

दिनांक 27/8/26 को सम्पन्न परिवाद समिति की बैठक की कार्यवाही।

पथ प्रमंडल, नवादा के अन्तर्गत पथ आस्तियों के अनुरक्षण हेतु दीर्घकालीन निष्पादन और उपलब्धि आधारित पथ आस्तियाँ अनुरक्षण संविदा (Long Term Output & Performance Based Road Assets Maintenance Contract) Under Package No.-48B/OPRMC-III for the year 2026-33 कार्य की निविदा के तकनीकी बीड में प्राप्त परिवाद पर विभागीय पत्रांक-2217(E) दिनांक-01.04.2026, पत्रांक-2360(E) दिनांक-09.04.2026 एवं पत्रांक-5625(E) दिनांक-17.08.2026 द्वारा गठित समिति की बैठक की कार्यवाही।

उपस्थिति:

- (i) श्री उमा कान्त रजक, अभियंता प्रमुख-सह-अपर आयुक्त-सह-विशेष सचिव (कार्य प्रबंधन), पथ निर्माण विभाग, बिहार, पटना।
- (ii) श्री अभिषेक पलासिया, संयुक्त सचिव, पथ निर्माण विभाग, बिहार, पटना।
- (iii) श्री राजेश कुमार गुप्ता, मुख्य अभियंता, संविदा प्रबंधन, नीतिगत मामले एवं लेखा परीक्षा, पथ निर्माण विभाग, बिहार, पटना।
- (iv) श्री राजकुमार, मुख्य अभियंता, दक्षिण, पथ निर्माण विभाग, बिहार, पटना।

2. दिनांक-14.08.2026 को आहूत तकनीकी बीड मूल्यांकन समिति की कार्यवाही, जो उपभागीय ज्ञापांक-2709 दिनांक-14.08.2026 द्वारा संसूचित है, में लिये गये निर्णय के विरुद्ध प्राप्त परिवाद पर मुख्य अभियंता, दक्षिण, पथ निर्माण विभाग, बिहार, पटना के पत्रांक-2838(अनु०) दिनांक-22.08.2026 के माध्यम से परिवाद पर दिनांक-22.08.2026 को आहूत तकनीकी बीड मूल्यांकन समिति की कार्यवाही एवं अनुशांसा के आधार पर विवरणी निम्नवत् है :-

- 2.1 कार्य का नाम एवं पैकेज संख्या : पथ आस्तियों के अनुरक्षण हेतु दीर्घकालीन निष्पादन और उपलब्धि आधारित पथ आस्तियाँ अनुरक्षण संविदा (Long Term Output & Performance Based Road Assets Maintenance Contract) Under Package No.-48B/OPRMC-III for the year 2026-33
- 2.2 योजना मद : 3054
- 2.3 निविदा आमंत्रित करने वाले प्रमंडल का नाम : पथ प्रमंडल, नवादा।
- 2.4 प्रशासनिक स्वीकृति की राशि एवं प्रसंग : ₹15277.66 लाख।  
विभागीय ज्ञापांक-3247(एस०) दिनांक-12.05.2026
- 2.5 तकनीकी स्वीकृति की राशि एवं प्रसंग : ₹17541.46 लाख।  
मुख्य अभियंता, दक्षिण, पथ निर्माण विभाग, बिहार, पटना का ज्ञापांक-1705 दिनांक- 23.05.2026
- 2.6 ECV/परिमाण विपत्र की राशि : ₹15569.37463 लाख।
- 2.7 कार्य समाप्ति की अवधि : 84 (Eighty-four) Months.
- 2.8 निविदा की प्रक्रिया : ई-टेंडरिंग (MBD)

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2.9 निविदा प्राप्ति की तिथि

: 03.07.2026

2.10 प्राप्त निविदा क्या पुनर्निविदा है यदि हाँ तो : पुनर्निविदा नहीं है।  
कारण

3. विषयांकित निविदा में निम्नलिखित 07 (सात) संवेदकों द्वारा भाग लिया गया :-

(1) M/s Shristi Developers Pvt. Ltd.

(2) M/s Niranjana Sharma

(3) M/s Surendra Pd. & Co.

(4) M/s Vinay Construction

(5) Avednex Private Limited

(6) Agrawal Infrabuild Private Limited & Manish Kumar Singh (JV)

(7) Shivalaya Construction Ltd.

4. दिनांक-14.08.2026 को तकनीकी बीड मूल्यांकन समिति द्वारा 07 (सात) निविदाकारों में से 05 (पाँच) निविदाकार यथा-(i) M/s Surendra Pd. & Co. को MBD Section-03 Clause 1.2.1 (b) के तहत तकनीकी बीड में असफल (ii) M/s Vinay Construction को MBD ITB Clause 17.3 एवं Section 4, ELI-1, ELI-2 के तहत तकनीकी बीड में असफल (iii) Avednex Pvt. Ltd. को MBD में वांछित कोई भी कागजात अपलोड नहीं करने के कारण तकनीकी बीड में असफल, (iv) Agrawal Infrabuild Private Limited & Manish Kumar Singh (JV) को NIT के क्रमांक-28 के तहत तकनीकी बीड में असफल एवं (v) Shivalaya Construction Ltd. को MBD Section 3 : Clause 2.1.2, Section 3 : Clause 2.3.3, Section 4E.8 & 4E.9 एवं Section-3 : Clause-2.6 के तहत तकनीकी बीड में असफल तथा शेष 02 (दो) निविदाकार यथा-(i) M/s Shristi Developers Pvt. Ltd. एवं (ii) M/s Niranjana Sharma को तकनीकी बीड में सफल घोषित करने का निर्णय लिया गया।

