

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. cgmmc.ecil@coalindia.in

Date-11.08.2025

Ref No. ECL/HQ/CMC/2025/1143

To,

1. M/s UAE-HCPL-NTC (JV)

Regd. Address - 12, Diagonal Road.

Bistupur, Jamshedpur

Jharkhand – 831001

(e-mail ID as per bid submission: info@unitedairexpress.in)

2. M/s UNITED AIR EXPRESS,

12, Diagonal Road Bistupur

Jamshedpur Jharkhand – 831001

3. M/ HANUMANT CONSTRUCTION PRIVATE LIMITED,

MIG-64, Sector - 1, SHANKAR NAGAR,

Raipur - 492 001, (C.G.), Madhya Pradesh.

4. M/s NOORI TRANSPORT CO,

Baharpara, Near Police Chowki,

Amreli - 365 601, Gujrat

Sub: Debarment of your Joint Venture firm i.e. M/s UAE-HCPL-NTC (JV) along with constituent partners of the JV firm from bidding for a period of 01 (One) year from participation in future tenders of ECL.

References:

1. Name of the work: Hiring of HEMM for extraction and transportation of 11.04 Mte of Coal (including drilling blasting & vertical ripper), removal and transportation of 86.70 MCum OB (including drilling blasting and vertical ripper) at C L Jambad Expansion OCP, Kenda Area, ECL.
2. NIT No.: ECL / HQ / CMC / NIT / C L Jambad Expansion OC / 2024 / 583 Date-15.11.2024
3. GeM Bid ID No.: - GEM/2024/B/5612797; Dt. 15/11/2024
4. Show-cause Notice ref. no. ECL/HQ/CMC/2025/952 dated 07.05.2025
5. Personal Hearing Notice ref. no. ECL/HQ/CMC/2025/980 dated 28.05.2025

Dear Sir,

In reference to the tender vide GEM Bid ID: GEM/2024/B/5612797; Dt. 15/11/2024, you had submitted your bid on dated 20.12.2024 at 13:01 Hrs through your lead partner, M/s United Air Express as per feature and functionalities of GeM portal.

Referred tender was opened on 20.12.2024 and found that 12 Nos. of bidders submitted their bids. Upon technical scrutiny of the bids received, it was found that 10 Nos. of bidders including your firm have

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emerged qualified the eligibility criteria as stipulated in the referred tender. Subsequent to obtaining competent approval, price bid of the 10 Nos. of eligible bidders was opened on 04.02.2025

Upon opening of the price bid, your offer was the lowest in the instant tender with quoted accepted percentage of 76.85% on the estimated value and final offered value arrived at Rs. 1029,67,50,589.90 (Including GST).

Further, price justification was sought from you vide letter ref. no. ECL/HQ/CMC/2025/816, dated 24.02.2025 on GeM portal. In response, you had submitted Price justification on GeM Portal vide ref no. UAE-HCPL-NTC(JV)/ECL/CL Jambad/NIT/2025/001 Dated 25.02.2025.

In the meantime, one of the qualified bidders made a complaint mentioning that one of constituent partners of the JV Firm M/s UAE-HCPL-NTC i.e. M/s HCPL (M/s Hanumant Construction Private Limited) had submitted falsified/manipulated working capital certificate to qualify the eligibility criteria of Working Capital as stipulated in the bid documents of the referred tender.

Upon receipt of the said complaint, the Tender Committee (TC) thoroughly examined its contents and decided to invoke Clause No. 19.2(II)(G) under the section "Evaluation of Tender" of the Instructions to Bidders (ITB), which states:

"The verification of documents from source shall be done only in case of complaints received or on suspicion. This should be done either through speed post or through electronic communication. No anonymous/pseudonymous complaints shall be entertained."

It is important to note that the said certificate had previously been evaluated, found satisfactory by the Tender Committee based on the statement of the CA in the said certificate, recommended for acceptance, and approved by the competent authority, following which the price bid was opened on 04.02.2025.

During the re-evaluation process, the TC decided to verify the contents of the working capital certificate from the source i.e. Chartered Accountant (CA) who issued the certificate, in accordance with the provisions of the tender.

Accordingly, following clarifications were sought from the certificate issuing authority i.e. CA Manish Kumar (Membership No.- 417886) for Manish K Ramawati and Company, Chartered Accountants (FRN No. 0135914W) giving 5 days' time regarding the subject matter "*Verification / Clarifications regarding the working capital certificate dated 09.12.2024 having UDIN No. 24417886BKBMZK8704 issued in favour of M/s Hanumant Construction Private Limited. Referred GeM Bid Id: GEM/2024/B/5612797*" through a letter vide ref. no. ECL/HQ/CMC/2025/844, dated 11.03.2025.

