



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
(सडक परिवहन और राजमार्ग मंत्रालय, भारत सरकार)
NATIONAL HIGHWAYS AUTHORITY OF INDIA
(MINISTRY OF ROAD TRANSPORT AND HIGHWAYS, GOVT. OF INDIA)



परियोजना निदेशक कार्यालय, परियोजना कार्यान्वयन इकाई

201ई/ए, द्वितीय तल, डी-21, कॉर्पोरेट पार्क, (नजदीक द्वारका सेक्टर-8 मेट्रो स्टेशन) सेक्टर-21, द्वारका, नई दिल्ली-110075

OFFICE OF THE PROJECT DIRECTOR, PROJECT IMPLEMENTATION UNIT

201E/A, Second Floor, D21, Corporate Park (Near Dwarka Sector- 8 Metro Station), Sector-21, Dwarka New Delhi-110075

दूरभाष/Phone No. : +91-9717892100, +91-9717623100 ईमेल/E-mail : piudwarka@nhai.org, piudwarka@gmail.com

WITHOUT PREJUDICE

ORDER

NHAI/PIU/DWE/02/04/03/3356

Date: 02.08.2022

Sub: Construction of 8 lane Dwarka Expressway from Delhi-Haryana Border to start of Rail over Bridge, Gurugram (Chainage from km 9+500 to km 19+700) in the state of Haryana (NH-248BB) Package-III on EPC mode-Levy of Penalty reg.

Whereas the National Highways Authority of India (hereinafter also referred to a "Authority" or "NHA") had awarded the Consultancy Services for Authority's Engineer for Supervision of "Construction of 8 lane Dwarka Expressway from Delhi-Haryana Border to start of Rail over Bridge, Gurugram (Chainage from km 9+500 to km 19+700) in the state of Haryana (NH-248BB) Package-III on EPC mode" and signed Contract Agreement dated 05.12.2018 (hereinafter also referred to as "Agreement") with M/s AECOM Asia Company Limited in association with M/s Consulting Group Ltd (hereinafter also referred to as "you" or "Authority's Engineer" or "A.E") for the subject works in accordance with the terms and conditions set forth in the Agreement;

2. Whereas during the morning of 28.03.2021 around 07:30 AM, an accident has occurred on the Project Highway resulting in collapse of the 2 spans between Pier no. 107-108 and Pier no. 108-109.

3. Whereas the NHA vide letter no. NHA/PIU/DWE/02/03/04/531 dated 28.03.2021 constituted four members Expert Committee with mandate "to carry out detailed technical analysis and analyse the reasons of failure leading to the accident". That immediately thereafter, the Ministry of Road Transport and Highways, Government of India on 09.04.2021 also constituted a committee of experts to enquire into the incident of collapse of 2 span of the subject project and suggestions/ modifications/ improvements/recommendation in the existing Quality Assurance and Quality Control Mechanism to prevent the recurrence of such mishaps in future.

4. Whereas based on said accidents at site and reports of Expert Committee/s, Notice was Issued by Authority to Authority Engineer on 16.09.2021.

5. Whereas A.E. made representations, vide letter no.1127 dated 06.10.2021 and letter no. 1395 dated 01.12.2021 supplemented by submissions during personal hearing. The representations have been examined thoroughly and found unsatisfactory as A.E. has failed to establish that there was no deviation from Specifications & Standards, thus leading to dereliction of its obligation under the Consultancy Agreement.

6. Therefore, in view of the lack of adherence to meeting Authority's Engineer obligations leading to tarnishing the image of the Authority on account of Authority's Engineer actions and inactions in neglecting its duties and other defaults brought out in above referred notice, **the Authority hereby levies penalty amount of Rs. 20 Lakhs** to be paid by Authority's Engineer to Authority within 7 days of issue of this letter. In case of failure on Authority's Engineer part to pay the said amount, the

मुख्यालय : जी-5 एवं 6, सेक्टर-10, द्वारका, नई दिल्ली-110075

Head Office : Plot No. : G-5 & 6, Sector-10, Dwarka, New Delhi-110075 Website : http://www.nhai.org

Authority reserves its rights to recover this amount from Authority's Engineer by making deductions from any amounts/monies payable to Authority's Engineer from Authority and/or encashment of any Security/Bank Guarantee of Authority's Engineer available with Authority from any NHAI project.

7. Further, in view of grave nature of the incident and due to putting of lives and limbs of the road users at risk, the Authority's Engineer is hereby debarred (jointly as well as severely) so that the Authority's Engineer can't participate in bids of NHAI/MoRTH for three months w.e.f date of issuance of this letter./order.


8. Moreover, the Key Personnel (viz Sh. B.B Sharma, Team Leader and Sh. Nawal Kishor, Bridge Engineer) suspended vide NHAI Order no. 530 dated 28.03.2021 are hereby debarred & restricted from being part of any NHAI/MoRTH projects for a period of 1 year w.e.f date of suspension order issued by NHAI on 28.03.2021, assuming the said key personnel have not been part of any NHAI/MoRTH projects till date since 28.03.2021.

9. It is expressly stated that by issuance of this order, Authority should not be deemed to have varied, surrender or abrogated any of its legal and contractual rights in any manner whatsoever.

10. This is issued without prejudice to any rights and/or remedies available to Authority under the Agreement with M/s AECOM Asia Company limited in Association with Consulting Engineers Group Ltd and /or Applicable Laws. For the avoidance of doubt, Authority reserves the right to take measures as per the provisions of the Agreement, as deemed fit, in addition to aforesaid actions.

11. This is issued with the approval of Competent Authority. The unconditional acceptance of this order and penalty amount shall be deposited within 7 days of issue of this letter failing which Authority would be a liberty to suitably modify this order.

For and on behalf of NHAI,



(Nirman K Jambhulkar)

General Manager (Technical)/Project Director
Project Implementation Unit-Dwarka
National Highways Authority of India

To

M/s AECOM Asia Company Limited in association
With M/s Consulting Group Ltd.
Through Sh. Manmohan Singh Rawat,
Authorized Representative,
M/s AECOM, DLF CYBER CITY,
3rd Floor, Building No. 8A,
DLF Phase II, Gurugram-122002
(Email: manmohan.rawat@aecom.com)

Copy to:

1. Sr. PPS to Secretary, Ministry of Roads Transport & Highways, New Delhi.
2. PS to Chairperson, National Highways Authority of India
3. PS to MD, NHIDCL, 3RD Floor, PTI Building 4 Parliament Street, New Delhi-110001
4. PS to Director General Border Roads, Seema Sadak Bhawan, Ring Road, Naraina, New Delhi.

5. PPS to Member(P), NHAI , G-5 &6, Sec-10, New Delhi - 110075.
6. The RO-Delhi, NHAI, G-5 &6, Sec-10, New Delhi - 110075 .
7. Senior Technical Director, MoRTH (E-mail: mansoor@nic.in)- with request to upload on Ministry's website.
8. Web Admin, NHAI HQ - with a request to upload on NHAI website.
9. Shri B. B Sharma, 116 Ravindra Nagar-A, Near 7 no. Chaurahe, Airport Road, Jagatpura Jaipur, Rajasthan 302017
10. Shri. Nawal Kishore, 1/24 Vasundhra, Ghazibaad, Uttar Pradesh.