

OFFICE OF DIRECTOR HIGHER EDUCATION, HARYANA,

PANCHKULA

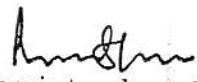
ORDER

Order No:- 12/2-2019 Ad (3)

Date Panchkula 12.7.19

A copy of letter No. 7/1/2019-4IB-II(DS&D)3536 dated 31.05.2019 received from Director General, Supplies & Disposals, Haryana O/o Additional Chief Secretary to Government Haryana, Industries & Commerce Department "Regarding debarring the three firms namely Neelam Engineering Company, M/s J.K. Machine tools Rajkot & M/s Yash Machine tools, Ahmedabad." is forwarded to the following for information and necessary action:-

- 1 All the Principals of Government Colleges in the State.
- 2 All the Commanding Officers, NCC Units in the State.
- 3 Registrar, Kurukshetra University, Kurukshetra/Maharishi Dayanand University, Rohtak/Chaudhary Devi Lal University, Sirsa/Bhagat Phool Singh Mahila Vishwavidyalaya, Khanpur Kalan (Sonapat)/Indira Gandhi University, Meerpur (Rewari)/Chaudhary Ranbir Singh University, Jind/Chaudhary Bansi Lal University, Bhiwani, Bhiwani, Gurugram University, Gurugram, B.R. Ambedkar National Law University, Rai (Sonapat), Balmiki Sanskrit University, Mundri, Kaithal.
- 4 All the Librarians of District Libraries/Sub Divisional Libraries in the State of Haryana / Librarian.



Superintendent Administration,
for Director Higher Education,
Haryana, Panchkula

Dated, Panchkula 12.7.19

Endst. No.- Even

A copy is forwarded to the following for information and necessary action:-

- 1 PS/DHE, Steno/Additional Director Admn.
- 2 All Superintendent in Higher Education Department.
- 3 All the Assistants of Admin Branch.


Superintendent Administration,
for Director Higher Education,
Haryana, Panchkula

Government of Haryana
Department of Industries & Commerce

ORDER

1. The Director, Supplies and Disposal, Haryana informed that for arranging the purchase for Workshop Machinery required by Skill Development & Industrial Training Department Haryana, tenders were invited on web portal <http://haryanaeprocurement.gov.in> with brief intimation in the newspapers and the Technical bids were opened on 05.06.2018. In response, thereto, 16 firms submitted their bids. As mentioned in the indent, Eligibility Criteria was mentioned in the tender documents. The relevant Eligibility Criteria is reproduced here as under:-

"The manufactures should have manufacturing turnover for the items in any one of three financial years i.e. 2014-15, 2015-16 and 2016-17 as under:-

Type of Machinery	Machine/Item	Manufacturing Turnover
Workshop Machinery	Double Column Planner/ Slotter	Rs.70 Lakhs or more
Workshop Machinery	Lathe Machines	Rs.500 Lakhs or more
Workshop Machinery	Milling Machines	Rs.250 Lakhs or more
Workshop Machinery	Cylindrical Grinders	Rs. 1 50 Lakhs or more
Workshop Machinery	Surface Grinders	Rs.150 Lakhs or more
Workshop Machinery	Tool & Cutter Grind	Rs.50 Lakhs or more
Workshop Machinery	Shapers	Rs.100 Lakhs or more
Workshop Machinery	Drilling Machines	Rs.50 Lakhs or more

The turnover should be self-attested and CA certificate should be attached with offer otherwise offer will not be considered.

Bidders should be manufacturer or authorized dealer/authorized agent having letter of authority from the concerned manufacturer in prescribed proforma. Bidder must have experience in the relevant field for minimum three years and should have also supplied similar machines to Government / Semi Government organizations or Training Institutions. The supply orders and performance certificates of some of the machines previously supplied from the relevant department should be attached otherwise the offer will not be considered. Here, Training Institutions mean that Govt. Training Institution or Govt. sponsored or Govt. aided Training Institution."

2. The offers were examined by the Technical Committee in its meetings held on 02.07.2018 & 13.07.2018. In these meetings, it was observed that M/s Neelam Engineering Company, Agra; M/s J.K. Machine Tools, Rajkot and M/s Yash Machine Tools, Ahmedabad had submitted forged/fabricated documents as detailed under:-

A. M/s Neelam Engineering Company, Agra:-

- i. The firm had quoted bid as a self manufacturer for all the 23 items mentioned in the NIT. The firm submitted CA Certificate regarding their annual manufacturing turnover during the financial year 2014-15, 2015-16 & 2016-17 in respect of quoted items. The copy of CA Certificate of Sh. Nirbhay Mittal was sent. As decided by the Technical Committee, the CA Sh. Nirbhay Mittal was requested vide e-mail dated 04.07.2018 to confirm the authenticity of the Certificates issued by him. In response, Mittal Nirbhay & Company confirmed vide e-mail dated 05.07.2018 that the said CA Certificate were not issued by them and signature & stamp used in the attached certificates were not belonging to their firm i.e. M/s Mittal Nirbhay & Company. The Technical Committee in its meeting held on 13.07.2018, after obtaining opinion of Assistant District Attorney,

observed that the firm had attempted forgery by submitting fake document to confirm its eligibility and hence was liable for punitive action.