1. Whether the working capital certificate dated 09.12.2024 having UDIN No. 24417886BKBMZK8704 issued in favor of M/s Hanumant Construction Private Limited is genuine and issued by you only or not.
2. Authenticated documents based on which working capital amount Rs. 3563.55 Lakhs as on dated 30.11.2024 was calculated may please be provided.
3. Detailed methodology adopted to calculate the said working capital amount based on the documents provided as in point no.2 above along with calculation sheet thereof may please be provided.

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In the event of non-receipt of any reply from the CA Manish Kumar, again one reminder vide letter ref. no. ECL/HQ/CMC/2025/857, dated 18.03.2025 was sent to the said CA to submit reply against the above mentioned queries within 3 days from the date of issuance of this letter.

In response, a reply was received from the said CA on dated 21.03.2025 wherein CA has confirmed the genuineness of the said working capital certificate and also submitted the methodology adopted for calculation of working capital amount. But did not submit the authenticated documents based on which working capital amount Rs. 3563.55 Lakhs as on dated 30.11.2024 was calculated and calculation sheet thereof.

Hence, in the event of non-receipt of complete reply from CA, one more letter ref. no. ECL/HQ/CMC/2025/870, dated 26.03.2025 was sent to the said CA for seeking clarification no.2 & 3 as mentioned above by giving 3 days' time to submit the reply.

In response, CA Manish Kumar, through an email on dated 29.03.2025 has submitted provisional financial statements as on 30.11.2024 (which was audited by CA Sunil Murmura, Prop. Murmura Associates, FRN No.316188E) based on which working capital certificate was issued. CA Manish Kumar also provided the calculation of working capital methodology along with the above said statements.

Upon examination of the submitted provisional financial statements as on 30.11.2024, some discrepancies were observed therein and hence, again following queries were sought from the CA through a letter ref. no. ECL/HQ/CMC/2025/887, dated 02.04.2025 by giving one day time i.e. by 03.04.2025 as already beyond reasonable time was provided to the said CA to submit reply against the clarifications as mentioned above:

- a. *“Balance of Trade Receivables as on 31.03.2024 is shown as NIL. As per Provisional Profit/Loss Statement for the period 01.04.2024 to 30.11.2024 Revenue from Operations is Rs 19288747.00, whereas the balance of Trade Receivables is shown as Rs 38,58,88,396.00 in the Provisional Balance Sheet as at 30.11.2024.*

Considering the revenue earned during the period 01.04.2024 to 30.11.2024, the increase in Trade Receivables as on 30.11.2024 in comparison to that of 31.03.2024 may be substantiated.

b.

Particulars	Provisional Balance Sheet as on 30.11.2024 (Rs.)	Balance Sheet as on 31.03.2024 (Rs.)	Balance Sheet as on 31.03.2023 (Rs.)
Contigent Assets	39778469.00	562613311.00	8709707.00

Balance Sheet as on different dates shown above includes an item mentioned as “Contigent Assets”. The nature and details of items booked under this head may please be deliberated. Further, the basic reasons for variation in the amount booked under this asset in different dates as shown above may be explained.

- c. *Provisional Balance Sheet as on 30.11.2024 to be submitted should be UDIN generated and the same should bear signature and seal of Directors of the Company.”*

In response, CA Manish Kumar through an email dated 03.04.2025 stated the following:

“In reference to your letter no. ECL/HQ/CMC/2025/887 dated-02/04/2025, This is kindly to inform you that presently I am on vacation out of station till this weekend, having working continuously for financial year ending till 31.03.2025.

I would need time till 7th April Monday for providing needful replies asked for...”

In-spite of providing the beyond reasonable time i.e. from 11.03.2025 to till 02.04.2025, CA Manish Kumar sought more time to submit the reply.

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A copy of mail dated 18.03.2025, 26.03.2025 & 02.04.2025 was being sent to CA Mainish Kumar for obtaining clarifications was also being sent to you for observing transparency and also to Independent External Monitors (IEMs) for maintaining the integrity in the tendering process.

In light of the communications made with the CA through dated 02.04.2025 & response mail of CA on dated 03.04.2025, IEM had suo-moto opined that

“Please see the forwarded mail from CA Mr. Manish Kumar. it seems obvious that he is delaying to answer the normal queries raised by ECL and has not submitted clarifications required. as both IEMs are repeatedly addressed in these exchanges of mails, it is requested that ECL may dispose of the matter as per rules. ECL may please decide and dispose of the reference instead of allowing it to prolong beyond reasonable time provided to the party.”

