



GOVERNMENT OF INDIA
MINISTRY OF ROAD TRANSPORT & HIGHWAYS

O/o the Chief Engineer-Regional Officer
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F.No.RW/BHP/MP/DPP/NHDP/JBP-Hiran/NH-12/15-16/14/2021-22/248

Date: 27.04.2022

To,

M/s Wagad Infra Projects Pvt. Ltd, C/o Rajmal Rajawat, Plot no. 15, near Bharti Engineering works, Titari Bus stand, Udaipur- 313001.	M/s Sorathia Velji Ratna Co, A-401, Kalpvru Complex, Gotri Road, Vadodara - 390021, Gujarat.
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Sub: Rehabilitation and up-gradation of Jabalpur to Hiran River section of NH-12 from existing Km 11/400 to Km 66/400 [Design Ch. 10.400 to Ch. 66.000] in the State of Madhya Pradesh to 4-lanes with Paved shoulders on EPC mode under NHDP-III-Action Against Contractor for misrepresentation of facts in COS proposal- Reg.

- Ref: (i) M/s Wagad Infra Projects Pvt. Ltd.'s letter no. WAGAD-VRS/MPRDC/JHS/2018/463 dated 09.04.2020.
(ii) M/s ICT letter no. ICT/AE/MPRDC/IND/NH-12/TL/888 dated 27.04.2020
(iii) This office letter no. RW/BHP/MP/DPP/NHDP/JBP-Hiran/NH-12/15-16/14/622 dated 22.07.2021.
(iv) Contract Agreement dated 19.12.2007

Whereas, Ministry of Road Transport and Highways represented through Managing Director, MPRDCL signed an agreement with M/s Wagad Infra Projects Pvt. Ltd - M/s Sorathia Velji Ratna Co (JV) 19.12.2017, Bansawara, Rajasthan for the Rehabilitation and up-gradation of Jabalpur to Hiran River section of NH-12 from existing Km 11/400 to Km 66/400 [Design Ch. 10.400 to Ch. 66.000] in the State of Madhya Pradesh to 4-lanes with Paved shoulders on EPC mode under NHDP-III.

2. Whereas, Contractor vide his letter dated 09.04.2020 (Ref.i) has submitted Authority Engineer a Change of Scope proposal-II for the following:-

- (i) Construction of new HPC(05nos.) & Box Culvert(01no.)-Rs.36.47 lakh (20.06+16.41)
(ii) Retaining wall/ Toe wall in approaches of Hiran River bridge-Rs.222.53 lakh

2.1 Thereafter, TL Authority's Engineer vide letter dated 27.04.2020 (Ref.ii) and MPRDCL vide letter dated 11.05.2020 submitted the COS proposal for construction of 05 nos of HPCs & 01 no of Box Culvert at Rs. 12.32 lakh & Rs 11.35 lakh respectively. Further, COS cost for Retaining wall/ Toe wall in approaches of Hiran River Bridge has been modified to 140m length at cost of Rs. 107.51 lakh.

3 The site was inspected by EE & AEE of O/o RO, MoRTH Bhopal on 25.06.2021 & 01.07.2021. Inspection Note of the project reach was issued vide this office letter dated 07.07.2021.

3.1 During site inspection, it was observed that 05 nos. of HPCs have not been constructed on the project, which are provided in Schedule-B of Contract Agreement & widening of 05 nos. of HPCs also have not been constructed at site and negative cost for these culverts should have been accounted for in the proposed COS in respect of culverts submitted vide Contractor's letter dated 09.04.2020.

3.2 Contractor proposed COS for 140 m long Retaining wall/ Toe wall in approaches of Hiran River Bridge and after site verification, it has been observed that after completion of work, 791m long Retaining wall/ Toe wall in approaches of Hiran River Bridge has been constructed at site and no further 140m length of Retaining wall construction is required. Despite this COS for additional length of Retaining wall/ Toe wall in approaches of Hiran River Bridge has been submitted by Contractor, when it is not required.

3.3 As such it is observed that Contractor has misrepresented the facts and submitted the deficient COS proposal by not including negative cost towards 05 nos. of HPCs not constructed at site as per scope and included positive COS for additional length of Retaining wall / Toe wall in approaches of Hiran River Bridge.

4. Show cause notice: - The notice was issued by O/o CE(RO) to Contractor on 22.07.2021 for the following:-

- i. Explanation as to why Rs. 0.35 Cr. COS for 50 m long additional Retaining wall/ Toe wall in approaches of Hiran River Bridge was proposed by Contractor and recommended by Authority Engineer, when it was not required, as verified by MORTH officials during site inspection.
- ii. Explanation as to why negative cost towards 05 nos. of HPCs not constructed on site as per scope of work (as verified by MORTH officials during site inspection) not accounted for in the COS proposal submitted by Contractor and recommended by Authority Engineer.
- iii. Whereas Notice was issued by this office vide letter dated 22.07.2021 (Ref. iii) to the Contractor firm for aforesaid defaults/suppression of facts on the part of contractor to which no specific reply has been received from the contractor and It is therefore perceived that contractor has no explanation to offer in the instant case.

5. Whereas, as per Cl 4.2 for RFP, if a Bidder or Contractor, as the case may be, is found by the Authority to have directly or indirectly or through an agent, engaged or indulged in any corrupt practice, **fraudulent practice**, coercive practice, undesirable practice or restrictive practice during the Bidding Process, or after the issue of the LOA or the **execution of the Agreement**, such Bidder shall not be eligible to participate in any tender or RFP issued by the Authority during a period of 2 (two) years from the date such Bidder, or Contractor, as the case may be, is found by the Authority to have directly or indirectly or through an agent, engaged or indulged in any corrupt practice, fraudulent practice, coercive practice, undesirable practice or restrictive practices, as the case may be.

(ii) Further as per Cl 4.3 (b) of RFP, "fraudulent practice" means a misrepresentation or omission of facts or suppression of facts or disclosure of incomplete facts, in order to influence the Bidding Process.

(iii) In view of the above the Contractor has misrepresented facts during execution of work while submitting COS and is a fraudulent practice.

6. In view of above, M/s Wagad Infra projects Pvt. Ltd, Udaipur and M/s Sarothia Velji Ratna Co, Vadodara are hereby declared not eligible to participate in any tender or RFP issued by the Authority/ MoRTH/ NHAI/ NHIDCL/ State Government for NH Works during a period of 2 (two) years from the date of issue of this letter as per Cl 4.2 of RFP.

7. This issues with the approval of Competent Authority.



(Sumit Kumar)

Superintending Engineer
for CE-RO, MoRT&H, Bhopal

Copy to:

1. Sr. PPS to Secretary, MoRTH, New Delhi
2. ADG, MoRT&H, New Delhi
3. PS, MPPWD, Bhopal
4. CE(West), MoRT&H, New Delhi
5. MD, MPRDCL, Bhopal
6. CE(BOT), MPRDCL, Bhopal
7. NIC, MoRTH, New Delhi - for uploading in the Ministry website
8. NHAI - for information and with request to upload this letter in their website.
9. NHIDCL - for information and with request to upload this letter in their website.
10. TL, AE, M/s ICT Pvt. Ltd., Jabalpur.