



Government of West Bengal
Irrigation & Waterways Department
Jalasangraha Bhavan, 1st Floor, Western Block
Bidhannagar, Salt Lake City, Kolkata 700 091

No. 02 - W/2017-18

Dated, 16th May, 2017

NOTIFICATION

A written complaint was received against "Niyati Construction", a Partnership Firm, having its office at Lakshya, P.S Mahishadal, District Purba Medinipur for having allegedly submitted false Profit & Loss accounts, audited balance sheets and summery sheets in prescribed Forms as "Annual Turn Over certified by CA Firms for the financial year of 2013-14 as its pre-qualification eligibility credential during bidding in three e-Tenders under Irrigation & Waterways Directorate. On the basis of such documents which were also certified by Registered Chartered Accountancy Firms, the incumbent managed to qualify in the technical evaluation stage of the tenders and was awarded these contracts as lowest financial bids, as mentioned below:

- a. e-NIT No. WBIW/SE/GCDC/NIT-20(e)/2014-15, SI 1 of Greater Calcutta Drainage Circle
- b. e-NIT No. WBIW/SE/WC1/NIT-09(e)/2015-16, SI 1 of Western Circle-I
- c. e-NIT No. WBIW/SE/EC/NIT-16(e)/2015-16, SI 3 of Eastern Circle

Pursuant to above complaint, the Department had instructed Chief Engineer (South) to cause an enquiry where in 'Niyati Construction' was asked to appear in person by its Partner.

It is evident from the report of the said enquiry and documents furnished by the Directorate Level Enquiry Committee, that the discrepancies in respect of submitted audited Profit & Loss Account to financial year 2013-14 by 'Niyati Construction' could not be explained by that Firm while giving deposition before Chief Engineer (South) headed enquiry committee. It was rather admitted verbally by the Partner namely Shri Asim Kumar Das of the said Firm during verbal deposition that the relevant documents were false and were utilized to technically qualify in these tenders.

Accordingly in the above context, the Government in the Irrigation & Waterways Department has hence decided to impose the following penal actions in terms of the provisions of e-NIT and Tender Agreement under these contracts and also from legal considerations:

- a. The agency viz. 'Niyati Construction' under its name, style and authority is hereby debarred from participating in all types of I&WD tenders for a period of six months as a penal measure as stipulated under Clause 9 of Notice Inviting e-Tender of Irrigation & Waterways Directorate **for distortion of facts** and for such wrongful and fraudulent activities in tenders.
- b. The said Firms cannot use the work credential (Completion Certificate) of the aforesaid three works gained by virtue of submission of false & forged documents obtained by fraudulence which cannot be sanctified and is to be treated as nullity based on the principles of Ex-turpi causa non

oritur action ('from a dishonorable cause an action does not arise') for any Government tenders in future.

Before imposing such penalties against "Niyati Construction", for the sake of natural justice, the said Firm is given 15 (fifteen) days time from the date of issuance of this order to submit its representation/reply against such proposition of penalty referred in foregoing para.

If no representation/reply is submitted by the Firm concerned within the time limit specified above and/or if the representation/reply is not found to be satisfactory and convincing, the Government in Irrigation & Waterways Department shall conclusively bring into effect the penalties as proposed above and shall also take further steps for public awareness in the instant matter.

Sd/-
(K. Chattopadhyay)
Secretary

Memo No. 63 /1(2) - IB
IW/O/IB-Misc-03/2017-18

Dated, 16th May, 2017

Copy forwarded for information to:

1. P.S to Hon'ble Minister-in-Charge
Irrigation & Waterways Department
2. Principal Secretary
Irrigation & Waterways Department

Sd/-
(K. Chattopadhyay)
Secretary

Memo No. 63 /2(1) - IB

Dated, 16th May, 2017

Copy forwarded for information to:

Niyati Construction
Lakshya, P.S Mahishadal
District Purba Medinipur

Sd/-
(K. Chattopadhyay)
Secretary

Memo No. 63 /3(3) - IB

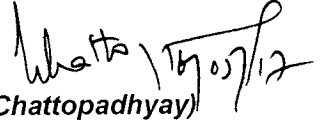
Dated, 16th May, 2017

Copy forwarded for information to:

1. Officer-in-Charge
NIC, e-Tender Help Desk
Jalasampad Bhavan
2. Joint Secretary
e-Governance
Finance Department
Nabanna
325, Sarat Chatterjee Road
Howrah 711 102

3/ ✓ Shri R.K Sharma
Executive Engineer & Nodal Officer e-Governance
Irrigation & Waterways Department

He is requested to upload this order in the Departmental website www.wbiwd.gov.in
The webpage should be suitably designed so that the period of suspension and penalty /
suspension order is displayed prominently along with other relevant information including
provision for uploading of pdf version of debarment order under a link "List of debarred
contractors".


(K. Chattopadhyay)
Secretary

Memo No. 63/4(8) - IB

Dated, 16th May, 2017

Copy forwarded for information to:

1. Chief Engineer (South)
Irrigation & Waterways Directorate
2. Chief Engineer (West)
Irrigation & Waterways Directorate
3. Chief Engineer (South West)
Irrigation & Waterways Directorate
4. Chief Engineer (North)
Irrigation & Waterways Directorate
5. Director of Personnel & Ex-officio Chief Engineer
Irrigation & Waterways Directorate
6. Chief Engineer (Design & Research)
Irrigation & Waterways Directorate
7. Chief Engineer (North East)
Irrigation & Waterways Directorate
8. Chief Engineer
Teesta Barrage Project
Irrigation & Waterways Directorate


(D. SenGupta)
Joint Secretary to the
Government of West Bengal