

कोल इंडिया लिमिटेड

विपणन तथा विक्रय विभाग
कोल भवन, प्रांगण सं एमएआर 04,
प्लॉट सं -एएफ -III, एक्शन एरिया 1 -ए
न्यू टाउन, राजरहाट, कोलकाता 156 700 -
फोन 23244214-033 :, फैक्स: 033-
23244229
सीआईएन : L23109WB1973GO1028844
ईमेल : gmqc.cil@coalindia.in
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**COAL INDIA LIMITED
MARKETING AND SALES
DEPARTMENT**

COAL BHAWAN, PREMISE NO- 04 MAR
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CIN : L23109WB1973GO1028844
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WEBSITE : www.coalindia.in

Ref No: CIL/C-4B/TPA/2022/ 104

Date: ..11..10...2022

TERMINATION OF EMPANELMENT

To,
M/s Cotecna Inspection India Pvt. Ltd.,
Office No. 213, 214 & 215 ,
The Summit Business Bay, Opposite Cinemax,
Off Andheri Kurla Road, Prakashwadi, Andheri (East)
Mumbai- 400 069

Sub: Termination of empanelment of M/s Cotecna Inspection India Pvt. Limited

- Ref: (i) CIL's letter No. CIL/C-4B/TPA/2022/54 dated 25.05.2022
(ii) M/s Cotecna's letter No. nil dated 27.05.2022
(iii) CIL's Show cause Notice No. CIL/C-4B/TPA/2022/94 dated 26.08.2022
(iv) Reply to Show cause Notice from Cotecna vide letter No. nil dated 09.09.2022

Dear Sir,

This is in reference to the abovementioned correspondences. M/s Cotecna Inspection India Pvt. Limited was served a show cause notice for infringement of the provisions of RFP & Tripartite agreement (TPA) vide letter dated 26.08.2022 vide ref (iii). M/s Cotecna Inspection India Pvt. Limited has replied the same on 09.09.2022 vide ref (iv). The reply of M/s Cotecna Inspection India Pvt. Limited has not been found satisfactory, as mentioned herein below.

Clause 4.7 of the Agreement inter alia states that "A successfully empaneled bidder shall not work for any other TPA/TPA engaged by CIL or its subsidiaries after entering into a Tripartite Agreement for an Activity". Clause 4.7 uses the phrase "shall not work" which is mandatory for M/S Cotecna Inspection India Pvt. Limited to disengage from any work with any other TPA/TPA engaged by CIL.

As per the undertaking, M/s Cotecna Inspection India Pvt. Limited was obligated to disengage from working with other TPA/TPA engaged by CIL or its subsidiaries after entering into Tripartite Agreement. As per the undertaking, the obligation to disengage gets triggered on the signing of the Tripartite Agreement and the obligation is cast on M/s Cotecna Inspection India Pvt. Limited.

M/s Cotecna Inspection India Pvt. Limited had not disengaged themselves from working with other empaneled TPA/ TPA engaged by CIL or its Subsidiaries after entering into the Tripartite Agreements which fall into Conflict of Interest (Clause 4.7 of RFP). M/s Cotecna Inspection India Pvt. Limited has not complied with the undertaking and Clause 4.7 of RFP and consequent steps as per the following termination clauses in the RFP/Tripartite Agreement shall be deemed applicable.

I. Clause 14.5 of RFP mentions that "TPA shall avoid any conflict of interest while discharging contractual obligations and bring beforehand, any possible instance of conflict of interest to the knowledge of coal companies /consumers, while rendering service in respect of the assignment. In case of suppressing any such information, the empanelment may be liable for termination."

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II. Clause 14.11 of RFP inter-alia mentions that empanelment of TPA may be terminated at any time in the following cases;

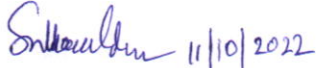
- (b) *If the TPA does not take up the ACTIVITY in terms of the agreement*
- (e) *Suppressing information regarding conflict of interest.*

III. Further, Clause 8.5 of TPA inter-alia mentions that empanelment of TPA may be terminated at any time in the following cases;

- (b) *If the TPA does not take up the ACTIVITY in terms of the agreement*
- (e) *Suppressing information regarding conflict of interest*
- (g) *If the Third Party Agency commits material breach of contract*

Therefore, M/s Cotecna Inspection India Pvt. Limited is hereby informed that the empanelment of M/s Cotecna Inspection India Pvt. Limited vide letter No.CIL/C-4B/TPS/2021/21 dated 15.03.2021 read with Notice for extension dated 16.03.2022 is hereby terminated for breach of terms & conditions of the above mentioned clauses of RFP/TPA with immediate effect & consequential forfeiture of Security Deposit.

Yours faithfully,


Chief Manager (CP/QC)

Copy for kind information: Director (Marketing), CIL

Copy to: 1. ED (Marketing & Logistics), CIL
2. TS to Director (Marketing), CIL