

ECL



ईस्टर्न कोलफील्ड्स लिमिटेड
Eastern Coalfields Limited
(कोल इंडिया की एक अनुषंगी)
(A Subsidiary of Coal India Limited)
(भारत सरकार का एक उपक्रम)
(A Govt. of India Undertaking)

CMC Dept.
Email. cgmcmc.ecl.cil@coalindia.in
Dated 06.02.2025

Ref. No. ECL / HQ / CMC/ 2025 / 768

To
M/s Tripathi Brothers Services,
E-125, Gali No 15
Hari Nagar Part-2, Badarpur
New Delhi- 110044
Contact No. 7355579265

email id: vipintripathi657@gmail.com
vipintripathi871@gmail.com

Sub: Debarment of your proprietorship firm i.e. M/s Tripathi Brothers Services along with proprietor of the firm from bidding for a period of 01 (One) year in future tenders of ECL.

References:

1. Name of the work: Hiring of HEMM for removal & transportation of 78.160 L. Cum OB (Including 24.525 L. Cum OB Re-handling), 15.03 L. Te of Coal Extraction & transportation at Nirsha Hired OC Patch under Mugma Area.
2. NIT No: ECL / HQ / CMC / NIT / Nirsha OC Patch (Re-tender) / 2024 / 355 Date-19.07.2024
3. GeM bid ID: GEM/2024/B/5180468; dated 19.07.2024
4. Show-cause notice: ECL / HQ / CMC/ 2024/636, dated 12.12.2024.
5. Reminder to Show-cause notice: ECL / HQ / CMC/ 2024/670, dated 20.12.2024.
6. Notice for personal hearing: ECL/HQ/CMC/2024/693 Dated. 31.12.2024.

Dear Sir,

You have participated in the referred tender for the subject work on 10.08.2024 at 10:20:28 Hrs as a Proprietorship firm having proprietor Shri Vipin Tripathi s/o Shri Dinesh Chandra.

In the referred tender during technical evaluation of the bids received, it was observed that the proprietor, Shri Vipin Tripathi has submitted more than one bid in the instant tender at different capacity in other firms including the bid under the above-mentioned firm. Details of the same is as under:

- i) As a **Director** in the Companies namely 'M/s King and Angel Diamond Services Private Limited' and 'M/s Tripathi Brothers Services Private Limited'.
- ii) As a **partner** in the partnership firm namely M/s Angel Manpower & Security Services.

Given the above facts relating to submission of more than one bid, following clauses have been referred:

- a. Clause no. 4.1 of Section 01 – Additional Terms & Conditions (Instruction to Bidder) of bid documents
- b. Clause no. 2(v) of Code of Code of Integrity for Public Procurement (CIPP) of bid documents
- c. Clause no. 4 (xiv) of Guidelines on Debarment of Firms from Bidding (Section-2.4) of the bid documents.

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सांकतोडिया, पो०-डिसेरगढ़, जिला : पश्चिम बर्द्धमान (प०ब०), पिन-713333 ♦ Sanctoria, P.O. Dishergarh, Dist. Paschim Bardhaman (W.B.) , PIN-713333

दूरभाष / Phone : 0341-2520545, फैक्स / Fax : 0341-2523574, ई-मेल/E-mai I : cmd.ecl.cil@coalindia.in

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Clause no. 4.1 of Section 01 – Additional Terms & Conditions (Instruction to Bidder) of bid documents states that

“Each Bidder shall submit only one Bid, either individually, or as a proprietor, or as a partner in a partnership firm or as a partner in a Joint Venture/Consortium or as a Company registered under Companies Act. A Bidder who submits or participates in more than one Bid (other than as a sub-Contractor or in cases of alternatives that have been permitted or requested) will cause all the proposals with the Bidder's participation to be disqualified.

Earnest Money deposited by defaulting Bidders shall be forfeited and they shall be debarred from participating in future tenders in concerned Subsidiary/CIL HQ for a minimum period of 12 (twelve) months from the date of issue of such letter. In case of JV/Partnership firm/Consortium, the debarment shall also be applicable to all individual partners of JV/Partnership firm/Consortium and in case of Company then only Company shall be debarred”.

Clause no. 2(v) of Code of Code of Integrity for Public Procurement (CIPP) of bid documents states that
“(v) Conflict of interest

Participation by a bidding firm or any of its affiliates that are either involved in the consultancy contract to which this procurement is linked; or if they are part of more than one bid in the procurement; or if the bidding firm or their personnel have relationships or financial or business transactions with any official of procuring entity who are directly related to tender or execution process of contract; or improper use of information obtained by the (prospective) bidder from the procuring entity with an intent to gain unfair advantage in the procurement process or for personal gain.

All such Bidders having a Conflict of Interest, shall be disqualified.

Earnest Money deposited by such defaulting Bidders shall be forfeited and they shall be debarred from participating in future tenders in concerned Subsidiary/CIL HQ for a minimum period of 12(twelve) months from the date of issue of such letter. In case of JV/Consortium/Partnership firm, the debarment shall also be applicable to all individual partners of JV/Consortium/Partnership firm and in case of Company then only the Company shall be debarred.”

