7270(E)
13/10/2026

पथ निर्माण विभाग

दिनांक 12/10/2026 को सम्पन्न परिवाद समिति की बैठक की कार्यवाही।

शाहाबाद पथ प्रमंडल, आरा 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) Package No.-34B/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।

उपस्थितिः

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

(ii) रिक्त, 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 संजय कुमार भारती, मुख्य अभियंता, दक्षिण, पथ निर्माण विभाग, बिहार, पटना।

2. उपरोक्त कार्य की निविदा में कुल 06 (छः) निविदाकार यथा–(i) M/s S&P Infrastructure Developers Pvt. Ltd. (ii) M/s Mateshwari Construction (iii) M/s Mother India Construction Pvt. Ltd. (iv) Hemant Kumar Singh (v) M/s Sri Avantika Contractors (I) Limited एवं (vi) M/s Bekem Infra Projects Pvt. Ltd. द्वारा भाग लिया गया है।

दिनांक–14.08.2026 को तकनीकी बीड मूल्यांकन समिति में भाग लेने वाले 06 (छः) निविदाकारों में से 03 (तीन) निविदाकार यथा–(i) M/s S&P Infrastructure Developers Pvt. Ltd. को MBD Section-3 Clause-1.2.1(b) "Record of poor performance such as abandoning the works, not properly completing the contract, inordinate delay incompletion, litigation history, financial failure etc. (ii) M/s Mateshwari Construction को MBD के ITB CL-17 Section 4B, (iii) M/s Bekem Infra Projects Private Limited. को MBD के Section-3 Clause-1.2.3 एवं NIT के क्रमांक–39 के तहत निविदा की वांछित न्यूनतम अहर्त्ता पूर्ण नहीं करने के कारण तकनीकी बीड में असफल तथा शेष 03 (तीन) निविदाकार यथा (i) M/s Mother India Construction Pvt. Ltd. (ii) Hemant Kumar Singh, एवं (iii) M/s Sri Avantika Contractors (I) Limited को तकनीकी बीड में सफल घोषित करने का निर्णय लिया गया था।

3. **परिवाद** :– उपरोक्त तकनीकी बीड में असफल निविदाकार यथा–(i) M/s Bekem Infra Projects Private Limited का Ref.- BEKEM/RCD-34B/2026-27/05 दिनांक–18.08.2026 (ii) M/s S&P Infrastructure Developers (P) Ltd. का पत्रांक–S&P/Admin/2026-27/188 दिनांक–14.08.2026 एवं (iii) M/s Sri Avantika Contractors (I) Limited का पत्रांक–SACIL/Tenders/OPRMC-Bihar/2026-27/007 दिनांक–18.08.2026 द्वारा विषयांकित कार्य के तकनीकी बीड मूल्यांकन पर परिवाद प्राप्त हुआ था, जिसकी समीक्षा दिनांक–29.08.2026 को आहूत परिवाद समिति की बैठक की कार्यवाही जो विभागीय पत्रांक–6007 (E) दिनांक–29.08.2026 द्वारा संसूचित है, के द्वारा पाँचों निविदाकारों यथा (1) M/s S&P Infrastructure Developers Pvt. Ltd. (2) M/s Mateshwari Construction (3) M/s Bekem Infra Projects Private Limited. (4) M/s Mother India Construction Pvt. Ltd. एवं (5) Hemant Kumar Singh को तकनीकी बीड में असफल तथा एक निविदाकार M/s Sri Avantika Contractors (I) Limited को तकनीकी बीड मे सफल घोषित करने का निर्णय लिया गया। विभागीय पत्रांक–6724 (E) पटना दिनांक–22.09.2026 द्वारा Bekem Infra Project Pvt. Ltd के उक्त परिवाद के आलोक में संबंधित Engineer-in-Charge से Clarification प्राप्त कर परिवाद की पुनर्समीक्षा करते हुए तकनीकी बीड मूल्यांकन समिति की अनुशंसा समर्पित करने का निदेश दिया गया। तदालोक में परिवादी Bekem Infra Project Pvt. Ltd के परिवाद की पुनर्समीक्षा निम्नवत् है :–

