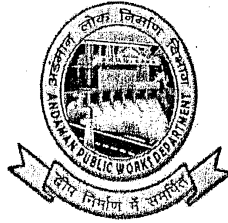


अंडमान तथा निकोबार प्रशासन
मुख्य अभियन्ता का कार्यालय
अंडमान लोक निर्माण विभाग
निर्माण भवन पोर्टब्लेयर



ANDAMAN AND NICOBAR ADMINISTRATION
OFFICE OF THE CHIEF ENGINEER
ANDAMAN PUBLIC WORKS DEPARTMENT
NIRMAN BHAWAN, PORT BLAIR.

Dated the 29 August 2016

OFFICE ORDER NO: 1097

Whereas Shri S.Karuppaiah & Sons (Partners Shri K.Karthik & Shri K.Selvam) is Enlisted as Class I contractor in APWD his last revalidation period was for the period from 06/01/2013 to 05/01/2016 Vide order No. 508 dated 04th May 2015.

Whereas the contractor submitted an application for revalidation wherein he attached award letter and Performance Guarantee letter for the work amounting to ₹.1,32,64,294/- "and secondly a certificate dated 30.12.2015 issued by Executive Engineer, PBSB, APWD, Port Blair stating that the M/s S.Karuppaiah & Sons, contractor, has tendered for the work "Construction of 30 Rooms boys hostel(phase-I) at South Point for JNRM Port Blair and stood Lowest with tendered amount of ₹. 2,00,97,738/-, no other documents are enclosed for support of securing the work like work award letter, Performance report etc. which is also the criteria for revalidation

Whereas the work secured by the contractor amounting to ₹.1,32,64,294/- is not the appropriate magnitude as per the Enlistment Rule 19 and second work as per the certificate ₹. 2,00,97,738/- for which necessary documents as per Enlistment Rule are not enclosed.

Aggrieved by this office letter dated 7th June 2016 the Contractor approached Hon'ble High Court wherein Hon'ble High Court passed an order dated 21.07.2016 in WP No. 12488(W) of 2016 wherein it is stated as "It appears that the aforesaid rule was observed to be unreasonable by a Division bench of this Court and the Lt. Governor was directed to consider the said issue. Pursuant to the direction, the Lt. Governor also expressed view that the said rule was invalid and directed the authorities to reconsider the same. Such facts are evident from the observations made by learned single judge of this Court in the order dated 30.6.2016 in WP 11554 (W) of 2016 is also not disputed by the learned Advocate appearing for the respondent authority that an Hon'ble Division bench of this Court had held the aforesaid rule to be unreasonable and such view was also accepted by the Lt. Governor. In view of the aforesaid circumstances, I am of the opinion that the respondent authority ought not to have relied on the said rule for refusing to revalidate the enlistment of the petitioner. Accordingly the impugned decision dated 7th June, 2016 is set aside. Prayer of the petitioner for revalidation of enlistment be reconsidered by the respondent no. 3 (Chief Engineer, APWD) in accordance with law and de hors Rule 19 of APWD Enlistment Rules 2009 and appropriate decision be taken thereon within four weeks from the date of communication of this order after giving an opportunity of hearing to the petitioner".

Accordingly, hearing was held on 10.8.2016 wherein it was stated by the Advocate appearing on behalf of the petitioner stated that the contractor had secured one work ₹. 2.00 Crore during the period of revalidation.

Contd../

Whereas the Hon'ble High Court referred to order dated 30.6.2016 passed in WP 11554(w) of 2016 (Surendra Infrastructure (Pvt.) Ltd Vs Hon'ble Lt. Governor, A&N Islands & others) wherein order dated 27.8.2014 passed in MA no. 37 of 2014 (Surendra Infrastructure (Pvt.) Ltd Vs Hon'ble Lt. Governor, A&N Islands & others) is mentioned, in the particular case the Contractor had secured one work of ₹. 20.00 crore, but the criteria for revalidation was to secure two work ₹. 1.50 crore each and Hon'ble Court directed to review Rule 19, accordingly Hon'ble Lt. Governor passed an order dated 15.4.2015 to revisit the Rule 19.

Whereas in the above case magnitude of work was more than the required as per the Enlistment Rule and the Rule 19 if amended shall be in terms of magnitude of work, in the instant case the Contractor could not secure any work of any magnitude during the last revalidation period. hence his case cannot be considered in terms of any amendment in Rule 19. Hence his case for revalidation could not be considered for revalidation.

This order is issued in compliance with Hon'ble High Court order dated 21.07.2016 passed in WP No.12488(W) of 2016.

This issues with the approval of Chief Engineer.

Finance Officer to Chief Engineer,
(F. No. 63(10)(25)/CE/APWD/Class-I/2015-16/FIN)

OFFICE ORDER BOOK

✓ Copy to:

1. The party concerned by post.
2. All the Superintending Engineers under APWD, Port Blair.
3. The Superintending Engineer, Electricity Department, Port Blair.
4. The Superintending Engineer, Zilla Parishad, Port Blair.
5. The Superintending Engineer, PBMC, Port Blair.
6. The Chief Engineer, Project Yatrict c/o 99 APO.
7. The Chief Engineer, MES, Port Blair.
8. The Chief Engineer and Administrator, ALHW, Port Blair.
9. The Assistant Commissioner of Income Tax, A & N Islands, Port Blair.
10. All the Executive Engineers under divisions of APWD.
11. AE, ISSD, APWD Kolkata.
- ✓ 12. The Executive Engineer, E&M (Plg), O/o CE, APWD with the request to upload the order in APWD website
13. The Deputy Secretary (PW), A & N Administration, Port Blair.
14. Smti. Anjili Nag, Govt. Panel Advocate, District and Session Court Complex, Port Blair for information.
15. Shri. Bhaskar Prosad Banerjee, Ld. Advocate, 7, Old Post Office Street, Kolkata-700001.
16. Shri. Tapan Kumar Das Advocate, B.E.L.L.B, Prem Nagar, PO Haddo, Port Blair.

Amul
26/8/16
Finance Officer to Chief Engineer,
APWD, Port Blair