

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 04th May, 2023

OFFICE ORDER No.20870

Whereas, M/s. AB Construction, is enlisted as Class III Govt. Contractor (Civil) for a period of 05 years w.e.f. 25.05.2018 to 24.05.2023 vide Order No.707 dated 25.05.2018.

Whereas, M/s. AB Construction, Govt contractor was awarded the work of "Construction of Rural Road from Fire Brigade Quarter to Ayyappan Temple at Bakultala Ward No.5" vide EE, Zilla Parishad, N&M Andaman Agreement No.EE/N&M/ZP/2014-15/34 dated 20.03.2015 at a tendered amount of Rs.15,07,537/- with stipulated date of commencement on 05.04.2015 and stipulated date of completion as 04.10.2015.

Whereas, a complaint was received from EE, Zilla Parishad, N&M Andaman, Mayabunder vide letter No.8-121/EE/N&M/ZP/MB/2022-23/119 dated 07.07.2022 wherein it was mentioned that as per available records, the agency failed to commence the work within the stipulated period and accordingly a Show Cause Notice was served to the firm vide No.8-121/EE/N&M/ZP/MB/2015-16/383 dated 09.06.2015 against which the agency vide letter No. Nil dated 11.06.2015 informed that the work couldn't be commenced due to non availability of quarry product and heavy rain.

Whereas, the EE, Zilla Parishad informed that the permit for collection of quarry product from allotted quarry of Zilla Parishad, N&M Andaman was issued to the agency vide EE, Zilla Parishad, Mayabunder letter No.2-41/EE/ZP/N&M/MB2016-17/175 dated 02.05.2016.

Whereas, in the complaint report it was mentioned that M/s. AB Construction commenced the work on 05.05.2016 and executed preparation of embankment work and metalling work viz. laying of WBM in 3 layers on the said road but did not execute the black topping work viz. P/L Tack Coat, Premix carpeting & Seal Coat work as stipulated in the scope of the agreement. In the meantime the agency was served with 2nd & 3rd Show Cause Notices by reason of wrongful delay/suspension of work/slow progress vide letter No.8-121/EE/N&M/ZP/MB/2017-18/327 dated 08.08.2017 and No.8-115/EE/N&M/ZP/MB/2017-18/11 dated 11.01.2018 respectively.

Whereas, in the report of EE, Zilla Parishad, N&M Andaman it is seen that an amount of Rs.6,21,420/- was released to the agency on 24.05.2019 in 1st RA Bill for the work done. After receiving the 1st RA Bill the agency did not execute the balance work as envisaged in the scope of agreement and held up the work willfully. As such, the said works was discussed in the Works & Development Committee meeting of Zilla Parishad, N&M Andaman held on 21.05.2020 and it has been decided that Show Cause Notice under relevant clause shall be issued to the agency and if no actions are seen forthcoming from the agency, cancel the agreement and balance works shall be taken up through work order or tender.

Whereas, it is mentioned in the report that since no action seen forthcoming from the agency to complete the balance work of the road as per the terms and conditions of agreement, a Show Cause Notice was served under clause 3 of the agreement vide letter No.8-121/EE/N&M/ZP/MB/2020-21/176 dated 02.06.2020. The agency did not furnish any reply against the said show cause notice. Considering the fact, the Competent Authority under Zilla Parishad, N&M Andaman has conveyed

necessary approval to initiate final action against the agency under contract clause 3(a) & (b) and further insisted that the contractor shall be blacklisted. Accordingly, the notice on final action under clause 3 of the agreement was served to the agency vide letter No.8-121/EE/N&M/ZP/MB/2020-21/308 dated 26.09.2020. Wherein, the agency was asked to attend joint measurement of work executed by him on 12.10.2020 failing which the work will be measured by the department unilaterally in his absence and result of measurement will be final and binding. The agency has not turned up for the joint measurement on 12.10.2020. The work was measured unilaterally by the concerned Assistant Engineer, Junior Engineer & Surveyor (DRM) under Zilla Parishad, Sub Division, Rangat.

Whereas, in view of above the EE, Zilla Parishad, N&M Andaman, Mayabunder requested to initiate necessary action against the defaulting agency as per Enlistment Rules of Contractor in APWD.

Whereas, in terms of Rule 22 of Enlistment Rule of Contractors in APWD, 2017 the contractor shall execute the works awarded to him strictly as per the terms and conditions of the contract and specifications.

Whereas, a show cause notice has been issued to the firm in accordance to Rule 23 of Enlistment Rule, 2017 vide this office letter No.3450 dt 03.08.2022, but the agency did not furnished any reply, subsequently one more opportunity was provided to the firm vide L.No.3662 dated 12.08.2022 to furnish his comments, but no reply was received from the firm. As such this office had requested the CEO, Zilla Parishad, N&M Andaman, Mayabunder to furnish his comments in this instant case vide L.No.4019 dated 24.08.2022.

Whereas, in the meantime, the agency has furnished his reply vide letter dated 25.08.2022 wherein it is stated that during the initial start for execution of the said work the gradient of road given was not suitable for rolling which was also intimated to the concerned authorities. Later after the visit of the Adhyaksh, Zilla Parishad the firm was directed to execute the work up-to the possible length of 100.00 Mtrs. The work was started by dumping, aggregates as site but unfortunately the Panchvati Quarry was stopped due to administrative reason for a prolonged period. Also during that period the central government has imposed GST over every material and items which were not considered in quoted rates. After that all the work was unable to start due to Covid-19 restrictions and the EE has directed to foreclose the work by forfeiting the Security deposit and performance guarantee submitted for this work.

Whereas, the reply of the firm was forwarded to CEO, Zilla Parishad, N&M Andaman, Mayabunder vide this office L.No.4307 dated 02.09.2022 for furnishing comments based on the reply submitted by the firm. Since, no response has been received from the CEO, ZP subsequent reminder were issued vide this office L.No.4617 dated 14.09.2022 & L.No.6594 dated 30.11.2022.

Whereas, the CEO, Zilla Parishad had furnished his comments vide letter No.8-121/EE/N&M/ZP/MB/2014-15/783 dated 28.12.2022 in which it stipulates that necessary action as per the rules of enlistment may be taken against the defaulting agency M/s. AB Construction, Govt. Contractor, Port Blair.

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 23.4 of Enlistment 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 therefore, after examining the merit of the case and based on the recommendation of the Enlistment Board for Class-III contractors in APWD 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 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.

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Finance Officer to Chief Engineer

APWD, Port Blair

(F. No. M-28201010/1/2023-Section FO to CE-APWD-APWD_AN)

OFFICE ORDER BOOK

Copy forwarded for information and necessary action to:

1. M/s AB Construction, C/o ABC Group, PO Ograbraj, South Andaman, Ph.9474269239 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)/2011-12/CE/APWD/FIN/



Finance Officer to Chief Engineer

APWD, Port Blair