क्र० सं०	परिवादी निविदाकार का नाम	परिवाद के बिन्दु	तकनीकी बीड मूल्यांकन समिति द्वारा परिवाद की पुर्नसमीक्षा	परिवाद समिति की अनुशंसा
1.	BEKEM Infra Projects Pvt. Ltd.	**1.Regarding Sl. No. 21 of Form FIN-4 — EPC AM-II (43C), MSIDC, Maharashtra (ICC-BEKEM JV)** The work at Sl. No. 21 pertains to "EPC AM-II (43C) - Improvement to Dhanora Shendurjana Fulumari Waigaul MDR-19, Km 0/00 to Km 40/500, Tq. Mangrulpir and Manora, Part MSH-161E, Dist. Washim" awarded by the Maharashtra State Infrastructure Development Corporation (MSIDC). The complete work details along with documentary evidence are available in FORM FIN 4 attachment at Page No. 235 of our uploaded bid, which contains the Interim Payment Certificate (IPC No. 07 / Schedule-O Payment Statement) of the said work. This payment certificate is duly verified and signed by the Authority's Engineer	1. इस निविदा में BEKEM Infra Projects Pvt. Ltd द्वारा अपने Outstanding contract value से संबंधित कार्यो का Engineer-in-Charge से निर्गत प्रमाण पत्र में FIN-4 के Sl. No. 21 में दर्शाये गये कार्य EPC AM-II (43C), MSIDC, Maharashtra (ICC-BEKEM JV) के लिए संलग्न किये गये LOA (O/w No. MSIDC/438/2024 Dt. 11.09.24) में कार्य का नाम **EPC AM-II 43(C)-Improvement to road M.S.H.12 Dongarkinhi Medshi Ridhora**	तकनीकी बीड मूल्यांकन समिति की अनुशंसा से सहमत।

		(M/s Lion Engineering Consultants Pvt. Ltd.) and countersigned by the Executive Engineer, (Amravati Division), MSIDC, Nagpur, who is the Engineer-in-Charge of the work. The document therefore authentically establishes the awarded value, the work executed and the balance commitment, and the requirement of certification by the Engineer-in-Charge stands substantially fulfilled through this officially issued and signed payment certificate.	**Rajura Kutardoha Kinhiraja Kata Washim Kekatumra Borkhedi road S.H.400 km. 44/00 to 69/600Tq. Malegaon & Washim. In Washim District Part MSH 12 to Kata Washim** एवं Bid Price ₹191,55,55,555/- अंकित है। साथ ही Chief Engineer Maharastra State Infrastructure Development Corporation Ltd, Mumbai का O/w No. MSIDC/1240/2024 Dt. 09.10.24 से Appointed date निर्धारित करने हेतु निर्गत पत्र निविदा में Uploaded है, जिसमें कार्य का नाम **AM-II 43(C) Improvement to Dhanora Shendurjana Fulumari Waigaul MDR 19 km. 0/00 to Km 40/500 Tq. Mangrulpir and Manora Part MSH 161 E to Dhanora to Waigaul District Washim on EPC Mode** अंकित है। इस पत्र के प्रसंग में LOA की तिथि 11.09.2024 अंकित है। अतः इन दोनों पत्रों में कार्य के नाम में अन्तर के संदर्भ में विभागीय पत्रांक–6724 (E) दिनांक–22.09.26 के आलोक में LOA की तिथि की समानता को देखते हुए Chief Engineer Maharastra State Infrastructure Development Corporation	

			Ltd, Mumbai (Engineer in Charge) से उपभागीय पत्रांक–3413 दि0–28.09.26 द्वारा Clarification की माँग की गई। Engineer in Charge से की गई पृच्छा के आलोक में Chief Engineer Maharastra State Infrastructure Development Corporation Ltd, Mumbai द्वारा उनके पत्रांक–3272 / 2026 दि0–05.10.26 से वस्तु स्थिति को स्पष्ट करते हुए प्रतिवेदित किया गया है कि– As per above subject & ref. No.1 name of work was change due to administrative reasons and revised LOA was issued to the selected bidder with same outword No. MSIDC/438/ 2024 from this office. Revised LOA & Appointment date letter incorporating the revised name of work is enclosed herewith for your information and record. उक्त से स्पष्ट होता है कि Chief Engineer Maharastra State Infrastructure Development Corporation Ltd, Mumbai द्वारा निर्गत एवं Bekem Infra Projects Pvt. Ltd. द्वारा निविदा में Uploaded उक्त दोनों पत्र एक ही कार्य से संबंधित है, जिससे इस कार्य से संबंधित Existing commitment की	

