

राजस्थान सरकार
जल संसाधन विभाग

राजस्थान लोक उपापन मे पारदर्शिता अधिनियम 2012 एवं नियम 2013 (बिन्दु संख्या 83) के
अन्तर्गत दायर अपील संख्या 06/2015-16

मैसर्स तुलसी नारायण गर्ग, सरावगी मौहल्ला, श्योपुर मध्यप्रदेश

बनाम
अतिरिक्त मुख्य अभियन्ता जल संसाधन संभाग जयपुर

निर्णय

दिनांक 09.02.2016

मैसर्स तुलसी नारायण गर्ग, सरावगी मौहल्ला, श्योपुर मध्यप्रदेश ने पत्र दिनांक 13.01.2016 से राज्य सरकार की सक्षमता के अधीन अतिरिक्त मुख्य अभियन्ता जल संसाधन संभाग जयपुर द्वारा आमन्त्रित निविदा सूचना संख्या 08 वर्ष 2015-16 के विभिन्न कार्यों की निविदा में भाग लिया गया।

कार्य की तकनीकी बिड मे तकनीकी मूल्यांकन समिति द्वारा मैसर्स तुलसी नारायण गर्ग, सरावगी मौहल्ला, श्योपुर मध्यप्रदेश को अयोग्य घोषित किये जाने के निर्णय के विरुद्ध संवेदक द्वारा राजस्थान लोक उपापन मे पारदर्शिता अधिनियम 2012 एवं नियम 2013 के अन्तर्गत अपील प्राधिकारी मुख्य अभियन्ता जल संसाधन विभाग जयपुर के समक्ष अपील दायर की एवं नियमानुसार फीस राशि रुपये 2500/- फीस(डी.डी.113405) जमा करवाई गई।

अपीलार्थी द्वारा अपील दायर कर निम्नानुसार प्रार्थना की है :-

Grounds of Appeal:-

There is no provision in ITB for submitting such certificate nor prescribed any amount for which certificate is required to be submitted, but inspite thereof in order to prove the capacity appellat submitted certificate of his net worth for Rs. 623.18 lacs duly certified by the chartered accountant. The appellat is competent to complete the entire work without procurement of any loan from bank or any other institution. Appellat has all the financial resources available at his own instance thereby, to complete the work.

Appellat also submitted bank certificate for 10% cost of tender amount to secure the work. Thereafter there is no need to submit any more documents nor there is provision in the bid document to submit any other certificate or document to prove the financial capacity.

Appellat submitted financial capacity under application form no.7 duly filled in format and signed thereof. Thereafter the appellat's tender has not been considered in the right perspective and decision taken by the Additional Chief Engineer, WR, Zone, Jaipur is wrong and illegal. The order dated 11.01.2016 is bad in eye of law of land and it is also against the principles of natural justice. The order is required to be quashed.

The appeal is filed within the limitation as order passed is recorded on 11.01.2016.

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Interim Relief :-

It is humbly prayed that the operation of the order dated 11.01.2016 may be stayed and the respondents may kindly be restrained not to proceed further with the NIT No. 08/2015-16/8065 dated 29.10.2015. Alternatively, the respondents may kindly be directed to provisionally declare the appellant as qualified for technical and financial bid as well.

Applicant Prayed as under:

It is, therefore, humbly prayed that the appeal of the appellant may please be accepted and respondents may please be directed to consider the tender of the appellant. Appellant may be declared as duly qualified for technical bid.

Any other relief which this Hon'ble appellate authority may deem fit and proper be also passed in favour of the appellant.

निविदा सूचना अधिकारी का कथन :-

उक्त के संबंध में अतिरिक्त मुख्य अभियन्ता जल संसाधन संभाग जयपुर ने अवगत कराया है कि प्रार्थी के द्वारा निम्नानुसार बैंक प्रमाण पत्र प्रस्तुत किये गये हैं :-

Package No.	Name of work	"G" schedule amount	Required financial capability	Amount of Bank certificate.
Package No. 2	Formation of three new tanks across local stream including all survey & investigation, design & drawing and preparation of case for acquisition of land to be acquired. (i) Near village Moroj GP Baler P.S. Khandar Distt Sawaimadhopur (ii) Near village Govindpura GP Baler P.S. Khandar Distt Sawaimadhopur (iii) Near village Chhareta G.P. Kosra P.S. Khandar Distt Sawaimadhopur (iv) Near village Swatkhard G.P. Naipur PS Khandar Distt. Sawaimadhopur	Rs.874.20	Rs.291.40	Rs.90.00
Package No. 4	Formation of three new tanks across local stream including all survey & investigation, design & drawing and preparation of case for acquisition of land to be acquired. (i) Near village Hzamkhedi GP Hallonda P.S. Khandar Distt Sawaimadhopur (ii) Near village Hallonda GP Hallonda P.S. Khandar Distt Sawaimadhopur (iii) Near village Firozpora G.P. Phalodi P.S. Khandar Distt	Rs.695.37	Rs.231.79	Rs.70.00