Given the above facts relating to deliberately delaying by the CA Manish Kumar for answering the queries raised by the tender committee and discrepancies & deficiencies as noted in the provisional Financial Statements based on which working capital certificate was issued; tender committee concluded that the working capital certificate dated 09.12.2024 having UDIN no. 24417886BKBMZK8704 for a working capital amount of Rs.3563.55 Lakhs as on 30.11.2024 submitted by M/s Hanumant Construction Private Limited i.e. one of your constituent partner is found to be forged, manipulated & misrepresented one where bidder had attempted to mislead the tender committee to get technically qualified in the instant tender.

Submission of forged, manipulated & misrepresented working capital amount certificate, attracts the following provisions for taking penal action against the L-1 bidder, M/s UAE-HCPL-NTC (JV) are reproduced as below:

Clause no. 3.2 of Section-01 of tender documents states that

“Even though the Bidders meet the above eligibility criteria, they are subject to be disqualified, if they have made misleading or false representations in the forms, statements, affidavits and attachments submitted as proof of the qualification requirements; and/or on account of debarment as applicable.”

Point No. 9 of submitted Undertakings (Annexure-VIII) and point No. 10 of Undertakings (Annexure-IX) states that:

“If any information and document submitted is found to be false/ incorrect at any time, department may cancel my/our Bid and action as deemed fit may be taken against me/us, including termination of the contract, forfeiture of all dues and Debarment of our firm and all partners of the firm etc. from Bidding, as per the tender document”.

5th para of LOBs (Annexure-VII) states that:

“If any information furnished by me/us towards eligibility criteria of this bid is found to be incorrect at any time, penal action as deemed fit may be taken against me/us for which I/We shall have no claim against CIL/Subsidiary”.

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

“Willful suppression of facts or furnishing of wrong information or manipulated or forged documents by the Agency or using any other illegal/unfair means”.

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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”.

Clause no. 5 (2) of Pre-Contract Integrity Pacts (Annexure-I) states that
“If the Bidder makes incorrect statement on this subject, he can be disqualified from the tender process or action can be taken as per the procedure mentioned in “Guidelines on Debarment of Firms from Bidding”.

Clause no. 2 (ii) of Code of Integrity for Public Procurement (CIPP) (Annexure-III) read with point no.8 of Undertaking (Annexure-IX) states that
“Fraudulent practice: any omission or misrepresentation that may mislead or attempt to mislead so that financial or other benefits may be obtained or an obligation avoided. This includes making false declaration or providing false information for participation in a tender process or to secure a contract or in execution of the contract”.

Point no.8 of the Undertaking (Annexure-X) states that
“I/we abide the Code of Integrity for Public Procurement (CIPP) as given in the tender document”.

Given the above facts vis-à-vis above stated provisions of the tender documents, tender committee concluded that Financial irregularities were observed in the submitted working capital certificate by one of the constituent partners of your firm particularly inflated trade receivables, misuse of accounting terms, missing authorizations, inconsistent and unverifiable working capital data — strongly indicate:

- Deliberately attempted to mislead the tendering authority to get technically qualified in the instant tender
- Non-compliance with standard accounting norms
- Breach of tender conditions, especially those related to:
 - Clause 3.2 of ITB (misrepresentation)
 - Annexure VIII & IX undertakings (false information)
 - Code of Integrity (fraudulent practice)

Given the above facts relating to your technical disqualification by not meeting the eligibility criteria as per clause no. 3.1 (d) (Working Capital) of Section-01 and as per clause no. 2.1 of Section-01, it may be concluded that you are not even eligible to participate in the instant tender. However, by using unfair means, you became eligible for opening of Price Bid.

Clause no. 2.1 of Section-01 of the bid documents states that

“The invitation for bid is open to all Bidders including an Individual, Proprietorship firm, Partnership firm, Company registered under Companies Act or a Joint Venture/Consortium. **The Bidders shall be eligible to participate only if they fulfil the Eligibility Criteria specified in Bid Document / Additional Terms & Conditions (ATC). In a tender, a Bidder shall participate in one bid only**”.

Further, as per clause No. 19.2(II)(I) of Section-01, only technically eligible bidder’s price bids are to be opened after obtaining due approval. Since, your bid stood rejected along with penal actions as per provisions of the bid documents.

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In light of the above findings, the following penal actions are hereby decided:

1. **Rejection** of your bid in the instant tender.
2. **Forfeiture of Earnest Money Deposit (EMD)** submitted against the tender.
3. **Debarment** of the firm from participation in future tenders.