			राशि का सत्यापन हो जाता है। अतः निविदाकार Bekem Infra Projects Pvt. Ltd. का Ref.-BEKEM/RCD-34B/2026-27/05 दिनांक–18.08.2026 से प्राप्त परिवाद के बिन्दु –1 को मान्य किया जाता है।	
		2.Regarding Sl. No. 34 of Form FIN-4 — 826 kW Grid-Connected Rooftop Solar Plants, NREDCAP, Andhra Pradesh (RESCO Mode) The work at Sl. No. 34 pertains to "Selection of Solar Power Developer for implementation of 826 kW Grid-Connected Rooftop Solar Plants for Government Schools and Hostels under RESCO Mode in Chittoor District of Andhra Pradesh", awarded by the New & Renewable Energy Development Corporation of Andhra Pradesh Ltd. (NREDCAP). The Letter of Award (LOA Ref: NREDCAP/GCRT/RESCO-1/2025-26 dated 06.05.2026) is available in FORM FIN 4 attachment at Page No. 316-318 of our uploaded bid. It is respectfully clarified that this project is under the RESCO (Renewable Energy Service Company) model, wherein the entire capital expenditure is made by the developer out of its own investment, and the developer recovers its investment through sale of the power generated over the concession period of 25 years. Being an own- investment / CAPEX-mode work, no contract or agreement value is mentioned in the LOA itself, as is the standard practice for RESCO-model awards. There is, therefore, no question of suppression of the agreement value; the value simply does not form part of the LOA by	2. पूर्व में इस परिवाद को मान्य किया गया है।	

		the very nature of the contract. Nevertheless, in the spirit of full disclosure, we have conservatively declared our estimated outstanding commitment of Rs.300.00 Lakh against this work in Form FIN-4. **3.Regarding Sl. No. 36 of Form FIN-4 — Various Other Miscellaneous Works** The entry at Sl. No. 36 does not pertain to any single tendered contract. It represents various miscellaneous / additional items etc. of work which the respective departments have directed us to execute in addition to the regular scope, after completion of the main projects, and for which certificates / finalisation of additional items / information from the departments are still pending. Since these are departmental instructions supplemental to already-completed contracts, no separate Letter of Award exists or can exist for them, and consequently no LOA or Engineer-in-Charge-countersigned document could be produced. This entry was made purely voluntarily and out of abundant caution, so that no commitment of the company, howsoever small, remains undisclosed to the evaluation committee. We respectfully submit that a bidder who transparently discloses even non-award-based residual commitments ought not to be penalised for the very act of honest disclosure.	3. Bekem Infra Projects Pvt. Ltd. द्वारा अपने परिवाद में स्पष्ट किया गया है कि FIN-4 के क्रमांक–36 पर अंकित राशि कई कार्यो से संबंधित है जिसके लिए Officially LOA निर्गत नही है। निविदाकार ने प्रतिवेदित किया है कि ये कार्य मौखिक आदेश पर कराने से संबंधित है। MBD के Section-4, Clause-10 में प्रावधानित है कि "Bidder (or each joint Venture Partner) should provide information on their current commitments on all contracts that have been awarded, or for which a letter of intent or acceptance has been received" चूँकि FIN-4 के क्रमांक–36 पर अंकित कार्यो के लिए LOA निर्गत नहीं है, अतः विभागीय निविदा समिति द्वारा निर्णय लिया जा सकता है। निविदाकार द्वारा दर्शाये गये सभी Existing commitment के साथ इनका Bid Capacity ₹ 347405.57 है जो वांछित न्यूनतम अहर्त्ता ₹ 2255.92514 लाख से	तकनीकी बीड मूल्यांकन समिति की समीक्षा एवं MBD के Section 4, Clause 10 में निहित प्रावधान के आलोक में परिवाद का यह बिन्दु मान्य है।

		4.No Material Effect on Bid Capacity Without prejudice to the above, it is respectfully brought to your kind notice that the three entries in question have no material bearing whatsoever on our qualification. As per our Form FIN-4 and Bid Capacity computation submitted with the bid, our total existing commitments (B) amount to Rs.506934.22 Lakh, and the Assessed Available Bid Capacity works out to Rs.432079.03 Lakh against the requirement of only Rs.22559.25141 Lakh stipulated under Section-3, Clause 1.2.3. The combined outstanding value of Sl. Nos. 21, 34 and 36 is only about Rs.5190.40 Lakh, i.e., barely 1% of our total declared commitments. Even if the said three works are considered in the most conservative manner — or, alternatively, even if their values are enhanced or fully retained in the commitments — our available bid capacity remains several hundred times higher than the requirement. The observed gaps, therefore, is at best a curable, non-material procedural aspect which does not affect the substance of our qualification in any manner. **In view of the facts stated above, we most humbly pray that your good office may kindly:** (a) reconsider the decision declaring our bid Non-Responsive in the Technical Bid Evaluation Committee proceedings dated 14.08.2026. (b) take on record the explanations and documentary evidence in FORM FIN 4 attachment at Page Nos.235 and 316-318 of our uploaded bid in respect of Sl. Nos.21 and 34, and the factual position regarding Sl. No. 36. (c) In the event that the Hon'ble Department/ Committee considers any further clarification or any document duly countersigned by the Engineer-in-Charge to be necessary, we may kindly be afforded a reasonable opportunity	अधिक है।	

