

Ref No: GM/PAND/AMPCD/2025-26/885

Date 28.11.2025

To
M/s Shyamal Banerjee
Digwadih No. 10, PO: Jealgora,
Dist- Dhanbad, Jharkhand,
PIN-828110

Sub: Cancellation of Contract along with Debarment of Business of M/s Shyamal Banerjee, including the proprietor Sri Shyamal Banerjee, from participating in future tenders of Eastern Coalfields Limited (ECL) for a period of 01 year with prospective effect against the awarded work “Transportation of sand from New Bhabhuria Ghat of Ajoy river to Bunker No. MNB-16, MNB-15 and MNB-14 of Manderboni South Samla Amalgamated Colliery, Pandaveswar Area for the period of Two Years”

References:

1. Name of Work: “Transportation of sand from New Bhabhuria Ghat of Ajoy river to Bunker No. MNB-16, MNB-15 and MNB-14 of Manderboni South Samla Amalgamated Colliery, Pandaveswar Area for the period of Two Years.”
2. NIT No.: **ECL/HQ/CMC/2025/PMS/1000 dated 13.06.2025**
3. LOA No.: **ECL/HQ/CMC/LOA/Manderboni/2025/1220 dated 08.09.2025**
4. GeM Bid ID: **GEM/2025/B/63451208 dated 13.06.2025**
5. Reminder Letter issued by AMPCD, Pandaveswar Area regarding PSD submission vide letter ref no(i) **GM/PAND/AMPCD/205-26/580** , dt **09.09.2025**, (ii) **GM/PAND/AMPCD/2025-26/609**, dt **16.09.2025**, (iii) **GM/PAND/AMPCD/2025-26/658**, dt **25.09.2025**.
6. Request Letter for time extension for PSD submission by contractor vide ref no **SB/PDA/56/25-26**, **dated 29.09.2025**.
7. 1st Show Cause Notice issued by GM, Pandaveswar Area vide ref no GM/PAND/AMPCD/2025-26/728 dated 16.10.2025 and 2nd Show Cause Notice issued by GM, Pandaveswar Area vide ref no GM/PAND/AMPCD/2025-26/773 dated 27.10.2025.
8. Reply to Show Cause Notice submitted by you vide letter ref no(i) **SB/PDA/57/25-26**, dated 01.11.2025. (ii) **SB/PDA/58/25-26**, dated 04.11.2025.
9. Letter to the contractor to appear in Personal Hearing on 05.11.2025 by GM, Pandaveswar vide Ref No. **GM/PAND/AMPCDan/2025-26/783** dated 01.11.2025.
10. Record notes of Personal Hearing held on 05.11.2025.

Dear Sir,

After careful consideration and extensive deliberation of the fact enumerated below, the ECL Management regrets to inform you that the contract awarded to you vide LOA No. ECL/HQ/CMC/LOA/Manderboni/2025/1220 dated 08.09.2025 has been cancelled and your firm has been debarred from participating in future tenders of ECL for a period of 01 (one) year with prospective effect.

1. As per the terms and conditions of the Letter of Acceptance (LOA), you were required to submit the Performance Security Deposit (PSD) within **21 days** from the issuance of the LOA, i.e., by **29.09.2025**, in accordance with Clause No. 4.2 of the General Terms & Conditions of the NIT.
2. A reminder was issued by AMPCD, Pandaveswar Area regarding submission of the PSD within the stipulated timeline, **Several communications were done with you regarding this, references of which are mentioned below:**
 - letter-GM/PAND/AMPCD/205-26/580 , dt 09.09.2025
 - Mail , dt -12.09.2025
 - Mail, dt- 15.09.2025
 - Letter- GM/PAND/AMPCD/2025-26/609, dt 16.09.2025
 - Letter- GM/PAND/AMPCD/2025-26/658, dt 25.09.2025
3. You submitted a request within the stipulated 21 days, seeking more days for PSD submission referred as **SB/PDA/56/25-26, dated 29.09.2025**.
4. However, you failed to submit the PSD within the original period of 21 days as well as within the extended period of 14 days, thereby violating the contractual requirements.
5. In adherence to the principles of natural justice, a **show cause notice** was issued asking you to explain why penal action should not be initiated under relevant provisions of the bid documents. Your reply was examined but found unsatisfactory to the management.
6. Subsequently, you were given another opportunity through a **personal hearing on 05.11.2025**, vide Ref No. GM/PAND/AMPCDan/2025-26/783 dated 01.11.2025
7. You, along through your representative attended the personal hearing On 05.11.2025 in the office of GM (Pandaveswar). However, in the said hearing, the reason explained by you for non-submission of PSD were not found convincing and satisfactory.