5. उपभागीय ज्ञापांक-2709 दिनांक-14.08.2026 द्वारा संसूचित दिनांक-14.08.2026 को सम्पन्न तकनीकी बीड मूल्यांकन समिति की निर्णय के विरुद्ध विषयांकित कार्य की निविदा के तकनीकी बीड में असफल निविदाकार यथा (1) M/s Vinay Construction, Ref No-शून्य दिनांक-17.08.2026, (2) Shivalaya Construction Ltd. Ref No-SCL-Bids/RCD/Bihar/2026 Pkg-48B/01 दिनांक-17.08.2026 एवं (3) M/s Surendra Pd. & Co, का 02 अदद पत्रांक-शून्य दिनांक-16.08.2026 एवं पत्रांक-शून्य दिनांक-17.08.2026, साथ ही OPRMC Package no.-40B/Hilsa के निविदाकार M/S Bhardwaj Construction का Ref:-111 दिनांक-17.08.2026 के द्वारा परिवाद/अभ्यावेदन/आपत्ति समर्पित किये जाने के परिप्रेक्ष्य में मुख्य अभियंता, दक्षिण, पथ निर्माण विभाग, बिहार, पटना के पत्रांक-2838(अनु०) दिनांक-22.08.2026 द्वारा परिवाद पर दिनांक-22.08.2026 को आहूत तकनीकी बीड मूल्यांकन समिति की बैठक की कार्यवाही एवं अनुशंसा समर्पित की गई है।

6. परिवाद:- उपरोक्त तकनीकी बीड में असफल निविदाकार यथा- (i) M/s Vinay Construction, Ref No-शून्य दिनांक-17.08.2026, (ii) Shivalaya Construction Ltd. Ref No-SCL-Bids/RCD/Bihar/2026 Pkg-48B/01 दिनांक-17.08.2026 एवं (iii) M/s Surendra Pd. & Co, का 02 अदद पत्रांक-शून्य दिनांक-16.08.2026 एवं पत्रांक-शून्य दिनांक-17.08.2026, साथ ही OPRMC Package no.-40B/Hilsa के निविदाकार M/S Bhardwaj Construction का Ref:-111 दिनांक-17.08.2026 द्वारा विषयांकित कार्य के तकनीकी बीड मूल्यांकन पर परिवाद प्राप्त हुआ है, जो निम्नवत् है :-

| क्र० सं० | परिवादी निविदाकार का नाम | परिवाद के बिन्दु                                                 | परिवाद की समीक्षा एवं निर्णय                   | परिवाद समिति की अनुशंसा |
|----------|--------------------------|------------------------------------------------------------------|------------------------------------------------|-------------------------|
| 1.       | M/S Vinay Construction   | I, being a Partner of M/s Vinay Construction, Ram Nagar, Nawada, | 1) MBD Section 1 ITB की कंडिका-17.3 में स्पष्ट |                         |

| क्र० सं० | परिवादी निविदाकार का नाम | परिवाद के बिन्दु                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | परिवाद की समीक्षा एवं निर्णय                                                                                                                                                                                                          | परिवाद समिति की अनुशंसा |
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|          |                          | <p>respectfully submit that our firm participated in the tender invited by your department for the "Long Term Output &amp; Performance Based Road Assets Maintenance Contract) Under Package No.-48B/OPRMC-III for the year 2026-33.</p> <p>In the meeting of the Tender Committee held on 14.08.2026, our firm was declared disqualified on the following grounds:</p> <ol style="list-style-type: none"> <li>1. The validity of the Bid Security (Bank Guarantee) was less than 180 days from the last date of submission of the tender.</li> <li>2. Power of Attorney was not uploaded</li> </ol> <p>With due respect, I submit the following facts for your kind consideration:</p> <p><b>1. Regarding the Validity of the Bank Guarantee</b></p> <p>As per the original Notice Inviting Tender (NIT), the last date for submission of bids was 04.06.2026 up to 03:00 PM. through the e-procurement portal <a href="https://eproc2.bihar.gov.in">https://eproc2.bihar.gov.in</a>.</p> <p>Thereafter, the last date was successively extended to 08.06.2026. 19.06.2026.</p> | <p>उल्लेख है कि "The Bank Guarantee for EMD should be valid for not less than 180 days after bid submission end date or beyond any period of extension if required under ITB 16.2 अतः परिवाद के इस बिन्दु को अमान्य किया जाता है।</p> |                         |

| क्र०<br>सं० | परिवादी<br>निविदाकार का<br>नाम | परिवाद के बिन्दु                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | परिवाद की समीक्षा एवं<br>निर्णय | परिवाद<br>समिति की<br>अनुशंसा |
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|             |                                | <p>03.07.2026. and subsequently further extended by the Department from time to time.</p> <p>Our firm initiated the process of obtaining the Bank Guarantee immediately after the publication of the original NIT, keeping in view the original bid submission date of 04.06.2026. Therefore, if the validity of the Bank Guarantee is calculated with reference to the original closing date of the NIT, the Bank Guarantee satisfies the prescribed validity requirement.</p> <p>The apparent shortfall of the required 180-day validity has occurred solely because the Department extended the bid submission date several times, which was entirely beyond the control of our firm. Hence, our firm should not be penalized or disqualified for circumstances arising due to subsequent extensions of the tender schedule. Further, the Bank Guarantee submitted by us is an unconditional Bank Guarantee and also provides a Claim Period after its expiry. Therefore, the validity and enforceability of the Bank Guarantee may kindly be considered in its entirety.</p> |                                 |                               |