- ii. As decided by the Technical committee, a Show Cause Notice was issued to M/s Neelam Engineering company on 25.07.2018 to explain their position. In response, M/s Neelam Engineering Company vide their letter dated 02.08.2018 & 25.08.2018 informed that their CA Sh. Nirbhay Mittal denied his signature and rubber stamp or turnover certificate dated 17.05.2018 due to having some dispute with him for last few months. The firm submitted CA Certificate from another CA Firm.
- iii. The case was examined legally by the office of Directorate of Supplies & Disposals Haryana and it was opined that the earnest money of the firm should be forfeited and that they should be debarred for the fraud committed by them. Accordingly after following a transparent laid out system, the earnest money of Rs.2 Lakhs deposited by this firm was forfeited.

B. M/s J.K. Machine Tools, Rajkot:-

- i. The firm had quoted as a self manufacturer for the items mentioned at Sr. No.1, 4, 8 to 10 Sr. No.11 to 17 of NIT. As a proof of Past Performance as per the Eligibility Criteria mentioned in the NIT, the firm had attached Supply Order of M/s J.K. Machine Tools, Gujarat from the Directorate of Technical Education, Jodhpur . The authenticity of this Supply Order was inquired from the Directorate of Technical Education, Jodhpur who informed vide e-mail dated 27.06.2018 that the date of supply order was 30.09.2015, whereas in the copy of same supply order attached with the offer of the firm, the date of supply order was mentioned as 30.02.2015. The Technical Committee obtained legal opinion from Assistant District Attorney and further in the meeting of Technical Committee held on 02.07.2018, the representative of M/s J.K. Machine Tools, Rajkot admitted/acknowledged in writing vide letter dated 02.07.2018 that it happened due to "Document Xerox Mistake" at the level of their tendering consultant. Accordingly, the Technical Committee observed that the firm has attempted forgery by submitting forged documents to confirm its eligibility and hence, is liable for punitive action.
- ii. As decided by the Technical Committee, a Show Cause Notice was issued to the firm on 25.07.2018 to explain their position. In response, the firm vide their letter dated 07.08.2018 informed that there was mistake on their part due to Xerox.
- iii. The case was examined legally by the office of Directorate of Supplies & Disposals Haryana and it was opined that the earnest money of the firm should be forfeited and that they should be debarred for the fraud committed by them. Accordingly after following a transparent laid out system, the earnest money of Rs.2 Lakhs deposited by this firm was forfeited.

C. M/s Yash Machine Tools, Ahmedabad:-

- i. The firm had quoted bid for item mentioned at Sr. No. 1,4, 6, 7, 8 to 10, 20 & Sr. No.23 of the NIT. A complaint was received from Sh. Neeraj Panday, Ahmedabad on 12.07.2018 through e-mail as well as through Speed Post informing that:-

Government of Haryana
Department of Industries & Commerce

"M/s Yash Machine Tools, Ahmedabad has submitted many forged documents including fabricated Principal Manufacturing, CA Certificate, Balance Sheets etc."

Accordingly, CA Certificate of the principal manufacturer, Roop Engineer, Batala was sent to concerned CA for authentication. In response, concerned CA firm M/s Vishal Sharma & Company, Batala vide their e-mail dated 13.07.2018 informed that the CA Certificate provided was not genuine and figure of sales were inflated upto Rs. 1 Crore and requested to take necessary action against the responsible person. The Technical Committee after obtaining legal opinion of Assistant District Attorney observed that the firm had done forgery with the CA Certificate and so was liable for punitive action.