		to furnish such clarification/document, as contemplated under MBD Section 1, Clause 4.4 and Clause 22.1. (d) re-evaluate our technical bid in a fair, transparent and non-discriminatory manner and declare our bid responsive, so that our financial bid may be considered along with the other qualified bidder in the interest of competition and of the public exchequer. We, M/s. BEKEM Infra Projects Private Limited, respectfully submit this representation with reference to the proceedings of the Technical Bid Evaluation Committee dated 14.08.2026 for the above package, wherein our technical bid has been declared Non-Responsive on the ground that, in respect of the works indicated at Sl. Nos. 21, 34 and 36 of our Form FIN-4 (Existing Commitments of Ongoing Works), supporting evidence issued/countersigned by the Engineer-in-Charge was not found uploaded, and that consequently the Existing Commitments and Bid Capacity could not be computed, rendering us unsuccessful under Section-3, Clause 1.2.3 of the MBD and Clause 39 of the NIT. At the outset, we most humbly submit that we have disclosed all our existing commitments in Form FIN-4 fully, fairly and transparently, without concealing even minor and miscellaneous works, and the supporting documents for each entry were duly uploaded with the bid. The point-wise factual position in respect of the three entries in question is submitted below for your kind and sympathetic consideration. 20 O/W No. MSIDC/436/2024 11.09.2024 decision of the Technical lid Evaluation Comituttee (meeting dated 14.08.2025) declar Rs. 331,99,99,999/- Rs. 86,32,00,000/-231 to 234		

		21 O/W No. MSIDC/438/2024 11.09.2024 Rs. 191,55,55,555/- Rs. 49,80,44,444/- 235 to 238 O/W No. MSIDC/431/2024 23 11.09.2024 Rs. 142,88,88,888/- Rs. 37,15,11,111- 244 to 247 24 O/W No. MSIDC/435/2024 11.09.2024 Rs. 116,77,77,777/- Rs. 30,36.22.222/- 248 to 251 It is therefore evident from the above that the Office Orders/communications relating to all four works were issued on the same date, i.e. 11.09.2024 In the course of preparation/issuance of the said communications, a typographical/clerical error inadvertently occurred in the MSIDC office records, whereby the work corresponding to Sl. No. 24 was inadvertently mentioned twice. However, the name/description of the concerned work is correctly mentioned in the MSIDC record under the "Regarding Appointed Date" section, which is available at Page No. 238 of the FORM FIN-4 attachment. The correctness and authenticity of the aforesaid details may readily be verified directly from the original records of MSIDC, and the relevant supporting certificate/document issued by MSIDC is already enclosed with the FORM FIN-4 attachments submitted along with the bid. Thus, the discrepancy is attributable solely to an inadvertent clerical/typographical error in the official MSIDC documentation and does not represent any alteration, suppression, concealment or misrepresentation by the bidder **2. Regarding Sl. No. 34 of Form FIN-4 826 kW Grid-Connected Rooftop Solar Plants, NREDCAP, Andhra Pradesh (RESCO Mode)** The work at St. No. 34 pertains to "Selection of Solar Power Developer for implementation of		