| क्र० सं० | परिवादी निविदाकार का नाम | परिवाद के बिन्दु                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | परिवाद की समीक्षा एवं निर्णय                                                                                                                                                                              | परिवाद समिति की अनुशंसा                                                                                                                                                              |
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|          |                          | <p>In the interest of fairness and natural justice. I respectfully request that, instead of disqualifying our firm outright, the Department may kindly issue a request to our Bank for extension of the validity of the Bank Guarantee. If the Bank formally declines such extension, the Department may thereafter take an appropriate decision in accordance with the tender conditions.</p> <p>2. Regarding the Requirement of Power of Attorney</p> <p>M/s Vinay Construction is a duly constituted Partnership Firm consisting of only two Partners:</p> <p>1. Mr. Ram Naresh Singh Yadav- 50% Share</p> <p>2. Mr. Vinay Kumar-50% Share</p> <p>Both Partners hold equal ownership and management rights in the firm.</p> <p>It is respectfully submitted that at no point during the registration of our firm with your Department/RWD was any separate Power of Attorney submitted or required.</p> <p>The Departmental Registration of M/s Vinay Construction stands in the name of the First Partner, Mr.</p> | <p>2) निविदाकार द्वारा Uploaded partnership deed के कंडिका 12 में अंकित है कि "That any work of the firm done by the first party, Second party"</p> <p>अतः परिवाद के इस बिन्दु को मान्य किया जाता है।</p> | <p>M/s Ganesh Yadav- Vinay Construction JV द्वारा NIT के क्रमांक-29 के आलोक में Power of attorney Rs. 1,000/- Stamp निविदा में संलग्न किया गया है। परिवाद का यह बिन्दु मान्य है।</p> |

| क्र० सं० | परिवादी निविदाकार का नाम | परिवाद के बिन्दु                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | परिवाद की समीक्षा एवं निर्णय | परिवाद समिति की अनुशंसा |
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|          |                          | <p>Ram Naresh Singh Yadav, and only his name and photograph are reflected in the departmental registration records. Despite the absence of a separate Power of Attorney. the Department has accepted our registration and permitted our firm to participate in departmental works over the years.</p> <p>Further. Clause 12 of our Partnership Deed expressly authorizes either Partner to represent the firm, submit bids, execute agreements, undertake contractual obligations, and perform all acts necessary for and on behalf of the firm. Therefore, the Partnership Deed itself constitutes sufficient authority, making a separate Power of Attorney unnecessary.</p> <p>It is also respectfully submitted that during the Pre-Bid Meeting, clarification regarding the requirement of Power of Attorney was provided primarily in the context of Joint Venture firms, which is distinguishable from the case of a Partnership Firm like ours.</p> <p>Moreover, our firm has previously been declared technically qualified and awarded works under the same</p> |                              |                         |

| क्र० सं० | परिवादी निविदाकार का नाम | परिवाद के बिन्दु                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | परिवाद की समीक्षा एवं निर्णय | परिवाद समिति की अनुशंसा |
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|          |                          | <p>Partnership arrangement without submitting any separate Power of Attorney.</p> <p>Most importantly, your Department has previously awarded OPRMC works to Mis Vinay Construction without requiring any separate Power of Attorney. Even at present, our firm is successfully executing an OPRMC work under Road Division, Hilsa, and simuar OPRMC works have also been executed by us in the past under the same arrangement.</p> <p>Similarly, under the Rural Works Department (RWD), various works such as MR (Maintenance &amp; Repair), RRSMP, Bridge Works, and other road projects have also been awarded to our firm without insisting upon a separate Power of Attorney. In all such cases, the Department accepted our Partnership Deed and recognized the authority of the Partners without any objection.</p> <p>Therefore, when the Department itself has consistently recognized our firm's eligibility under the same Partnership structure and has entrusted us with several works, including ongoing OPRMC works, disqualifying our firm in the</p> |                              |                         |



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| क्र०<br>सं० | परिवादी<br>निविदाकार का<br>नाम | परिवाद के बिन्दु                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | परिवाद की समीक्षा एवं<br>निर्णय | परिवाद<br>समिति की<br>अनुशंसा |
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|             |                                | <p>present tender solely for want of a separate Power of Amoney is neither fair nor consistent with the Department's own established practice</p> <p>3. Prayer</p> <p>In view of the facts stated above, I most respectfully request that the Department may kindly:</p> <ul style="list-style-type: none"> <li>• Reconsider the decision of the Tender Committee dated 14.08.2026 declaring M/s Vinay Construction disqualified.</li> <li>• Re-examine the validity of our Bank Guarantee with reference to the original NIT closing date of 04.06.2026.</li> <li>• Kindly issue a request to our Bank for extension of the validity of the Bank Guarantee</li> <li>• Treat the authority vested under Clause 12 of the Partnership Deed as sufficient authorization in place of a separate Power of Attorney.</li> <li>• Take into consideration that no separate Power of Attorney was ever submitted at the time of</li> </ul> |                                 |                               |

| क्र०<br>सं० | परिवादी<br>निविदाकार का<br>नाम | परिवाद के बिन्दु                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | परिवाद की समीक्षा एवं<br>निर्णय | परिवाद<br>समिति की<br>अनुशंसा |
|-------------|--------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|-------------------------------|
|             |                                | <p>registration of our firm with the Department, and that the Departmental Registration itself reflects only the name and photograph of the First Partner. Mr. Ram Naresh Singh Yadav.</p> <ul style="list-style-type: none"> <li>• Consider the clarification given during the Pre-Bid Meeting regarding the requirement of Power of Attorney.</li> <li>• Take into account that the Department has previously awarded OPRMC works and that the Rural Works Department has also awarded MR. RRSMP. Bridge and other works to our firm without requiring a separate Power of Attorney.</li> <li>• Recognize the Department's own consistent past practice and, on that basis, declare Mis Vinay Construction eligible in the present tender.</li> <li>• Restore the eligibility of Mis Vinay Construction and allow our firm to continue in the tender process in accordance with the applicable rules and tender conditions.</li> </ul> |                                 |                               |

