

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



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

Dated 24 April, 2023.

OFFICE ORDER No. 19543

Whereas, M/s. ADR Infra Engineering is enlisted as Class IV (Civil) Govt. Contractor vide Order No.1276 dated 17.10.2016.


Whereas, M/s. ADR Infra Engineering was awarded the work of "Resurfacing of road from Raj Niwas Junction to Murugan Temple" vide Agreement No.11/A/EE/SAD/PB/2021-22 at a tendered amount of Rs.40,01,435/- with stipulated date of commencement as 19.01.2022 and stipulated date of completion as 18.04.2022.

Whereas, the firm was awarded another work of "Resurfacing of road from Director of Postal to Civil Supply Office gate (via Annapurna Junction)" vide Agreement No.07/A/EE/SAD/PB/2021-22 at a tendered amount of Rs.24,81,680/- with stipulated date of commencement as 05.01.2022 and stipulated date of completion as 04.03.2022.

Whereas, complaints were received from EE, SAD, APWD vide Note No.W-6(HQ)(614)/SAD/APWD/2022-23/1587 dated 26.07.2022 and No.W-6(HQ)(616)/SAD/APWD/2022-23/1660 dated 02.08.2022 regarding suspending the firm M/s ADR Infra Engineering from bidding in APWD tenders for a period of two years as per Rule 23.4 of Enlistment (Amendment) Rules of Contractors in APWD, 2018.

Whereas, in the complaint report, the EE, SAD mentioned that in both the cases, inspite of continuous persuasion orally as well as through several instructions, the firm has not started the work as per the stipulated date of commencement. Accordingly, a Show Cause Notice under clause-3 of the agreement has been issued to the contractor for the aforesaid works vide EE, SAD's even L.No.628 & 627 dated 23.03.2022, but no response had been furnished by the contractor, as such the EE, SAD had issued final notice under Clause 3 for the both the works vide EE, SAD's even L.No.1231 & 1232 dated 10.06.2022 and the PG submitted by the firm was forfeited and the same was communicated to the Manager, SBI vide EE, SAD's even L.No.1412 & 1413 dated 07.07.2022.

Whereas, it is also mentioned in the complaint report that the field officials personally called and made field visit to the site and persuaded to commence the work, since the location of site falls in the heart of city and many VIP/VVIPs are crossing the route, but no tangible response was received from the firm. Due to non-commencement of work, the general public also faced inconvenience.


Contd. P/2

Whereas, the EE, SAD had proposed to suspend the business with the firm from bidding in APWD tenders for a period of two years in accordance with Rule 23.4 of Enlistment (Amendment) Rules of Contractors in APWD, 2018.

Whereas, a show cause notice had been issued to the firm in accordance with Rule 23 of Enlistment Rules, 2017 vide this office even letter No.3571 dated 10.08.2022. In response, the agency has furnished reply vide L.No. ADR/22-23/01 dated 23.08.2022 wherein, it was mentioned that the work could not be started in time since the Pollution Office team has stopped to operate the hot mix plant, and informed to obtain the permission from the Pollution committee. The firm approached the Pollution Office to obtain permission to start the plant but the permission was not accorded.

Whereas, the firm mentioned that they planned to start the work with the other plant available in Port Blair for which a letter was submitted to EE, SAD for issue of bitumen for which they have not been issued any letter to procure bitumen from HPCL and also due to bad weather condition the work planning was hampered. Subsequently, the firm stated that the EE, SAD terminated the agreement and forfeited the PG and no final notice was issued for termination of the agreement of the work.

Whereas, the comments of EE, SAD were sought on the reply submitted by the firm vide this office even L.No.4045 dated 25.08.2022 and subsequent reminders were issued vide this office even L.No. 4372 dated 05.09.2022 and 4802 dt 20.09.2022.

Whereas, the EE, SAD had furnished his reply vide even L.No.2055 dated 20.09.2022 in which it is stipulated that the firm never informed about the permission to be obtained from Pollution Committee, moreover such matters have to be sorted out by the contractor himself. Further based on the request of the firm, the Division had immediately issued letter to HPCL for issue of bitumen to the agency vide EE, SAD's letter No. 179 dt 19.01.2022. The Division had issued show cause notices twice, but the same was not received by the firm.

Whereas, view of the SE, PBCC was sought vide even L.No.666 dated 03.10.2022 and the SE, PBCC, APWD vide letter L.No.2392 dated 14.10.2022 stated that the reply furnished by EE, SAD is correct and justified based on the supporting documents.

Whereas, Rule 22 (g) of Enlistment Rule of Contractor in APWD, 2017 envisages that the contractor shall execute the work awarded to him strictly as per the terms & condition and specification.

Whereas, as per Rule 23 of Enlistment Rules of Contractors in APWD- 2017, the contractor shall have to abide by all the rules of enlistment and also by the terms and conditions of the contract and NIT. He shall have to execute the works as per contract on time and with good quality. The Enlisting Authority shall have the right to demote a contractor to lower class, suspend business with indefinitely or for a period as decided by enlisting authority after issue of show cause notice.

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Whereas, as per Rule 23.4 of Enlistment (Amendment) Rules of Contractors in APWD, 2018, the Enlistment Board shall be entitled to suspend business with the contractor for a period of two years in the event that latter fails to execute the work already awarded to him in accordance with existing contract agreement due to default of the contractor.

Now, after examining the merit of the case and based on the recommendation of the Enlistment Board for Class-IV contractors in APWD and in accordance to Rule 23.4 of Enlistment (Amendment) Rules of Contractors in APWD-2018, the Enlistment Authority is pleased to suspend the business with the contractor M/s. ADR Infra Engineering for a period of two years from the date of issue of this order. However, this order of suspension shall not affect the ongoing works of the contractor which the contractor is mandatorily required to complete, as per the condition stipulated in the contract agreement.

Finance Officer to Chief Engineer
APWD, Port Blair


(F. No. M-13/9/2022-Section FO to CE-APWD-APWD_AN)

OFFICE ORDER BOOK

Copy forwarded for information and necessary action to:

1. M/s. ADR Infra Engineering, Govt. Contractor, nearby Air Force Station, Prothrapur, Port Blair, South Andaman Ph. No.9647817070 by registered post.
2. The Director (RD), Panchayat & PRIs, A&N Administration, P/Blair for information.
3. All the Superintending Engineers under APWD, Port Blair
4. The Superintending Engineer, Electricity Department, Port Blair
5. The Superintending Engineer, Zilla Parishad, Port Blair
6. The Superintending Engineer, N&M Andaman, Mayabunder
7. The Superintending Engineer, PBMC, Port Blair
8. The Chief Engineer, MES, Port Blair
9. The Chief Engineer and Administrator, ALHW, Port Blair
10. The Executive Director, NHIDCL, A&N Islands
11. The Assistant Commissioner of Income Tax, A&N Islands, Port Blair
12. The Asst. P.F. Commissioner/OIC, Sub-Regional Office, Labour Commissioner building, Supply Line, Port Blair.
13. All the Executive Engineers under APWD.
14. The Assistant Engineer, ISSD, APWD, Kolkata
15. The Deputy Secretary (PW), A&N Administration, Port Blair
16. The Executive Engineer, E&M (Plg), O/o CE, APWD, with the request to upload the order in APWD website.
17. The Labour Commissioner, A&N Administration, Port Blair
18. The Assistant Commissioner, EPF, A&N Administration, Port Blair
19. F. No. 63(10)/2015-16/CE/APWD/FIN/

Finance Officer to Chief Engineer
APWD, Port Blair


21/4/23