In view of the above, following may please be noted:

1. Regarding technical disqualification of your bid, intimation for the same was sent to you vide letter ref. no. ECL/HQ/CMC/2025/907, dated 17.04.2025 through an email dated 17.04.2025 and provided 48 hrs to you to submit challenge/representation against the reasons of rejection of your bid as stipulated in the said referred letter.
In response to the said letter, you have submitted representation/appeal on dated 19.04.2025 which was examined by the tender committee wherein you have also mentioned the email sent by the CA Manish Kumar. The appeal was examined and upon examination, no merit was found therein. As such, status of your bid was remained unchanged on GeM portal i.e. **'Disqualified'**.
2. Your submitted EMD was forfeited.
3. Regarding debarment of your firm from bidding relevant provisions of guideline for Debarment of firms for observing the principle of natural justice is being followed which is as below:

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)".

In view of the aforementioned facts, a show-cause notice bearing reference no. ECL/HQ/CMC/2025/952 dated 07.05.2025 was issued to you, granting seven (07) days to submit a written explanation as to why penal action under Clause 4 (vi) and Clause 4 (xiv) of the Guidelines on Debarment of Firms from Bidding should not be taken against your JV firm along with its constituent partners.

In response, you had submitted reply dated 13.05.2025 via email on 14.05.2025. Each and every point of your reply was thoroughly examined and found unsatisfactory.

Subsequently, a personal hearing was scheduled on 31.05.2025 at 11:00 AM in the office of GM (CMC), ECL vide notice ref. no. ECL/HQ/CMC/2025/980, dated 28.05.2025, providing the JV firm an opportunity to present its case as per clause no. 1 of guideline for Debarment of firms as to why penal action—specifically, debarment of the JV firm along with its constituent partners from participating in future ECL tenders for a period of two (02) years under Clause 4(vi) and Clause 4(xiv) of the Guidelines on Debarment of Firms from Bidding—should not be imposed.

The hearing was attended on scheduled date i.e. on 31.05.2025 by your representatives, namely Shri Dinesh Sonthalia, Shri Arbind Srivastava, Shri Naveen Rana, and Shri Ashish Agarwal. They presented the case both verbally and through a written submission.

Upon examining the submissions and representations made during the hearing, it was observed that no new

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or material facts were brought by you. Further, all the points raised by you in your response to the show-cause notice and during the hearing have already been examined in detail by the Management. Based on this, it was concluded that the reasons provided by you against the non-debarment of your firm are lack in merit.

The following provisions of the Debarment Guidelines are relevant:

- **Period of Debarment (Clause 7):** The debarment period ranges from a minimum of one year to a maximum of two years. Specifically, for cases falling under Clause 4(vi) and 4(xv), the debarment period is fixed at two (02) years.
- **Applicability in Case of Joint Ventures (Clause 8):** Debarment shall extend jointly and severally to all constituent members of a JV. The names of such members shall be clearly indicated in the debarment order. Formation of new entities by debarred members to bypass debarment will also not be entertained during the debarment period.

Additionally, during the hearing, you appealed for reconsideration of ECL's proposed action, highlighting that debarment would severely harm the reputation of their Firm, especially impacting the lead partner M/s UAE, known for its credible standing in Jamshedpur.

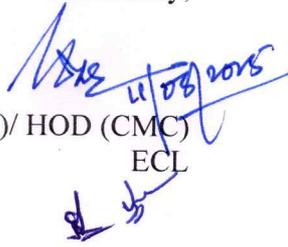
Considering the facts on record, including the unsatisfactory response to the show-cause notice and lack of valid justification during the personal hearing, your JV firm along with its constituent partners, is found liable for penal action under Clause 4(vi) and Clause 4(xiv) of the Guidelines on Debarment of Firms from Bidding.

Although the lead partner has appealed, citing its good market standing and negative impact of debarment on their long-standing reputable business, in view of the clear-cut provisions in the Tender Document and Debarment Guidelines—particularly Clause 8- the JV Firm (constituent partners and JV Firm) are jointly and severally responsible; ECL Management has considered the appeal raised by you during the personal hearing and reduce the debarment period from 02 (Two) years to 01 (One) year.

Give the above facts relating to submission of false/manipulated working capital certificate by one of the constituent partners i.e. M/s HCPL of the M/s UAE-HCPL-NTC (JV) in the tender to get technically Qualified vis-à-vis above stated provisions of the bid documents of the referred tender and unsatisfactory reply to the show-cause notice as well as during the personal hearing and further consideration of your appeal made in the personal hearing, you, M/s UAE-HCPL-NTC (JV) along with its constituent partners is hereby debarred as per clause no. 4 (vi) and clause no. 4 (xiv) of Guidelines on Debarment of Firms from Bidding for period of One years from participating in future tenders of Eastern Coalfields Limited from the date of issuance of this order.

This issues with the approval of Competent Authority.

Yours truly,


GM (Min.) / HOD (CMC)
ECL

Distribution: (Through email)

1. CMD, ECL
2. D (F) / D(T) OP / D(P) / D(T) P&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. 2010218

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