Accordingly, due to non-submission of the PSD within the stipulated and extended periods, your firm has become liable under the following clauses of the bid documents:-

a. Clause No. 4.3 of Section 2.1

In case the successful Bidder fails to submit the Performance Security and Additional Performance Security, if any, within the stipulated time then the following actions shall be taken:

- i) **Cancellation of award of work**
- ii) Forfeiture of the Earnest Money/Bid security
- iii) Any due amount to the contractor against the work done shall be treated as a part of the damages suffered by the company and shall not be paid to the contractor.
- iv) The company shall debar such defaulting contractor from participating in future tenders in concerned subsidiary/CIL HQ for a period of minimum one year from the date of issue of such letter. In case of JV/Consortium/Partnership Firm, the debarments shall also be applicable to all individual partners of JV/Consortium/Partnership Firm.

However, debarment shall be done as per Guidelines for Debarment of firms from Bidding.

b. Clause No. 3.1(b)(v)(b) of Section-01

“In the case of a successful bidder, if the Bidder fails within the specified time limit to furnish the required Performance Security Deposit/Additional Performance Security, if any... the Company shall debar such defaulting Contractor from participating in future bids for a minimum period of 12 months.”

c. Clause No. 4(ii) of Section 2.5 – Guidelines on Debarment of Firms from Bidding

“If L-1 Bidder fails to submit PSD and/or fails to execute the contract within the stipulated period.”

In view of the above, the Management of Eastern Coalfields Limited (ECL) has approved the following actions:

1. Cancellation of the contract awarded to M/s Shyamal Banerjee for the work “Transportation of Sand from New Bhabhuria Ghat of Ajoy River to Bunker No. MNB-16, MNB-15 & MNB-14 of Manderboni South Samla Amalgamated Colliery, Pandaveswar Area,” as per Clause No. 4.3 of Section 2.1 of the bid documents.
2. Debarment of M/s Shyamal Banerjee, including its owner/proprietor Shri Shyamal Banerjee, from participating in future tenders of ECL for a period of one (01) year with prospective effect, as per Clause 4(ii) and Clause 8 of Section 2.4 – Guidelines on Debarment of Firms from Bidding.

Hence, as per the directive of competent authority, the following is communicated to you:

1. **Cancellation of the contract** awarded to **M/s Shyamal Banerjee** (vide LOA No. ECL/HQ/CMC/LOA/Manderboni/2025/1220 dated 08.09.2025) as per Clause No. 4.3 of Section 2.1 of the bid documents.
2. **Debarment of M/s Shyamal Banerjee**, including its owner/proprietor Shri Shyamal Banerjee, from participating in future tenders of ECL for a period of **01 (one) year** with prospective effect, as per Clause 4(ii) and Clause 8 of Section 2.5 – Guidelines on Debarment of Firms from Bidding.

Yours Faithfully



28/11/2025
Area General Manager
Pandaveswar Area

CC:

1. CMD, ECL HQ (For kind information).
2. Director (Finance), ECL HQ (For kind information).
3. Director Technical (P&P), ECL HQ (For kind information).
4. Director Technical (OP), ECL HQ (For kind information).
5. Director (Personnel), ECL HQ (For kind information).
6. GM/TS to CMD, ECL HQ.
7. GM (CMC), ECL HQ – This is being issued as per approval conveyed Computer No. 2144363.
8. eclsupport@keypoint-tech.com, easterncoal1975@gmail.com, hodpro.ecl@coalindia.in, sudhesh.kumar@coalindia.in – For publishing on ECL website.
9. TS to DT (P&P).
10. TS to DT (OP).
11. Nodal Officer, e-Procurement Cell, ECL HQ.
12. All Area General Managers, ECL.
13. GM(Vigilance), ECL HQ
14. AFM, AM (PC&D) Pandaveswar Area.
15. APM, Pandaveswar Area.
16. Area Survey Officer, Pandaveswar Area.
17. Agent, Manderboni South Samla Amalgamated Colliery.
18. Office Copy.