Package No. 5	Sawaimadhopur Formation of three new tanks across local stream including all survey & investigation, design & drawing and preparation of case for acquisition of land to be acquired. (i) Near village Pipalda GP Gandawar P.S. Khandar Distt Sawaimadhopur (ii) Near village Aniyala GP Aniyala P.S. Khandar Distt Sawaimadhopur (iii) Near village Maikalan G.P. Maikalan P.S. Khandar Distt Sawaimadhopur	Rs.696.00	Rs.232.00	Rs.70.00
Package No. 6	Formation of two new tanks across local stream including all survey & investigation, design & drawing and preparation of case for acquisition of land to be acquired. (i) Near village Dangarwada GP Rampura P.S. Khandar Distt Sawaimadhopur (ii) Near village Lehsoda GP Lehsoda P.S. Khandar Distt Sawaimadhopur	Rs.263.75	Rs.87.92	Rs.27.00
			843.11	257.00

Therefore the bids were not considered qualified. However the applicant submitted sources of financing as per the form No. 7 with the tender document is as under:

Source of financing	Amount (Indian Rs. In lac)
1. Working capital	389.34
2. Demand Loan	789.37
3. Cash credit	-
4. Bank Guarantee (Net)	-

The applicant has also submitted a certificate of net worth amounting to Rs. 623.18 lacs duly certified by his C.A. along with bid document. According to which he has access to liquid assets, unencumbered real assets lives of credit and other financial means as per clause 3.5 of P.Q. Bid as below".

"The applicant should demonstrate that he has access to, or has available, liquid assets, unencumbered real assets, lines of credit and other financial means sufficient to meet the construction cash flow for a peak period of three months enclosed at form -'7' as below

A- Immovable	Rs. 282.57 lac
B- Movable Assets	Rs. 2053.05
Total	Rs. 2335.62 lacs

However during consideration movable assets like vehicle and machinery cannot be considered a real unencumbered assets. Therefore, the total current Assets considered is Rs2053.05 – Rs 529.87= Rs. 1523.18 lac.

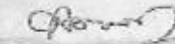
C- Current Liabilities Rs. 923.06 lacs hence, the firm has working capital of 1523.18 – 923.06= 599.12 lacs.

In view of the above considering firms working capital & bank certificates his bids up to a limit of Rs. 599.12+257.00= 856.12 lac can be considered.

अपील के संबध मे प्रस्तुत किये गये तथ्यों/अभिलेख/साक्ष्यो के परिक्षण उपरान्त मै इस निष्कर्ष पहुँचा हूँ कि :-

1. कार्यो की तकनीकी बिड में Financial position से सम्बन्धित क्लॉज 3.5 के स्थान पर सहवन से क्लॉज 4.5 अंकित हो गया था। इस कारण संवेदक द्वारा तकनीकी बिड के क्लॉज के अनुसार वांछित डॉक्यूमेन्ट प्रस्तुत नही किये गये। तकनीकी मूल्यांकन समिति द्वारा संवेदक को असफल घोषित किया गया था। संवेदक द्वारा प्रस्तुत दस्तावेजो के अनुसार संवेदक की कुल bid capacity राशि रु. 856.12 लाख आती है। अतः संवेदक भाग ली गई निविदाओ में से राशि रु. 856.12 लाख तक की निविदाओ में सफल घोषित किये जाने योग्य है।

अतः अपीलार्थी मैसर्स तुलसीनारायण गर्ग द्वारा प्रस्तुत अपील उक्त सीमा तक स्वीकार की जाकर उन्हे उक्त निविदाओ में योग्य घोषित करने का निर्णय पारित किया जाता है।



(विनोद शाह)

अपील अधिकारी,

मुख्य अभियन्ता

जल संसाधन विभाग जयपुर

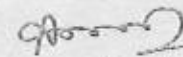
क्रमांक :-F.2(02)AS/1/Cell/16/ 804

दिनांक:- 16/02/2016

निर्णय की प्रति निम्नलिखित को वास्ते सूचनार्थ एवे आवश्यक कार्यवाही हेतु प्रस्तुत है:-

1. अतिरिक्त मुख्य अभियन्ता जल संसाधन विभाग जयपुर।
 2. मैसर्स तुलसी नारायण गर्ग, सरायगी मौहल्ला, श्योपुर मध्यप्रदेश।
- अधीक्षण अभियन्ता PMU जल संसाधन जयपुर को प्रेषित कर लेख है कि उक्त निर्णय तत्काल राज्य लोक उपापन पोर्टल पर प्रदर्शित करवाया जावे ।

I.I Cell



अपील अधिकारी,

मुख्य अभियन्ता

जल संसाधन विभाग जयपुर