevant codes are strictly followed during construction of road and also during the maintenance period.

A. Regarding progress of Paonta Sahib - Hewna section (Package-I) of NH-707 in the State of Himachal Pradesh

AND WHEREAS, the Ministry of Road Transport and Highways (the "Authority") awarded the work of "Rehabilitation and Up-gradation to 2-lane/ 2-lane with paved shoulder/ 4-lane configuration of Paonta Sahib - Hewna section (Km 0.000 to Km 25.000) of NH-707 in the State of Himachal Pradesh under Green National Highways Corridor Project (GNHCP) with loan assistance of World Bank on EPC mode (Package-I)" to M/s ABCI Infrastructures Pvt. Ltd., vide letter no. RW/NH-12014/01/2019/HP/Packages-I/EAP dated 11.09.2020 for a contract value of Rs. 174,90,00,000/- (Rupees One Hundred Seventy Four Crore and Ninety Lakh only) (excluding GST) payable in India. The Contract Agreement for the said work was signed on 17.03.2021.

AND WHEREAS, instructions were conveyed by PIU-Paonta Sahib, MoRTH during meeting dated 22.12.2021 and 23.12.2021 [proceedings conveyed vide letter no. MoRTH PIU-P.S./Civil Works/Pkg I/2020-21/Vol.II/812 dated 23.12.2021 (copy attached)] to initiate necessary action as per contractual obligations and within timelines stipulated therein with due regards to project progress achieved to prepare revised program and work plan specifically indicating time bound work planning in order to achieve the project milestone at the earliest.

AND WHEREAS, repeated instructions regarding aforesaid were communicated vide letter no. MoRTH PIU-P.S./A.E./2020-21/839 dated 08.01.2022 (copy attached), letter no. MoRTH PIU-P.S./A.E./2020-21/853 dated 17.01.2022 (copy attached), letter no. MoRTH PIU-P.S./A.E./2020-21/886 dated 28.01.2022 (copy attached) and letter no. MoRTH PIU-P.S./A.E./2020-21/897 dated 04.02.2022 (copy attached). However, no action taken has been reported till date.

AND WHEREAS, during the visit/ meeting of Ministry Officials from Regional Office (Himachal Pradesh) and PIU Paonta Sahib on 12.02.2022 and 13.02.2022; revised program and work plan specifically indicating time bound work planning in order to achieve the project milestone at the earliest could not be furnished thereby indicating lapses/ lacuna and non-fulfillment of roles/ responsibility under contractual provisions despite aforementioned instructions.



AND WHEREAS, during the visit/ meeting of Ministry Officials from Regional Office (Himachal Pradesh) and PIU Paonta Sahib on 12.02.2022 and 13.02.2022; no explanation could be furnished for delay in processing of time extension prayer submitted by the Contractor (Package-I) submitted on 07.12.2022. Further, even after repeated requests vide letter no. MoRTH PIU-P.S./A.E./2020-21/1034 dated 20.04.2022 and MoRTH PIU-P.S./A.E./2020-21/1080 dated 07.05.2022, requisite submissions along with supporting documents including revised work programme have not been furnished by M/s L.N. Malviya Infra Projects Pvt. Ltd. till date.

AND WHEREAS, it has been categorically indicated vide letter no. MoRTH PIU-P.S./A.E./2020-21/886 dated 28.01.2022 and letter no. MoRTH PIU-P.S./A.E./2020-21/897 dated 04.02.2022 that any claims raised by the Contractor due to non-fulfillment of the Contractual obligations by Authority's Engineer shall be attributable to M/s L.N. Malviya Infra Projects Pvt. Ltd. and shall be entirely borne by M/s L.N. Malviya Infra Projects Pvt. Ltd.

B. Regarding progress of Hewna - Ashyari section (Package-II) of NH-707 in the State of Himachal Pradesh

AND WHEREAS, the Ministry of Road Transport and Highways (the "Authority") awarded the work of "Rehabilitation and Up-gradation to 2-lane configuration of Hewna - Ashyari section (Km 25.000 to Km 50.000) of NH-707 in the State of Himachal Pradesh under Green National Highways Corridor Project (GNHCP) with loan assistance of World Bank on EPC mode (Package-II)" to M/s R.G. Buildwell Engineers Ltd., vide letter no. RW/NH-12014/02/2019/HP/Packages-II/EAP dated 11.09.2020 for a contract value of Rs. 151,00,00,000/- (Rupees One Hundred Fifty One Crore only) (excluding GST) payable in India. The Contract Agreement for the said work was signed on 16.02.2021.