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| क्र० सं० | परिवादी निविदाकार का नाम    | परिवाद के बिन्दु                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | परिवाद की समीक्षा एवं निर्णय                                                                                                                                                                                                                                                                                                                                 | परिवाद समिति की अनुशंसा                               |
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| 2.       | Shivalaya Construction Ltd. | <p>As per Clause 14 of the NIT, "any Contractor registered with the Central Government, any State Government, any Public Sector Undertaking (PSU), or an agency of International or National repute may participate in the tender. However, registration with the Road Construction Department, Bihar shall be mandatory only after issuance of the Letter of Acceptance (LoA) and before execution of the Agreement"</p> <p>In this regard, Bidder falls under the category of an organization of National Repute. The Company has successfully executed and completed several major infrastructure projects for prestigious organizations such as NHAI, Ministry of Road Transport &amp; Highways (MoRT&amp;H), and various State Government Departments across India.</p> <p>Therefore, in accordance with Clause 14 of the NIT, the Company is eligible to participate for tender. Registration with the Road Construction Department, Bihar shall be obtained, if required, after issuance of the Letter of Acceptance and before execution of the Agreement. As per Clause no. 2.3.3 of the Model Bidding</p> | <p>निविदाकार, द्वारा किसी भी State govt/ central govt./ PSU का Registration upload नहीं किया गया है। अतः परिवाद के इस बिन्दु को अमान्य किया जाता है।</p> <p>2) निविदाकार द्वारा Financial Resources अन्तर्गत Bank Certificate "Package no. 44B/ OPRMC-III/ Aurangabad under Road Division No.-1, Aurangabad" का Upload किया गया है, जबकि आमंत्रित निविदा</p> | <p>तकनीकी बीड मूल्यांकन समिति की अनुशंसा से सहमत।</p> |

| क्र० सं० | परिवादी निविदाकार का नाम | परिवाद के बिन्दु                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | परिवाद की समीक्षा एवं निर्णय                                                                                                                                                                                                                                                                                                                                                                                                                                                          | परिवाद समिति की अनुशंसा |
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|          |                          | <p>Document (MBD) "The Bidder must demonstrate access to or availability of financial resources such as liquid assets, unencumbered real assets, lines of credit, and other financial means, other than any contractual advance payments to meet: Credit Lines/Letter of Credit/Solvency Certificates from Banks etc. shall be not less than 10% of the total Estimated Cost Value i.e. 15.57 Cr."</p> <p>As per Clause no. 2.3.3 of the Model Bidding Document (MBD) clearly states that only one of the following is required: a line of credit, a letter of credit, or a solvency certificate from banks, etc.</p> <p>However, we had submitted two certificates from banks (Details provided below and re-attached for your records and reference):</p> <ol style="list-style-type: none"> <li>1. Credit Facility certificate from HDFC Bank: 25.00 Crore</li> <li>2. Credit Limit certificate from Bank's: 975.00 Crore</li> </ol> <p>We possess a credit limit certificate from the bank for ₹975 crore, which significantly exceeds the minimum requirement of 15.57 crore.</p> | <p>Package No.48B/OPRMC-III Road Division Nawada की है। अतः परिवाद के इस बिन्दु को अमान्य किया जाता है।</p> <p>3) निविदाकार द्वारा Uploaded EQU में Hot Mix Plant owner KPSS Builders Pvt. Ltd. एवं Source of equipment में leased उल्लेखित है। साथ ही निविदाकार द्वारा KPSS Builders Pvt. Ltd. के साथ किया गया Lease Agreement भी upload किया गया है एवं Hot Mix Plant का uploaded Tax Invoice भी KPSS Builders Pvt. Ltd. का है। अतः परिवाद के इस बिन्दु को अमान्य किया जाता है।</p> |                         |

| क्र० सं० | परिवादी निविदाकार का नाम      | परिवाद के बिन्दु                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | परिवाद की समीक्षा एवं निर्णय                                                                                                                                                                                                                                                                                               | परिवाद समिति की अनुशंसा                               |
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|          |                               | <p>Therefore, the requirement of Clause 2.3.3 is fully met. We request you to kindly consider the same. Due to a typographical error, we wrote 'Leased' instead of 'Owned' equipment. We request you to read this as "Owned:".</p> <p>We have submitted the invoice with the Technical Bid was clearly indicates "Consignee (Ship To): M/s ShivalayaConstruction Co. Pvt. Ltd.", thereby establishing the availability of the equipment for execution of the subject work.</p> <p>Therefore, the requirement under Form EQU has been fully met. We request you to kindly consider the same.</p> |                                                                                                                                                                                                                                                                                                                            |                                                       |
| 3.       | M/S Surendra Prasad & Company | <p>1. Present representation/ objection is being filed to reconsider the candidature of the M/s Surendra Prasad and Company for grant of work/Technical Bid, pursuant to NIT (Long Term Output &amp; Performance Based Road Assets Maintenance Contract) (Under Package no.-48B/OPRMC-III Under Road Division Nawada for the year 2026-2033); as M/s Surendraprasad and Company is fulfilling all requisite criteria for grant of work and pursuant to decision taken by Technical Bid Evaluation committee, Office of</p>                                                                      | <p>औरंगाबाद जिला अन्तर्गत चिमली टोला से लंगुराही कार्य का निविदाकार द्वारा एकरारनामा 02RCPLWEA/2024-25 दिनांक-10.01.2026 को किया गया। एकरारनामा के अनुसार कार्य प्रारम्भ की तिथि-10.01.2026 एवं कार्य 09 माह में पूर्ण किया जाना था, परन्तु आज तक भी कार्य अधूरा है। संवेदक द्वारा 20 सितम्बर 2026 तक कार्य पूर्ण करने</p> | <p>तकनीकी बीड मूल्यांकन समिति की अनुशंसा से सहमत।</p> |

