



वेस्टर्न कोलफील्ड्स लिमिटेड
WESTERN COALFIELDS LIMITED
(A Govt. of India Undertaking)
(मिनीसख कंपनी) (A Miniratna Company)
(कोल इंडिया लि. की अनुषंगी कंपनी)
(A Subsidiary of Coal India Limited)
Civil Welfare Department,
Administrative Building, Coal Estate,
Civil Lines, Nagpur-440 001.
CIN – U10100MH1975GOI018626



Website: www.westerncoal.in

email- ankammagari.kumar@coalindia.in

Ref. NAG/WCL/Civil-Welfare/Banning/e-02/2023-24/2599

Date: 11.09.2023

BANNING OF ANKUR INFRA TECH

To,
Ankur Infratech,
(Prop. Mrs Kanju Singh)
At: 01, Gevra Ksumunda Road,
Gevra Basti Road, Kabir Chowk,
Dipka, Korba, Chhattisgarh-495454.

e-mail: ankurinfratechksm@gmail.com

Mob. No. 8518943101

PAN: QACPS9463K

GSTIN: 22QACPS9463K1ZV

- Subject** : **Banning of Ankur Infratech from participating in future tenders in WCL for a period of one year from 11.09.2023 to 10.09.2024.**
- Reference** :
 1. E-NIT No. wcl-hq-civ-welfare-e02-2023-24/1658 dt. 10.04.23
 2. Bid ID No. 943611 dtd. 27.04.2023 submitted by Ankur Infratech against Tender ID No. 2023_WCL_277171_1
 3. LOA ref. NAG/WCL/Civil-Welfare/LOA/e-02/2023-24/2140 dt. 22.06.2023
 4. Reminder letter ref. NAG/WCL/Civil-Welfare/LOA/e-02/Site handover/2023-24/2188 dated 04.07.2023
 5. Cancellation of Award of Work vide ref. NAG/WCL/Civil-Welfare/ LOA Cancellation/e-02/2023-24/2388 dated 31.07.2023 sent through email dated 31/7/2023 at your registered email ID, and Speed Post Consignment No. EM460381789IN dated 01.08.2023.
 6. Show-Cause Notice ref. NAG/WCL/Civil-Welfare/Show-Cause/e-02/2023-24/2389 dated 31.07.2023 sent through e-mail dated 31/7/23 at your registered email ID, and Speed Post Consignment No. EM460381792IN dated 01.08.2023
 7. Reminder-1 e-mail dated 13.08.2023 and Reminder-2 email dated 20.08.2023 for submission of written statement of defence.

Dear Sir,

Tender for the work vide NIT under reference (1) was invited through e-procurement portal of CIL vide Tender ID: 2023_WCL_277171_1. In this connection, a bid was submitted by you on 27.04.2023 under reference (2). Subsequently, the work was awarded in favour of you i.e. **Ankur Infratech** vide Letter of Acceptance under reference (3) for an amount of Rs. 36,25,835.63 incl. GST.

1. The Letter of Acceptance (LOA) was uploaded in the CIL e-Procurement Portal and a copy of the same was also sent to you on 22.06.2023 at your registered email ID ankurinfratechksm@gmail.com mentioned in the Portal. As per provisions of the tender at Clause-4.2 "Conditions of the Contract", you have to submit Performance Security i.e. 5% of the awarded value which amounts to Rs. 1,81,292/- within 21 days from the date of issuance of the LOA.
2. After adjusting the already deposited Earnest Money of Rs. 62,200/- by you vide e-procurement ref. no.: 286932943611 and Bank/ UTR number: 133948007; you were advised to submit balance amount of Performance Security of Rs. 1,19,092/- within 21 days from issuance of the LQA (i.e. 21 days + 22.06.2023, i.e. on or before 13.07.2023). A reminder vide letter under reference (4) was also sent to you through email dated 05.07.2023 for deposition of balance PSD of Rs. 1,19,092/-.

As
11/09/2023



A Maharatna
Company

वेस्टर्न कोलफील्ड्स लिमिटेड
WESTERN COALFIELDS LIMITED

(A Govt. of India Undertaking)
(मिनीरत्न कंपनी) (A Miniratna Company)
(कोल इंडिया लि. की अनुषंगी कंपनी)
(A Subsidiary of Coal India Limited)

Civil Welfare Department,
Administrative Building, Coal Estate,
Civil Lines, Nagpur-440 001.
CIN – U10100MH1975GOI018626

75
Azadi Ka
Amrit Mahotsav



Website: www.westerncoal.in
email- ankamagari.kumar@coalindia.in

3. In spite of the repeated pursuance, you have failed to submit the Performance Security Deposit within 21 days from the issuance of the LOA i.e. by 13.07.2023 as per provisions of the tender.
4. In this connection, relevant portion of provisions of the instant tender are quoted below:

i. **Clause-4.2 of the 'Conditions of Contract':**

Quote:

4.2 (a) Performance Security should be 5 % of contract amount for contracts having contract period five years and below, and (b) Performance Security should be 5 % of contract amount for contracts having contract period exceeding five years.

Performance Security should be submitted within 21 days of issuance of LOA by the successful bidder in any of the form given below:

.....

In case the successful bidder fails to submit the Performance Security, if any, within the stipulated time then the award of work shall be cancelled with forfeiture of the bid security/earnest money.

Additionally, the company shall ban 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.

.....