AND WHEREAS, instructions were conveyed by PIU-Paonta Sahib, MoRTH during meeting dated 02.12.2021 [proceedings conveyed vide letter no. MoRTH PIU-P.S./Civil Works/Pkg II/2020-21/782 dated 02.12.2021 (copy attached)] to initiate necessary action as per contractual obligations and within timelines stipulated herein with due regards to project progress achieved to prepare revised program and work plan specifically indicating time bound work planning in order to achieve the project milestone at the earliest.

AND WHEREAS, repeated instructions regarding aforesaid were communicated vide letter no. MoRTH PIU-P.S./A.E./2020-21/811 dated 23.12.2021 (copy attached), letter no. MoRTH PIU-P.S./A.E./2020-21/817 dated 28.12.2021 (copy attached), letter no. MoRTH PIU-P.S./A.E./2020-21/836 dated 07.01.2022 (copy attached) and letter no. MoRTH PIU-P.S./A.E./2020-21/854 dated 17.01.2022 (copy attached). However, no action taken has been reported till date.

C. Regarding road safety on NH-707 in the State of Himachal Pradesh

AND WHEREAS, instructions were conveyed to Authority's Engineer vide letter no. MoRTH PIU-P.S./Misc./2021-22/862 dated 18.01.2022 (copy attached) to get road safety measures implemented, as elaborated in letter no. MoRTH PIU-P.S./Misc./2021-22/861 dated 18.01.2022 (copy attached) and furnish package wise action taken/ implementation report. AND WHEREAS, on failure to furnish the compliance thereof a reminder to this effect was also sent vide letter no. MoRTH PIU-P.S./A.E./2020-21/894 dated 31.01.2022 (copy attached).

AND WHEREAS, it was instructed vide MoRTH PIU-P.S./Civil Works/Pkg I/2020-21/Vol.II/903 dated 07.02.2022, MoRTH PIU-P.S./Civil Works/Pkg I/2020-21/Vol.II/916 dated 08.02.2022 and MoRTH PIU-P.S./Civil Works/Pkg I/2020-21/Vol.II/917 dated 08.02.2022 to take note of carriageway damaged/ excavated for placing of culverts (more than 2 months) and casted utility box/ pre cast drain placed left open from top (i.e. without slab) which may be a safety hazard and it was directed to initiate necessary action as per contract agreement. However, no action taken has been reported till date.

AND WHEREAS, during the visit/ meeting of Ministry Officials from Regional Office (Himachal Pradesh) and PIU Paonta Sahib on 12.02.2022 and 13.02.2022; lapses in road safety were again observed despite aforementioned instructions.

AND WHEREAS, a Show Cause Notice was issued to Shri Ganesh Nairy Karkada, Road Safety Expert vide PIU-Paonta Sahib, MoRTH letter no. MoRTH PIU-P.S./A.E./2020-21/948 dated 18.02.2022 to give an opportunity to represent his case by replying to the Show Cause Notice by 07.03.2022. However, Shri Ganesh Nairy Karkada, Road Safety Expert failed to attend PIU-Paonta Sahib, MoRTH with proper justification within the timeline specified in the Show Cause Notice.

AND WHEREAS a request was made vide letter no. MoRTH PIU-P.S./A.E./2020-21/1004 dated 25.03.2022 to extend all support in accordance with clause 25 of GCC of Contract for Consultant's services and in reference to the visit of Bank scheduled from 28.03.2022 to 01.04.2022. Further, it was also requested to ensure that all the requisite records, documents, details, designs, any other information etc. related to civil works/ consultant's services are made available during the visit for perusal of the concerned. **However, Shri Ganesh Nairy Karkada, Road Safety Expert remained on unauthorized absence from the site during the World Bank's visit.**

AND WHEREAS vide PIU-Paonta Sahib, MoRTH letter no. MoRTH PIU-P.S./A.E./2020-21/1016 dated 01.04.2022, it was requested have Construction Stage Audit conducted as per requirements cited in IRC Manual on Road Safety Audit and to furnish a package-wise report in this regard (categorically indicating location specific measures) latest by 04.04.2022, 05:00 P.M. However, Shri Ganesh Nairy Karkada, Road Safety Expert only submitted a package-wise checklist indicating that Traffic Management Plan and other safety provisions are in place at

site on 04.04.2022. However, the facts reported therein are inconsistent with the site condition.