| क्र० सं० | परिवादी निविदाकार का नाम | परिवाद के बिन्दु                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | परिवाद की समीक्षा एवं निर्णय                                                                                                                                                                                                                                                                             | परिवाद समिति की अनुशंसा |
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|          |                          | <p>Chief Engineer, South, Road construction Department, Patna, Bihar, as contained in memo no. 2709 dated 14.08.2026, which was uploaded on website on 14.08.2026, whereby and where under my candidature (Technical Bid) has been declared as nonresponsive/ I am declared disqualified, mentioning therein that "M/S Surendra Pd. &amp; Co. is disqualified from the technical bid by the committee, as; under Road Division No.-1, Aurangabad for the work of ChimliTola to Langurahi road under RCPLWEA, as per agreement 02 RCPLWEA/2024-25, the date of commencement of work was 10.01.2025 and the work was to be completed in 9 months, but even today the work is incomplete. Hence, under section-03 Clause-1.2.1(b) of M BD, they do not fulfill the requisite eligibility for the tender due to record of poor performance such as inordinate delays in completion.</p> <p>2. The brief facts for proper appreciation is that pursuant to the NIT published by the Department from the office of Executive Engineer Road Division, Nawada, Name of the work-(Long Term Output &amp; Performance Based Road</p> | <p>का शपथ पत्र दिया गया है। कार्य को समय पर पूर्ण नहीं करने के लिए संवेदक जिम्मेवार है।</p> <p>अतः MBD Section-03 Clause 1.2.1 (b) के तहत Record of poor Performance such as inordinate delays in completion के कारण निविदाकार को असफल घोषित किया गया है। अतः परिवाद के बिन्दु को अमान्य की जाती है।</p> |                         |

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| क्र० सं० | परिवादी निविदाकार का नाम | परिवाद के बिन्दु                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | परिवाद की समीक्षा एवं निर्णय | परिवाद समिति की अनुशंसा |
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|          |                          | <p>Assets Maintenance Contract) (Under Package no. 48B/OPRMC-III under road division Nawada for the year 2026-2033); and also for different works, M/s Surendra Prasad and Company being a registered class-1 contractor fulfilling requisite criteria had participated in the tender process and had applied for (Long Term Output &amp; Performance Based Road Assets Maintenance Contract) (Under Package no.-48B/OPRMC-III for the year 2026-2033); and the tender documents were duly uploaded and the same was received in your office. The other bidders also participated in the tender process.</p> <p>3. The Department Technical Bid Evaluation committee headed by Chief Engineer, South, Road construction Department, Patna, Bihar, and other two members one Secretary (Adm) to Chief Engineer South, Road Constriction Department, Patna, and other Superintending Engineer, Magadh Road Circle, Gayaji, in its meeting dated 14.08.2026 has declared my technical bid as Non-responsive/ disqualified taking in to consideration "section-03 Clause-1.2.1(b) of MBD, they do not fulfill</p> |                              |                         |

| क्र० सं० | परिवादी निविदाकार का नाम | परिवाद के बिन्दु                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | परिवाद की समीक्षा एवं निर्णय | परिवाद समिति की अनुशंसा |
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|          |                          | <p>the requisite eligibility for the tender due to record of poor performance such as inordinate delays incompletion of work Namely; under Road Division No.-1, Aurangabad for the work of ChimliTola to Langurahi road under RCPLWEA, as per agreement 02 RCPLWEA/2024-25, the date of commencement of work was 10.01.2025 and the work was to be completed in 9 months, but even today the work is incomplete, Pursuant to some letter no. 846 (Anu) dated 10.07.2026 issued by the Superintending Engineer, Magadh Road Circle, Gayaji, without even noticing the M/s Surendra Prasad and Company, which is the basic requirement, pursuant to and incomppliance to the Principles of Natural Justice.</p> <p>4. That I was shocked and taken by surprise when I came to know about rejection and non consideration of my candidature, somehow I gathered myself and tried to verify section-03 Clause-1.2.1(b) of MBD.</p> <p>5. That it is relevant to mention that Agreement no. 02 RCPLWEA/2024-25, under the Executive Engineer, Road Construction Department, Road</p> |                              |                         |

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| क्र०<br>सं० | परिवादी<br>निविदाकार का<br>नाम | परिवाद के बिन्दु                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | परिवाद की समीक्षा एवं<br>निर्णय | परिवाद<br>समिति की<br>अनुशंसा |
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|             |                                | <p>Division-01, Aurangabad, was signed on 2nd of January 2025, Date of commencement of work was 10.01.2025 and the period of completion of work was 9 months.</p> <p>6. That it is relevant to bring a relevant fact for kind consideration that the full form of RCPLWEA which is Road Connectivity Project for Left Wing Extremism Affected Areas, is self suggestive and self explanatory that It is a special separate vertical scheme under the PradhanMantri Gram SadakYojana (PMGSY) managed by India's Ministry of Rural Development, for badly extremist affected areas: Target Areas: Covers 44 of the worst Left Wing Extremism (LWE) affected and adjoining districts across 9 states (including Bihar, Chhattisgarh, Jharkhand, and others).</p> <p>Main Goal: Build all-weather roads and bridges.</p> <p>Two Main Purposes:</p> <p>i). Help security forces move easily for anti-LWE operations.</p> <p>ii). Bring better economic growth, schools, and health care to remote areas</p> <p>7. That soon after allotment of</p> |                                 |                               |

| क्र० सं० | परिवादी निविदाकार का नाम | परिवाद के बिन्दु                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | परिवाद की समीक्षा एवं निर्णय | परिवाद समिति की अनुशंसा |
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|          |                          | <p>work, I being a reputed company have diploid skilled workmen, Engineers, Laborers, Plant &amp; Tools, machines, Equipments, for carrying out and completion of work, but unfortunately, on one pretext or the other the work was forcefully stopped by the Extremists every time and the fact was well informed to the Divisional as well as departmental authorities from time to time. Moreover, I vide request letter dated 14.07.2026 have furnished undertaking to the effect that he shall positively be completing the work bearing Agreement no. 02 RCPLWEA/2024-25, by 30th of September 2026 and an affidavit to that effect has also been filed, along with revised work program me. (Copy annexed).</p> <p>8. That it is reiterated that Department has issued NIT from the office of Executive Engineer Road Division, Nawada, Name of the work-(Long Term Output &amp; Performance Based Road Assets Maintenance Contract) (Under Package no.-48B/OPRMC-III for the year 2026-2033) for different works petitioner being a registered class-1 contractor fulfilling requisite criteria had participated in</p> |                              |                         |

