

ORDERS

Chandigarh Housing Board had invited bids for Running and maintenance of 5 Nos. Public Toilets (Three Nos. in City Sub Centre, Sector 34, Chandigarh and One No. each in Motor Market of Sector-38(West) & Sector-48, Chandigarh. It was mentioned in the bid document that the Financial Bids of only those agencies shall be considered whose

Supporting documents/proof as described below are found in order:

(i) Agencies/contractors shall submit definite proof from appropriate authority of having completed satisfactorily at least one similar nature of work during the last seven years ending last day of the previous month of calling of tender.

Similar work shall mean: Work of Running and maintenance of Public Toilets

(ii) An affidavit regarding:-

(a) No criminal proceedings is ongoing/pending relating to any project executed by the firm in any court of law.

(b) All the documents & information submitted with the tender Bid are true & the applicant stands fully responsible as per Law for their genuineness and correctness.

(c) Confirmation that eligible similar works(s) has/have not been got executed through another contractor on back to back basis.

(iii) Earnest Money Deposit as prescribed in Para-5 paid in the shape of Bank Draft, drawn in favour of Chandigarh Housing Board payable at Chandigarh

The Petitioner agency M/s Pioneer Publicity Corporation (P) Ltd., 274, CM-1, Office Complex Jhandewalan, New Delhi submitted its bids. However on opening the technical bid submitted by the Petitioner agency it was observed that the performance certificate submitted by the Petitioner agency did not reflect the completion of the work as per the condition of the bid document. The affidavit submitted by Petitioner agency was also not attested by Executive Magistrate/Notary Public, so the Petitioner agency was requested to complete the incompletions by 30.09.13. The Petitioner agency vide its letter dated 05.10.13 submitted a revised completion certificate and also the affidavit duly attested by Notary Public. The completion certificate submitted by the Petitioner agency was sent to issuing authority for verification but the issuing authority i.e. Commercial Officer (Advt.), Municipal Corporation, Delhi stated that as per the record of the Advertisement Deptt. South Delhi, M.C. no such performance certificate in favour of M/s. Pioneer Publicity Corporation (P) Ltd., bearing

no. CC(Adv.)/ 2012/D-781 dated 6.6.2012 has been issued by the Deptt. In fact, Ashok Bhardwaj (the signatory of the certificate) was not posted in this department at the time of issuance of the certificate.

The condition no. 21 of Tender Document/ DNIT reads as under:

"The tenderer is subject to be blacklisted and E.M.D. forfeited if he is found to have misled or furnished false information in the forms/statement/certificates submitted in proof of qualification requirement or record of performance such as abandoning of work not properly completed in earlier contracts, in ordinate delays in completion of the work".

A show cause notice was served vide EE-VI, CHB letter No.2555 dated 09.10.14 on the Petitioner agency to explain that why it should not be blacklisted/debarred and its earnest money forfeited due to submission of fake/forged performance certificate. The Petitioner agency submitted the reply to the SCN on 21.04.15. After considering the reply of the Petitioner agency, it was blacklisted for perpetuity and its earnest money was forfeited. The Petitioner agency filed an appeal in the Hon'ble High Court against the blacklisting orders. The matter was reminded by the Hon'ble before the competent authority with direction to pass a fresh speaking order after providing an opportunity/hearing to the petitioner Company by 30.11.15. In compliance of the Hon'ble Court orders, a hearing was given to the petitioner company and CHB representative on 04.11.2015. Sh. Aditya Grover, Advocate and Sh. Dinesh Vasudeva appeared on behalf of M/s.Pioneer Publicity Corporation (P) Ltd and Sh. Rajeev Singla, EE-VI, CHB appeared on behalf of Chandigarh Housing Board.

Sh. Aditya Grover explained that the Petitioner Company had submitted the following completion certificates in support of its qualification.

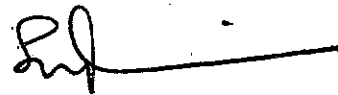
- a) Allotment of contract for maintenance/ operation of toilet block at Lala Lajpat Rai Market Nehru Place Crossing, Opposite Canara Bank From Municipal Corporation of Delhi.
- b) Allotment of contract for maintenance/ operation of toilet block at site No. (09/09)-DDA Market Nehru Place From Municipal Corporation of Delhi.
- c) Allotment of contract for maintenance/ operation of toilet block at Nehru Dhalao, Tagore Garden, Opposite Metro Pillar No. 453, New Delhi from Municipal Corporation Of Delhi.
- d) Letter of Award on BOT Basis Toilet Blocks from DIMTS.
- e) Letter Exclusive right of construction, maintenance and running of deluxe pay and use toilet at Delhi Zone from Northern Railway.

to have exclusive right of construction, maintenance and running of deluxe pay and use toilet at Nizamuddin Rly. Stn. from Northern Railway.

He further intimated that the Petitioner Company has authorized Sh. Rajesh Vasudeva, the Director of the Petitioner Company to represent the Company before the Chandigarh Housing Board by way of resolution passed by the Board of Directors. All the documents submitted by the Petitioner Company have been signed by Sh. Rajesh Vasudeva. Even the documents resubmitted by the agency vide its letter dated 05.10.13 have been signed by Sh. Rajesh Vasudeva except the alleged forged document. Further he submitted that even if it is accepted that the alleged forged document has been submitted by the Petitioner agency even then the Petitioner agency can not be blacklisted as per the condition no.21 of the bid document states that the tenderer is subject to be blacklisted and E.M.D. forfeited if he is found to have mislead or furnished false information in the forms/statement/certificates submitted in proof of qualification requirement or record of performance such as abandoning of work not properly completed in earlier contracts, inordinate delays in completion of the work. He submitted that since the Petitioner agency has already completed the works mentioned in the alleged forged document therefore the Petitioner agency cannot be blacklisted due to submission of the alleged forged document.

EE-VI,CHB informed that the Petitioner agency was required to submit definite proof of having completed satisfactorily at least one similar natured work. However the Petitioner agency did not submit any document which reflected that the similar natured work has been completed satisfactorily by the Petitioner agency. It was further submitted that the forged completion certificate has been submitted by the Petitioner agency as it has been stamped to be signed by the authorized signatory for Pioneer publicity corporation (P) Ltd. Moreover no resolution passed by the Petitioner Company authorizing to Sh. Rajesh Vasudeva to represent the Petitioner Company before Chandigarh Housing Board has been submitted by the Petitioner Company to C.H.B.

After considering all the facts of the case it is established beyond doubt that the forged document dated 06.06.12 has been submitted by M/s Pioneer Publicity Corporation (P) Ltd, in support of its qualification. Therefore the Petitioner agency is blacklisted with immediate effect for a period of five years and its earnest money is forfeited.



Dr. S.B Deepak Kumar, IAS
Chief Executive Officer,
Chandigarh Housing Board,
Chandigarh.