Clause no. 4 (xiv) of Guidelines on Debarment of Firms from Bidding (Section-2.4) states that

“If it is determined that the bidder has breached the Code of Integrity for Public Procurement (CIPP) as provided in the tender document”.

In view of the above deliberation, it is evident that you being the proprietor of the Proprietorship firm, M/s Tripathi Brothers Services have submitted more than one in the instant tender at different capacity in other firms including the bid under the above-mentioned firm. Thus, you have become liable for imposition of following penal actions as per applicable penal provisions of NIT/terms and conditions of the tender documents:

- i. Rejection of your respective bid in the tender which have already been done during the technical evaluation stage in the referred tender.
- ii. Forfeiture of respective Earnest Money (EMD).
- iii. Debarment of firm from participating in future tenders.

For debarment of firm from bidding relevant provisions of guideline for Debarment of firms have to be followed which are as below:

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Regarding observance of Principle of Natural Justice, clause no. 1 of guideline for Debarment of firms states that:

"Observance of Principle of Natural Justice before debarment of firm from Bidding. The bidder/contractor shall not be debarred unless such bidder/contractor has been given a reasonable opportunity to represent against such debarment (including personal hearing, if requested by the bidder/contractor)".

Period of debarment shall be dealt as per clause No. 7 of guideline for Debarment of firms states that

"The debarment shall be for a minimum period of one year and shall be effective for the concerned Subsidiary for the tenders invited at Subsidiary level. Similarly, in case of tenders of CIL HQ, debarment shall be for CIL HQ. However, if such 'debarment' has to be made effective for entire CIL and its Subsidiaries then approval of Chairman, CIL shall be required. The period of debarment shall not exceed 02 (Two) years. In case of clause no. (4)(vi) & (xv) above, period of debarment shall be 02(Two) years".

Regarding applicability of debarment from bidding in respect of constituent members of Joint Venture / Consortium clause no. 9 of guideline for Debarment of firms states that

"Once a contracting entity is debarred, it shall be extended to the constituents of that entity, i.e. partners (jointly and severally) in case of Joint Venture, all the partners (jointly and severally) in case of Partnership Firm, owner/proprietor in case of Proprietorship Firm. The names of partners should be clearly specified in the Debarment Order. If such debarred owner/Proprietor/ Partner make/form different Firms/entity and attempts to participate in tenders, the same shall not be entertained during the currency of such debarment. In case the contracting entity being debarred is a Company then only the Company shall be debarred".

In view of the above facts and deliberation, in order to observed Principle of Natural Justice, a show-cause notice ref no. ECL / HQ / CMC/ 2024/636, dated 12.12.2024 and its reminder on dated 20.12.2024 vide ref. no. ECL/HQ/CMC/2024/670 Dated. 20.12.2024 for debarring of business from bidding were sent to you to submit your explanation in writing within the terminal dates as mentioned in the show-cause notice regarding as to why the penal actions as per above stated provisions of Guideline on Debarment of firms from bidding should not be taken against you.

Further, for observing the principle of Natural Justice as per clause no.1 of guideline for Debarment of firms, one more opportunity in the form of personal hearing was provided to you and personal hearing was scheduled on 07.01.2025, to represent your case as to why the penal action shall not be taken against you as per the provisions of the bid documents. But, neither you nor any of your representative have attended the said personal hearing.

Give the above facts relating to submission of more than one bid vis-à-vis provisions of the bid documents of the referred tender and non-submission of any reply against the said show-cause notices and not-appeared for the personal hearing, it has been concluded that you have nothing to say regarding the violations of the provisions which you have made as stated above.

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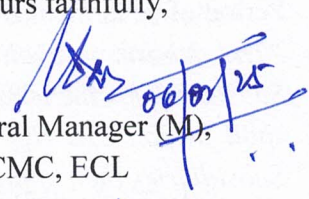
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In view of the above detailed deliberation, you, M/s Tripathi Brothers Services, a Proprietorship firm along with proprietor i.e. Shri Vipin Tripathi are hereby debarred as per clause no. 4.1 of Section 01, clause no. 4 (xiv) of guideline for Debarment of firms & also for violation of Code of Integrity for Public Procurement (CIPP) for a period of 01 (One) year from participating in future tenders of Eastern Coalfields Limited (ECL). The debarment will come into force from the date of issuance of this order.

Yours faithfully,


General Manager (M),
CMC, ECL

Distribution: (Through email)

1. CMD, ECL
2. D(T) OP / D(T) P&P / D (F) / D (P), ECL
3. TS to CMD, ECL
4. GM, All Areas of ECL
5. GM (System) ECL / Nodal Officer (e-Procurement Cell): For uploading the same on Coal India Tendering portal and also in the designated link in ECL website.
6. GM (CMC), All Subsidiaries of CIL.
7. Office copy: Proposal approved by CMD, ECL through e-office file Computer no. 1765817

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