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| क्र०<br>सं० | परिवादी<br>निविदाकार का<br>नाम | परिवाद के बिन्दु                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | परिवाद की समीक्षा एवं<br>निर्णय | परिवाद<br>समिति की<br>अनुशंसा |
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|             |                                | <p>the tender process and had applied Package no.- 48B/OPRMC-III for the year 2026-2033 and the tender documents were duly uploaded and the same was received in office, and entire experience certificates and all other requirements are being fulfilled by the M/s Surendra Prasad and Company and the ground taken for rejection of the technical bid is not at all attributable for the, the delay in not inordinate, but, is beyond the control of, moreover, I am keen and sincere and taking all necessary steps for getting the work done and completing the same and have requested the authorities to cooperate and take sympathetic view of</p> <p>the matter. In any view of the matter from the fact and circumstances stated and most humbly and respectfully narrated in the aforementioned paragraphs, there is no any inordinate delay in completion of work bearing Agreement no. 02 RCPLWEA/2024-25, the delay is not at all attributable to me, rather I have taken all necessary, sincere efforts for carrying out and taking all necessary steps for completion of the work in question.</p> |                                 |                               |

| क्र० सं० | परिवादी निविदाकार का नाम | परिवाद के बिन्दु                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | परिवाद की समीक्षा एवं निर्णय | परिवाद समिति की अनुशंसा |
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|          |                          | <p>You are hereby requested to reconsider, take a sympathetic view of the matter, on the decision dated 14.08.2026 as contained in memo no. 2709, as there is no inordinate delay in completion of work, more so, I am not responsible for delay in completion of the work bearing Agreement no. 02 RCPLWEA/2024-25, there is no inordinate delay on my part, rather it is reiterated that I have already furnished undertaking to the effect that I shall positively be completing the work bearing Agreement no. 02 RCPLWEA/2024-25, by 30th of September 2026 and an affidavit to that effect has also been filed, along with revised work programme vide request letter dated 14.07.2026, to the authorities of the Department as well as to the Executive Engineer, Road Construction Department, Road Division-01, Aurangabad and the work after due negotiations from the extremists, is running in full swing and considerable work has also been completed and the entire work if no any further hindrances occur, the work will be completed well within time line provided as per undertaking.</p> <p>Moreover, the I possesses requisite criteria, (Long Term Output &amp;</p> |                              |                         |

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| क्र० सं० | परिवादी निविदाकार का नाम      | परिवाद के बिन्दु                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | परिवाद की समीक्षा एवं निर्णय                                                                                                                                                                                                                                                                 | परिवाद समिति की अनुशंसा                                                                                                   |
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|          |                               | <p>Performance Based Road Assets Maintenance Contract) (Under Package no.-48B/OPRMC-III for the year 2026-2033) required for grant of work for which I have applied and participated in the tender process and it is further requested to accept my technical bid and allow me to participate in further process of tender, open my financial bid along with other bidders and consider my case for grant the present work, as the same is source of livelihood for earning bread for the persons associated with my company for completion of work and for myself.</p> <p>And for that I shall be thankful and grateful to you</p> |                                                                                                                                                                                                                                                                                              |                                                                                                                           |
| 4        | M/S Surendra Prasad & Company | <p>This Pariwad is in Reference to OPRMC Package no- 48B under R.C.D Road division Nawada.</p> <p>This is to say that in this Package 7 Bidder have Participated. out of any 7 Bidder only 2 Bidder have been declared successful. namely (1) Niranjana Sharma (2) M/s Shristi Developers Pvt. Ltd.</p> <p>I would like to draw your attention towards the paper uploaded by M/s Shristi Developers Pvt. Ltd. In this technical sheet regarding hot mix plant it is compulsory for the</p>                                                                                                                                          | <p>Shristi Developers Pvt. Ltd. के द्वारा MBD की Section: 4 D3 form EQU में Hot Mix Plant DM-50 owned दिखाया गया है परंतु इसके साथ uploaded tax invoice Vashist Narayan singh Construction के नाम से है जो इस कम्पनी Shristi Developers Pvt. Ltd के भी Director है। Hot Mix Plant के साथ</p> | <p>MBD के Section 3, 2.6 के तहत Bidder को HMP (40-60 TPH Capacity) own करने से संबंधित supporting document निविदा में</p> |

| क्र० सं० | परिवादी निविदाकार का नाम | परिवाद के बिन्दु                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | परिवाद की समीक्षा एवं निर्णय                                                                                                                                                                                                                                                                                                                                                                                                              | परिवाद समिति की अनुशंसा                                                                                                                                                                                                                                                                                            |
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|          |                          | <p>Bidder to have hot mix plant ownership in his name in this tender the Bidder has not been submitted any evidence of possession of hot mix plant in the name of firm M/s Shristi Developers Pvt. Ltd. The hot mix plant as shown in the tender uploaded by M/s Shristi Developers Pvt. Ltd. is in the name of M/s Vashistha Narayan Singh Construction Sheikhpura, GST No-10AAFCV0432M1ZM Invoice No-T1/2103067, Dated - 04/02/2021.</p> <p>He has also not submitted the work program and Bar chat for Major Activities to be carried out for ordinary maintenance I. R Work, P.M Work and M.I Work, separately for improvement and strengthening</p> <p>He has also participated in the tender in OPRMC Phase III, Package no- 27A/Hajipur in this tender in the technical Bid M/s Shristi Developers Pvt. Ltd. has been made non responsive on the basis of not owing hot mix plant in the name of M/s Shristi Developers Pvt. Ltd.</p> | <p>Calibration Report एवं Bihar State Pollution Control Board का Certificate भी For HMP DM-50 भी upload है जो M/s Shristi Developers Pvt. Ltd. के नाम से है। अतः परिवाद के मान्य करने योग्य है।</p> <p>एकरारनामा के पूर्व वित्तीय बीड में न्यूनतम निविदाकार से work progarmme पुनः लेने का प्रावधान है। अतः निविदा में जिस रूप में work programme upload किया गया है, उसे मान्य किया गया है। अतः परिवादी का आरोप अमान्य किया जाता है।</p> | <p>upload करना है। Shristi Developers Pvt. Ltd. द्वारा supporting document के रूप में Bihar State Pollution Control Board के पत्रांक-314 दिनांक- 11.02.2022 द्वारा निर्गत HMP का NOC निविदा में संलग्न किया गया है, जो Shristi Developer s Pvt. Ltd. के नाम से निर्गत है। साथ ही Shristi Developer s Pvt. Ltd.</p> |