AND WHEREAS, a Show Cause Notice to this effect was also issued to Shri Mayank Mathur, Team Leader cum Senior Highway Engineer vide PIU-Paonta Sahib, MoRTH letter no. MoRTH PIU-P.S./A.E./2020-21/949 dated 18.02.2022 to give an opportunity to represent his case by replying to the Show Cause Notice by 07.03.2022. However, Shri Mayank Mathur, Team Leader cum Senior Highway Engineer failed to do so. Further, vide this office's letter no. MoRTH PIU-P.S./A.E./2020-21/994 dated 01.04.2022 timeline for the same was extended till 04.04.2022 but Shri Mayank Mathur, Team Leader cum Senior Highway Engineer did not report to this office regarding the same.

AND WHEREAS a request was made vide letter no. MoRTH PIU-P.S./A.E./2020-21/1004 dated 25.03.2022 to extend all support in accordance with clause 25 of GCC of Contract for Consultant's services and in reference to the visit of Bank scheduled from 28.03.2022 to 01.04.2022. Further, it was also requested to ensure that all the requisite records, documents, details, designs, any other information etc. related to civil works/ consultant's services are made available during the visit for perusal of the concerned. However, Shri Mayank Mathur, Team Leader cum Senior Highway Engineer failed in his duty for the same during the visit of World Bank.

AND WHEREAS, following road safety issues highlighted during the visit and other lapses on the part of the key personnel were communicated vide this office's letter no. MoRTH PIU-P.S./A.E./2020-21/1027 dated 12.04.2022 requesting action by 16.04.2022. However, no reply to this effect has been received:

- (i) Measures to strengthen Occupational Health and Safety procedures and practices for all of the packages.
- (ii) Provision of advanced warning signs, signs and solid barriers in accordance with the standard drawings, at hazards including excavations, valley sides, and rock piles/ equipment or use effective alternative solutions.
- (iii) Fencing to prevent access of the public to worksites, excavations and other hazards.
- (iv) Fencing and guarding to prevent access to excavations with standing water.
- (v) Regular training of drivers and operators, and the adoption of strong speed control measures.
- (vi) Trimming of extremely steep and at times overhanging excavated slopes which present a safety hazard to workers and road users.

AND WHEREAS, the World Bank further remarked the following in their visit note:

- (i) There was no evidence of the expected level of proactivity in identifying and resolving problems on the site.

- (ii) Inconsistent progress reporting with confusion between physical and financial progress, with no regular monthly/quarterly progress reports made available.
- (iii) Unsound technical solutions being considered for watercourse drainage at a Package 2 spoil area.
- (iv) Progress reports and other information on implementation progress was requested by the Bank in advance of the visits and repeatedly during the visit, but to date only limited and inconsistent information has been received.

In the light of above facts and circumstances, an opportunity to represent the case by replying to the Show Cause Notice dated 31.05.2022 was provided. However, no reply from the firm (M/s L N Malviya Infra Projects Pvt. Ltd.) or Shri Mayank Mathur, Team Leader cum Senior Highway Engineer was received. Furthermore, the reply received through email from Shri Ganesh Nairy Karkada, Road Safety Expert was not found to be satisfactory.

Therefore, in view of the aforementioned dereliction of duties as per contractual provisions the following actions against Shri Mayank Mathur and Shri Ganesh Nairy Karkada are hereby taken:

1. **Shri Mayank Mathur**, Team Leader cum Senior Highway Engineer - Removal from project and debarment for two years.
2. **Shri Ganesh Nairy Karkada**, Road Safety Expert - Removal from project and debarment for one year

This has been issued with the approval of the Competent Authority in the Ministry.


18/07/2022

(Vipin Kumar)

Executive Engineer (EAP)

Copy to (for information):

1. The Chief Engineer, Monitoring Zone, MoRTH, New Delhi
2. The Regional Officer-Shimla, MoRTH, Himachal Pradesh
3. The Project Director, PIU-Paonta Sahib, MoRTH, Himachal Pradesh
4. General Manager, INFRACON - with a request to upload on portal
4. NIC, MoRTH - with a request to upload on MoRTH's website
5. IT Cell, NHAI - with a request to upload on their website
6. NIC, NHIDCL -with a request to upload on their website