- ii. As decided by the Technical Committee, a Show Cause Notice was issued to the firm on 25.07.2018 to explain their position. In response, the firm vide their letter dated 04.08.2018 informed that whatever documents submitted by their vendor (M/s Roop Engineering Works) through e-mail, the same were forwarded to the Department and so they had no role to play in manipulation of the information.
 - iii. The case was examined legally by the office of Directorate of Supplies & Disposals Haryana and it was opined that the earnest money of the firm should be forfeited and that they should be debarred for the fraud committed by them. Accordingly after following a transparent laid out system, the earnest money of Rs.2 Lakhs deposited by this firm was forfeited.
3. In view of the above, it is clear that all the above said three firms had submitted forged/fabricated documents alongwith their tender in order to get themselves qualified. As per provisions contained in Govt. Instruction at Para-14.19 of Chapter-14 - 'Penal Action' of "Manual of Office procedure for Supplies & Disposals of Stores-1985", the action of these three firms of submitting forged documents as part of the Technical Bid is covered under Para-14.19 (iii) of the Govt. Instructions.
4. Accordingly, the case was submitted to the State Government for debarring these firms for a period of three years from doing business with Govt. of Haryana. The State Government vide Memo No.7/1/2019-4IB-II Dated 11.01.2019 issued Show Cause Notice to all the three firms namely M/s Neelam Engineering Company Agra; M/s J.K. Machine Tools Rajkot and M/s Yash Machine tools Ahmedabad to explain their positions within 15 days as to why their firm may not be debarred for doing business with Govt. of Haryana in view of the various acts of omissions as detailed in Para-2 above.
5. In response to the Show Cause Notices, all the three firms namely M/s Neelam Engineering Company Agra; M/s J.K. Machine Tools Rajkot and M/s Yash Machine tools Ahmedabad submitted their replies vide their Memo No. NEC-2018-19-4221 Dated 16.01.2019; Memo No. Nil Dated 18.01.2019 and Memo No. Nil Dated 02.02.2019 respectively. The replies have been examined and it has been observed that all the three firms have not been able to give a justified answer based on facts or documentary proof which absolve them from the allegations that all the three firms had submitted forged/fake documents as part of the Technical Bid with apparent motive of getting themselves to qualify for the tender. Hence, there is no merit in the replies submitted by the three firms in reference to these Show Cause Notices and all the three firms namely M/s Neelam Engineering Company Agra, M/s J.K. Machine Tools Rajkot and M/s Yash Machine tools Ahmedabad have made them liable for punitive action as contained in Para 14.19 (iii) of "Manual of Office procedure for Supplies & Disposals of Stores 1985" for debarring them for a period of three years from doing business with Government of Haryana.

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Government of Haryana
Department of Industries & Commerce

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Accordingly, it is ordered that M/s Neelam Engineering Company Agra, M/s J.K. Machine Tools Rajkot and M/s Yash Machine tools Ahmedabad are hereby debarred for a period of three years from doing business with Government of Haryana with effect from date of issue of this order

40.

Dated 16-05-2019
Chandigarh

PANKAJ AGARWAL, IAS
Director General, Supplies & Disposals, Haryana
For Additional Chief Secretary to Government Haryana,
Industries & Commerce Department.

Endst.No.7/1/2019-4IB-II(DS&D) 3536.

Dated: 31/5/19

A copy is forwarded to the Additional Chief Secretary to Government Haryana, Industries & Commerce Department for information and necessary action, in reference to his office note dated 16.04.2019.

Additional Director (Admin)
For Director General, Supplies & Disposals, Haryana

AD. Admn
S. Admn

Endst.No.7/1/2019-4IB-II(DS&D) 3537-3727

Dated: 31/5/19

A copy is forwarded to the following for information:

1. All the Heads of Departments in Haryana.
2. The Commissioner, Ambala, Hissar, Gurugram and Rohtak Divisions.
3. The Chief Executives/Managing Directors of Boards/Corporations in Haryana.
4. All the Deputy Commissioners & Sub Divisional Officers (Civil) in Haryana.
5. The Registrar, Punjab and Haryana High Court, Chandigarh.

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Additional Director (Admin)
For Director General, Supplies & Disposals, Haryana

Endst.No.7/1/2019-4IB-II(DS&D) 3728-82

Dated: 31/5/19

1. All Chief Secretaries of State Govt./Union Territories.
2. The Director General, Supplies & Disposals, New Delhi.
3. M/s Neelam Engineering Company, 146, Sec-9, Avas Vikas Colony, Sikandra, Agra-282007 (U.P.) India, (e-mail: nec_2kequip@rediffmail.com)
4. M/s J.K. Machine Tools (Guj.) Pvt. Ltd. Near Suraj Besan, 8, Mavdi Plot, Rajkot-360004 (e-mail: info@jkmahcinetools.net)
5. M/s Yash Machine Tools, 711, Safal Prelude, Prahladnagar Corporate Road, Near S.G.Highway, Ahmedabad-380015. (e-mail: vashmachinestools@gmail.com).

Additional Director (Admin)
For Director General, Supplies & Disposals, Haryana

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