| क्र०<br>सं० | परिवादी<br>निविदाकार का<br>नाम | परिवाद के बिन्दु | परिवाद की समीक्षा एवं<br>निर्णय | परिवाद<br>समिति की<br>अनुशंसा                                                                                                                                                                                                                                                                                                                                                                                                                  |
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|             |                                |                  |                                 | <p>द्वारा HMP<br/>का दिनांक-<br/>17.01.202<br/>2 का<br/>Calibratio<br/>n<br/>Certificate<br/>निविदा में<br/>upload<br/>किया गया है,<br/>जिससे स्पष्ट<br/>होता है कि<br/>HMP<br/>running<br/>condition<br/>में है। यह<br/>प्रमाण-पत्र<br/>भी Shristi<br/>Developer<br/>s Pvt. Ltd.<br/>के नाम से<br/>निर्गत है।<br/>इस प्रकार<br/>Shristi<br/>Developer<br/>s Pvt. Ltd.<br/>द्वारा MBD<br/>के<br/>Section- 3<br/>Clause 2.6<br/>के आलोक में</p> |

| क्र० सं० | परिवादी निविदाकार का नाम      | परिवाद के बिन्दु                                                                                                                                                                                                                                                                                                                                                                                                     | परिवाद की समीक्षा एवं निर्णय                                                                                                                                                                                                                                                                                                                                                                                            | परिवाद समिति की अनुशंसा                                                                                                                                                   |
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|          |                               |                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                         | HMP को own करने से संबंधित Supporting document निविदा में संलग्न किया गया है।<br>परिवाद का यह बिन्दु अमान्य है।                                                           |
| 5.       | M/S Surendra Prasad & Company | This is to bring to your notice that M/s Shristi Developers Pvt. Ltd has not attached the Invoice of hot mix plant the invoice should be in the name of the Bidder M/s Shristi Developers Pvt. Ltd. SDPL has been declared unsuccessful bidder in the tender proceed of package OPRMC III under 27.A Hazipur as per Sec 3 Clause 2.6 Section 4, D.3 Form as per EQU But he has been made Responsive in this package. | Shristi Developers Pvt. Ltd. के द्वारा MBD की Section: 4 D3 form EQU में Hot Mix Plant DM-50 owned दिखाया गया है परंतु इसके साथ uploaded tax invoice Vashist Narayan singh Construction के नाम से है जो इस कम्पनी Shristi Developers Pvt. Ltd के भी Director है। Hot Mix Plant के साथ Calibration Report एवं Bihar State Pollution Control Board का Certificate भी For HMP DM-50 भी upload है जो M/s Shristi Developers | MBD के Section 3, 2.6 के तहत Bidder को HMP (40-60 TPH Capacity) own करने से संबंधित supporting document निविदा में upload करना है।<br>Shristi Developers Pvt. Ltd. द्वारा |

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| क्र०<br>सं० | परिवादी<br>निविदाकार का<br>नाम | परिवाद के बिन्दु | परिवाद की समीक्षा एवं<br>निर्णय                               | परिवाद<br>समिति की<br>अनुशंसा                                                                                                                                                                                                                                                                                                                                                                       |
|-------------|--------------------------------|------------------|---------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|             |                                |                  | Pvt. Ltd. के नाम से है।<br>अतः परिवाद मान्य करने<br>योग्य है। | supporting<br>document<br>के रूप में<br>Bihar State<br>Pollution<br>Control<br>Board के<br>पत्रांक-314<br>दिनांक-<br>11.02.2022<br>द्वारा निर्गत<br>HMP का<br>NOC<br>निविदा में<br>संलग्न किया<br>गया है, जो<br>Shristi<br>Developer<br>s Pvt. Ltd.<br>के नाम से<br>निर्गत है।<br>साथ ही<br>Shristi<br>Developer<br>s Pvt. Ltd.<br>द्वारा HMP<br>का दिनांक-<br>17.01.202<br>2 का<br>Calibratio<br>n |

| क्र० सं० | परिवादी निविदाकार का नाम | परिवाद के बिन्दु | परिवाद की समीक्षा एवं निर्णय | परिवाद समिति की अनुशंसा                                                                                                                                                                                                                                                                                           |
|----------|--------------------------|------------------|------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|          |                          |                  |                              | <p>Certificate निविदा में upload किया गया है, जिससे स्पष्ट होता है कि HMP running condition में है। यह प्रमाण-पत्र भी Shristi Developers Pvt. Ltd. के नाम से निर्गत है। इस प्रकार Shristi Developers Pvt. Ltd. द्वारा MBD के Section- 3 Clause 2.6 के आलोक में HMP को own करने से संबंधित Supporting document</p> |

