



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

No. 14 - W/2017-18

Dated, 29th August, 2017

DEBARMENT ORDER

Sub: Imposition of punitive actions against 'Niyati Construction' due to fraudulence undertaken during submission of e-bid documents and gaining of award of three works contracts in the Irrigation & Waterways Directorate between the period from 2014-15 to 2015-16.

WHEREAS a written complaint was received in this Department against "***Niyati Construction***", a Partnership Firm, having their registered office at Village + P.O Lakshya, P.S Mahishadal, District Purba Medinipur for having submitted false, distorted, tampered "Annual Turn Over" documents, apparently certified by licensed CA Firms for the financial year of 2013-14 as their pre-qualification eligibility credentials during bidding in three works tenders under Irrigation & Waterways Directorate;

AND WHEREAS, on the basis of such documents, "***Niyati Construction***" managed to evade disqualification during technical bid evaluation stage in these three tenders and qualified in the financial evaluation stages of the tenders and was finally awarded these works contracts as lowest financial bids, the references of the tenders are mentioned below:

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

AND WHEREAS, the aforesaid complaint was sent to Chief Engineer (South) of this Department who was asked to cause an inquiry in respect of the said complaint and furnish his considerate views, which has been received in this Department sent vide his Memo No. 01641-CI dated 27.03.2017;

AND WHEREAS on the basis of prima-facie reports and documents, the Government in the Irrigation & Waterways Department had decided to show cause the said Firm before actual imposition of appropriate penal actions, **due to distortion of facts and for such other wrongful and fraudulent activities in these tenders** from legal considerations vide No. 02-W/2017-18 dated 16.5.2017;

AND WHEREAS, before bringing into actual effect any penalty against "***Niyati Construction***", for the sake of natural justice, the said Firm was given 15 (fifteen) days time to submit its representation/reply against such proposition of penalty referred in the show-cause order;

AND WHEREAS, pursuant to a careful scrutiny of the reply of the said Firm '**Niyati Construction**' dated 24.05.2017 and upon obtaining further views of the inquiry officer viz. Chief Engineer (South), verification of distorted bid documents and legal ratification of the reply of '**Niyati Construction**', it has been confirmed beyond any reasonable doubt that the justifications in their reply submitted by '**Niyati Construction**' dated 24.5.2017 and during personal appearance before the enquiry officer is not at all convincing and satisfactory, and it has been proved beyond all reasonable doubt that the said Firm '**Niyati Construction**' has wilfully, intentionally, purposefully and deliberately tampered/distorted the Financial Accounts documents of the Firm furnished in the bids by fraudulent means in all the three tenders, and with that objective it succeeded to get the awards of all these three works contracts under Irrigation & Waterways Directorate, and thereby not only deceived the Government but also deprived other bonafide eligible bidders who might have got those works contracts had such wilful distortion/falsification of its Accounts by fraudulent activities not been done by the said Firm;

AND THEREFORE, the Government in the Irrigation & Waterways Department after obtaining legal advice from the Ld. Legal Remembrancer, West Bengal, has arrived at a decision to impose penal actions as mentioned herein below against the said '**Niyati Construction**' for wilfully, intentionally, purposefully and deliberately distorting/tampering the Financial Accounts documents of the Firm furnished by fraudulent means in the three works tenders, and with that objective it succeeded to get the awards of all these three works contracts under Irrigation & Waterways Directorate and such provision for imposition of suitable penal actions is also covered under clause 9 of the e-NIT/Works contract where it has been clearly mentioned that "..... Besides, the Irrigation & Waterways Department may also take appropriate legal actions including blacklisting of the defaulting contractors/ bidder.....":

1. The Firm viz. '**Niyati Construction**' under its name, style and authority having its office at Village + P.O Lakshya, P.S Mahishadal, District Purba Medinipur, PIN 721654 is **hereby debarred from participating in all types of I&WD tenders for a period of six months with effect from 30.8.2017.**
2. The said Firm '**Niyati Construction**' **cannot use the work credential (Completion Certificate)** of the **following three works Contract** awarded by deceit through willful, intentional, purposeful and deliberate tampering/distortion of Financial Accounts documents on the principles of '**Ex turpi causa non oritur act**', as their valid prequalification (PQ) credentials' for qualifying in any future tender.
 - 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;

It is hereby being directed to the concerned authorities of this Department to cause publication of this order in the designated '**Debarment List**' link of the Departmental website wbiwd.gov.in, immediately.

The '**Niyati Construction**' is being served this order by speed post.

Sd/-
(K. Chattopadhyay)
Secretary to the
Government of West Bengal

No. 300 /1(1) - IB
IW/P/IB-Misc-03/2017-18

Dated, 29th August, 2017

Copy forwarded for information to:

Niyati Construction
Village + P.O Lakshya, P.S Mahishadal
District Purba Medinipur
PIN 721 654

Col -
(K. Chattopadhyay)
Secretary to the
Government of West Bengal

No. 300 /2(3) - IB

Dated, 29th August, 2017

Copy forwarded for information to:

1. P.S to Hon'ble Minister-in-Charge
Irrigation & Waterways Department
2. P.A to Principal Secretary
Irrigation & Waterways Department
3. Ld Legal Remembrancer, West Bengal

Sd/-
(K. Chattopadhyay)
Secretary to the
Government of West Bengal

Memo No. 300 /3(6) - IB

Dated, 29th August, 2017


Copy forwarded for information to:

1. Financial Adviser
Irrigation & Waterways Department
2. Joint Secretary
e-Governance
Finance Department
NABANNA
325, Sarat Chatterjee Road
Howrah 711 102
3. Law Cell , Establishment branch
Irrigation & Waterways Department
4. Officer-in-Charge
NIC, e-Tender Help Desk
Jalasampad Bhavan

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

✓ 6. Shri S. Saha
Executive Engineer
Irrigation & Waterways Department

He is requested to upload immediately this Debarment Order as pdf file under a link
"List of debarred contractors" in the Departmental website www.wbiwd.gov.in


(A. Ghosh) 29.8.2017
Deputy Secretary to the
Government of West Bengal

Memo No. 300 /4(8) - IB

Dated, 29th August, 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

Sd/-
(A. Ghosh)
Deputy Secretary to the
Government of West Bengal