Unquote:

5. In view of the above, by not submitting the Performance Security within the stipulated time, you have violated the provisions of Clause-4.2 "Conditions of Contract" of the tender. Accordingly, in compliance to Clause-4.2 of "Conditions of Contract", award of the subject work in favour of Ankur Infratech vide LOA under reference (3) was cancelled along with forfeiture of the bid security/earnest money deposited by you for Rs. 62,200/-. This was intimated to you vide letter ref. NAG/WCL/Civil-Welfare/LOA Cancellation/e-02/2023-24/2388 dated 31.07.2023 under reference (5).
6. Apart from the Clause mentioned at Sl. No. (4) above, your conduct also attracts Clause-19 'Guidelines for Banning of Business' under "Conditions of Contract", relevant portion of which is mentioned below:

Quote:

2. The contracting entity may be banned in the following circumstances :-

i)
ii) **If L-1 bidder fails to submit PSD, if any and/or fails to execute the contract within stipulated period.**

3. Such 'Banning of Business', if and when effected, shall be with prospective effect only. The effect of 'Banning of Business' shall be for future tenders from the date of issue of such Order. However, if any contracting entity is banned after online notification of opening of Price Bid, such a ban will not be effective for that work.

.....

AS



A Maharashtra
Company

वेस्टर्न कोलफील्ड्स लिमिटेड
WESTERN COALFIELDS LIMITED
(A Govt. of India Undertaking)
(मिनीरल कंपनी) (A Miniratna Company)
(कोल इंडिया लि. की अनुषंगी कंपनी)
(A Subsidiary of Coal India Limited)
Civil Welfare Department,
Administrative Building, Coal Estate,
Civil Lines, Nagpur-440 001.
CIN - U10100MH1975GOI018626

75
Azadi Ka
Amrit Mahotsav



Website: www.westerncoal.in
email- ankamagari.kumar@coalindia.in

5. Once a contracting entity is banned, it shall be extended to the constituents of that entity, all the partners in case of Partnership Firm, owner/proprietor in case of Proprietorship Firm and all the Directors in case of Limited Company. If such banned owner/Proprietor/ Partner/Director make/form different Firms/entity and attempts to participate in tenders, the same will not be entertained during the currency of such banning.

Unquote:

7. Subsequently, a Show-Cause Notice under reference (6) was issued as to why action should not be initiated against you as per provisions of Clause-4.2 and Clause-19 under "Conditions of Contract". You were advised to submit your written statement of defence on or before 21.08.2023. You were also reminded vide e-mails mentioned under reference (7) to submit your defence on or before 21/08/2023.
8. In spite of the above, you did not submit your written statement of defence. Moreover, it is also pertinent to mention here that the physical copies of the 'Cancellation of Award of Work' and 'Show-Cause Notice' (sent through Speed Post seperately) were returned to this Office by Postal Dept. on 22/08/2023 with following remarks: "Left, RTS" (Return to Sender).
9. However, as there was no delivery failure notification for the emails (for Show-Cause Notice on 31/7/2023, Reminder-1 on 13/8/2023 and Reminder-2 on 20/8/2023 sent at your Registered email address), it is being presumed that the Show-Cause Notice was delivered and received by you on 31/7/23.
10. In view of the above, you have violated Clause-4.2 and Clause-19 of "Conditions of Contract" of the tender by not submitting Performance Security Deposit; further, you have failed to submit the written statement of defence against the Show-Cause Notice issued on 31/7/23; thus, it seems that you have nothing to defend on the matter.
11. In view of the foregoing, apart from cancellation of award of the work under reference (5), following action is also being taken against you as per provisions of Clause-4.2 and Clause-19 under "Conditions of Contract":
- Banning of Ankur Infratech (Prop. Mrs Kanju Singh) from participating in future tenders in WCL for a period of one year i.e. **from 11.09.2023 to 10.09.2024**.
 - Not to entertain participation of any firm/entity in the tenders of WCL for a period of one year (i.e. from 11.09.2023 to 10.09.2024) if such firm/entity is made/formed by you (i.e. by owner/proprietor of Ankur Infratech i.e. Mrs Kanju Singh).

This issues with approval of the competent authority.

Yours faithfully,

Sr. Manager (Civil),
Civil-Welfare Dept.,
WCL Hq.



A Maharatna
Company

वेस्टर्न कोलफील्ड्स लिमिटेड
WESTERN COALFIELDS LIMITED

(A Govt. of India Undertaking)
(मिनीरत्न कंपनी) (A Miniratna Company)
(कोल इंडिया लि. की अनुषंगी कंपनी)
(A Subsidiary of Coal India Limited)

Civil Welfare Department,
Administrative Building, Coal Estate,
Civil Lines, Nagpur-440 001.
CIN – U10100MH1975GOI018626



Website: www.westerncoalfields.in
email- anikammagari.kumar@coalindia.in

Copy to:

- i. TS to CMD/ D(F)/ D(T)OP/ D(T)P&P/ D(P)/ CVO, WCL ... for kind information
- ii. GM (Fin) I/c-I&II, WCL, Nagpur.
- iii. GM (Civil)/Civil-Welfare WCL HQ, Nagpur.
- iv. GMs, WCL, All Areas.
- v. GM (System) WCL Hq with a request to upload the banning details at WCL website.
- vi. GM (CMC)/ GM(Civil), SECL, MCL, CCL, NCL, CMPDIL, BCCL, ECL, WCL
- vii. C.M.(C) Tender Cell, WCL, Nagpur
- viii. Project Officer, WCL, All Areas
- ix. S.O.(C), WCL, All Areas
- x. C.E(C), CIL, Kolkata
- xi. Manager (Civil), Civil-Welfare Dept.
- xii. SOE (Civil), Civil-Welfare Dept.
- xiii. Notice Board.
- xiv. Concerned file.
- xv. NIC Portal Nodal Officer for WCL/ Concerned person for blocking the login details of M/s Ankur Infratech at NIC Portal to debar the agency from participating in future tenders of WCL for the period of banning.

As
11/9/2023.