| क्र० सं० | परिवादी निविदाकार का नाम  | परिवाद के बिन्दु                                                                                                                                                                                                                                                                                                                                            | परिवाद की समीक्षा एवं निर्णय                                                                                                                                                                                                                             | परिवाद समिति की अनुशंसा                                                                                                                                  |
|----------|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
|          |                           |                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                          | निविदा में संलग्न किया गया है।<br>परिवाद का यह बिन्दु अमान्य है।                                                                                         |
| 6.       | M/S Bhardwaj Construction | Sristi Developers Pvt. Ltd. has also filed CWJC No. 10134 of 2026 which was pending till 13.07.2026 but the same has not been disclosed by him in the tender form filled up/ submitted by/ before 03.07.2026 but he has also been declared successful in technical bid in package no. 40(B) under Hilsa Division, package no. 48(B). under Nawada Division, | Sristi Developers Pvt. Ltd. द्वारा 10134 of 2026 निविदा के Pending litigation में upload नहीं किया गया है। परंतु Present Status में 14.07.2026 को dispose show हो रहा है। चूँकि pending litigation disposed है। अतः परिवादी का आरोप अमान्य किया जाता है। | Shristi Developers Pvt. Ltd. द्वारा निविदा की अंतिम तिथि 03.07.2026 के बाद दिनांक- 08.07.2026 को यह वाद दायर किया गया है। परिवाद का यह बिन्दु अमान्य है। |

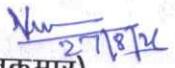
7. परिवाद की समीक्षा एवं तकनीकी बीड मूल्यांकन समिति की अनुशंसा:-

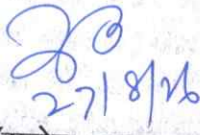
समिति द्वारा सम्यक् विचारोपरान्त Shristi Developer Pvt. Ltd. को MBD Section :3 Clause 2.6 के तहत असफल घोषित करते हुए दिनांक-13.08.2026 को सम्पन्न तकनीकी बीड मूल्यांकन समिति के निर्णय को यथावत् रखने की अनुशंसा की जाती है।





8. परिवाद समिति का निर्णय :-
- (i) विषयांकित कार्य की निविदा के तकनीकी बीड में असफल निविदाकार यथा (1) M/s Vinay Construction, Ref No-शून्य दिनांक-17.08.2026 (2) Shivalaya Construction Ltd. Ref No-SCL-Bids/RCD/Bihar/2026 Pkg-48B/01 दिनांक-17.08.2026 (3) M/s Surendra Pd. & Co. के पत्रांक-शून्य दिनांक-16.08.2026 एवं (4) M/s Bhardwaj Construction के पत्रांक-111 दिनांक-17.08.2026 के द्वारा दिए गए परिवाद/आपत्ति को अमान्य करने का निर्णय लिया जाता है।
- (ii) 05 (पाँच) निविदाकार यथा (1) M/s Surendra Pd. & Co. को MBD Section-03 Clause 1.2.1 (b) के तहत (2) M/s Vinay Construction को MBD ITB Clause 17.3 के तहत तकनीकी बीड में असफल (3) Avednex Pvt. Ltd. को MBD में वांछित कोई भी कागजात अपलोड नहीं करने के कारण (4) Agrawal Infrabuild Private Limited & Manish Kumar Singh (JV) को NIT के क्रमांक-28 के तहत (5) Shivalaya Construction Ltd. को MBD Section 3 : Clause 2.1.2, Section 3 : Clause 2.3.3, Section 4E.8 & 4E.9 एवं Section-3 : Clause-2.6 के तहत निविदा के तकनीकी बीड में असफल घोषित करने का निर्णय लिया जाता है।
- (iii) 02 (दो) निविदाकार यथा (1) M/s Niranjan Sharma एवं (2) Shri Developers Pvt. Ltd. को तकनीकी बीड में सफल घोषित करने का निर्णय लिया जाता है। साथ ही, तकनीकी बीड में सफल निविदाकारों का वित्तीय बीड खोलने का निदेश मुख्य अभियंता, दक्षिण, पथ निर्माण विभाग, बिहार, पटना को दिया जाता है।
- (iv) उपभागीय ज्ञापांक-2709 दिनांक-14.08.2026 द्वारा संसूचित दिनांक-14.08.2026 को सम्पन्न तकनीकी बीड मूल्यांकन समिति के निर्णय को यथावत् रखा जाय।
- (v) मुख्य अभियंता, दक्षिण संबंधित परिवादी बीडर को समिति के निर्णय से अवगत कराना सुनिश्चित करेंगे।
- 8.1 परिवाद समिति की इस कार्यवाही को विभागीय वेबसाइट पर भी डाली जाय।

  
(राजेश कुमार)  
मुख्य अभियंता,  
दक्षिण, पथ निर्माण  
विभाग, बिहार, पटना।

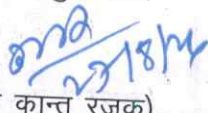
  
(राजेश कुमार गुप्ता)  
मुख्य अभियंता, संविदा  
प्रबंधन, नीतिगत मामले  
एवं लेखा परीक्षा,  
पथ निर्माण विभाग,  
बिहार, पटना।

  
(अभिषेक पलासिया)  
संयुक्त सचिव,  
पथ निर्माण विभाग,  
बिहार, पटना।

  
(उमा कान्त रजक)  
अभियंता प्रमुख-सह-अपर  
आयुक्त-सह-विशेष सचिव  
(कार्य प्रबंधन),  
पथ निर्माण विभाग,  
बिहार, पटना।  
पटना, दिनांक 27/8/2026

ज्ञापांक: प्र0-7/निविदा-03-105/2026 5944 (6)

प्रतिलिपि:- मुख्य अभियंता, दक्षिण, पथ निर्माण विभाग, बिहार, पटना/मुख्य अभियंता(अनुश्रवण), पथ निर्माण विभाग, बिहार, पटना को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित/आईटी0 मैनेजर, पथ निर्माण विभाग, बिहार, पटना को विभागीय वेबसाइट पर अपलोड करने हेतु प्रेषित।

  
(उमा कान्त रजक)  
अभियंता प्रमुख-सह-अपर आयुक्त-सह-विशेष सचिव(कार्य प्रबंधन),  
पथ निर्माण विभाग, बिहार पटना।