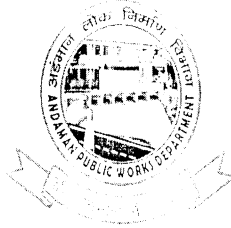


अंडमान तथा निकोबार प्रशासन

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 25 Jan 2018

OFFICE ORDER NO: 94

Whereas M/s Bharat Multitech Industries Pvt. Ltd is enlisted as Class-I (Civil) contractor in APWD. The firm submitted his case of Revalidation but his case was not considered as the firm did not fulfil the criteria of work experience. In terms of Enlistment Rule of contractors in APWD 2009, Rule 19 the contractor has to secure two work of appropriate magnitude, in this case the contractor has to secure two works Rs. 1.5 crore each. But the firm could secure only one work of Rs. 4.51 Crore. Hence, his revalidation case was not considered.

Aggrieved by this the firm approached Hon'ble High Court of Calcutta circuit bench at Port Blair and filed a writ petition WP No. 359 of 2016 wherein the Hon'ble High Court in its order dated 19th Sept, 2016 stated that "in any event, the petitioner should get, at least provisional revalidation of his enlistment, if he otherwise fulfils the necessary criteria, within a period of four weeks from the date of receipt of a copy of this order. The writ petitioner will resubmit his papers for revalidation of his enlistment forthwith."

The authorities were required to grant provisional revalidation of the enlistment of the petitioner if it is found that the petitioner fulfils the necessary criteria. It is a fact that rule 19 of 2009 rules was not reviewed and before any decision could be taken new rules have come into force wef 19th June, 2017. Now enlistment of every contractor has to be done in accordance with the new rules. Therefore, the earlier application submitted by the applicant cannot be considered. So far as provisional revalidation is concerned, the petitioner, though submitted his papers in terms of the order of the Hon'ble High Court, the petitioner did not fulfil the required criteria. There were deficiencies in his documents to the extent mentioned below:-

- a) Point No. 10 & 12 not filled in Annexure VIII.
- b) Annexure IX not filled.
- c) Completion certificate is not attested.
- d) Point No.1 (i.e period) of Part I & III of Annexure-VII is not filled and not countersigned by SE concerned.
- e) Year of passing out in respect of Mr. Subhendu Biwas is incorrect in affidavit.
- f) No declaration is mentioned in the affidavit of T & P.
- g) Serial numbers 1 to 4 are missing in the Memorandum of Article of the Company.

In view of the aforesaid circumstances, provisional revalidation is not possible. Therefore, such prayer is rejected. Even the enlistment in terms of the rules of 2009 cannot be considered due to the aforesaid deficiencies. Moreover, the applicant has submitted the application for enlistment on 24.12.2013 and the case was returned for not fulfilling the criteria of work. After that the applicant filed a case and re-submitted the application on 30.09.2016 alongwith the Hon'ble Court's order. In terms of the Enlistment Rule of 2009, order for revalidation of enlistment is for a period of three years from the date of expiry of previous enlistment date (previous enlistment date expired on 05.01.2014). Granting enlistment to the applicant, even applying the rules of 2009 is not possible. Rules of 2009 is no more in existence and therefore cannot be reviewed or altered.

The applicant is aware of the implementation of new rules and therefore he can apply afresh in terms of the new rules. There are considerable changes in the manner one has to apply under the new rules and therefore the old application which is in fact defective even in terms of rules of 2009 cannot be allowed.

This is issued in compliance to the Hon'ble High Court of Calcutta order dated 19.09.2016 passed in WP No. 359 of 2016 in respect of M/s Bharat Multitech Industries Pvt. Ltd. V/s the Lieutenant Governor and others.


This issues with the approval of Hon'ble Lt. Governor being the Enlistment Authority.

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Finance Officer to Chief Engineer,
(F. No. 63(10)/CE/APWD/Class-II- IV/2013-14/FIN)

OFFICE ORDER BOOK

Copy to:

1. M/s Bharat Multitech Industries Pvt. Ltd, Post Box No. 539, Junglighat PO, Port Blair 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 Yatriet 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.

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Finance Officer to Chief Engineer,
APWD, Port Blair
24/11/18
by