		826 kW Grid-Connected Rooftop Solar Plants for Government Schools and Hostels under RESCO Mode in Chittoor District of Andhra Pradesh", awarded by the New & Renewable Energy Development Corporation of Andhra Pradesh Ltd. (NREDCAP) The Letter of Award (LOA Ref: NREDCAP/GCRT/RESCO-1/2025-26 dated 06.05.2026) is available in FORM FIN 4 attachment at Page No.316-318 of our uploaded bid. It is respectfully clarified that this project is under the RESCO (Renewable Energy Service Company) model, wherein the entire capital expenditure is made by the developer out of its own investment, and the developer recovers its investment through sale of the power generated over the concession period of 25 years. Being an own-investment/CAPEX-mode work, no contract or agreement value is mentioned in the LOA itself, as is the standard practice for RESCO-model awards. There is, therefore, no question of suppression of the agreement value; the value simply does not form part of the LOA by the very nature of the contract. Nevertheless, in the spirit of full disclosure, we have conservatively declared our estimated outstanding commitment of Rs. 300.00 Lakh against this work in Form FIN-4 **3. Regarding Sl. No. 36 of Form FIN-4 Various Other Miscellaneous Works** The entry at Sl. No. 36 does not pertain to any single tendered contract. It represents varion K miscellaneous/additional/extra/ete, items of the work which the respective departments direct us, if aut are still pending. Since these are departmental instructions supplemental to already-completed contracts c to execute in addition to the regular scope, and for which certificates / finalisation from the departmem no separate Letter of Award exists		

		or can exist for them, and consequently no LOA or Engineer-in. Charge-countersigned document could be produced. This entry was made purely voluntarily and out of abundant caution, so that no commitment of the company, howsoever small, remains undisclosed to the evaluation committee. We respectfully submit that a bidder who transparently discloses even non. award-based residual commitments ought not to be penalised for the very act of honest disclosure. **4. No Material Effect on Bid Capacity** Without prejudice to the above, it is respectfully brought to your kind notice that the three entries in question have no material bearing whatsoever on our qualification. As per our Form FIN-4 and Bid Capacity computation submitted with the bid, our total existing commitments (B) amount to Rs.506934.22 Lakh, and the Assessed Available Bid Capacity works out to Rs.432079.03 Lakh against the requirement of only Rs.22559.25141 Lakh stipulated under Section-3, Clause 1.2.3. The combined outstanding value of St. Nos. 21, 34 and 36 is only about Rs.5190.40 Lakh, Le, barely 1% of our total declared commitments. Even if the said three works are considered in the most conservative manner or, alternatively, even if their values are enhanced or fully retained in the commitments - our available bid capacity remains several hundred times higher than the requirement. The observed gap, therefore, is at best a curable, non-material procedural aspect which does not affect the substance of our qualification in any manner In view of the facts stated above, we most humbly pray that your good office may kindly: (a) reconsider the decision declaring our bid Non-Responsive in the Technical Bid Evaluation Committee		

		proceedings dated 14.08.2026 (b) take on record the explanations and documentary evidence at Page Nos. 235 and 316-318 of our uploaded bid in respect of Sl. Nos. 21 and 34, and the factual position regarding Sl. No.36. (c) In the event that the Hon'ble Department/Committee considers any further clarification or any document duly countersigned by the Engineer-in-Charge to be necessary, we may kindly be afforded a reasonable opportunity to furnish such clarification/document, as contemplated under MBD Section 1. Clause 4.4 and Clause 22.1. (d) re-evaluate our technical bid in a fair, transparent and non-discriminatory manner and declare our bid responsive, so that our financial bid may be considered along with the other qualified bidder in the interest of competition and of the public exchequer.		

4. **<u>परिवाद की पुनर्समीक्षा एवं तकनीकी बीड मूल्यांकन समिति की अनुशंसा :–</u>**

अभियंता प्रमुख (का0प्र0) का पत्रांक– 6724 (E) दिनांक– 22.09.26 से प्राप्त निदेश के आलोक में परिवाद की पुनर्समीक्षा करने की कार्रवाई हेतु उपभागीय पत्रांक–3413 दि0–28.09.26 के द्वारा Engineer in Charge से की गई पृच्छा के आलोक में Chief Engineer, Maharashtra State Infrastructure Development Corporation Ltd, Mumbai द्वारा उनके पत्रांक–3272/2026 दि0– 05.10.26 से प्राप्त प्रतिवेदन के आधार पर Form FIN-4 के Sl. No. 21 पर अंकित कार्य एवं Engineer-in-Charge से निर्गत प्रमाण पत्र एक ही कार्य का है। तदालोक में समिति द्वारा सम्यक विचारोपरान्त Bekem Infra Project Limited के Bid पर विभागीय निविदा समिति के स्तर पर निर्णय लिये जाने की अनुशंसा की जाती है।

5. परिवाद समिति का निर्णय :–

(i) विषयांकित कार्य की निविदा के तकनीकी बीड में असफल निविदाकार यथा **Bekem Infra Project Limited** के परिवाद की पुनर्समीक्षा के उपरांत इन्हें तकनीकी बीड में सफल घोषित किया जाता है।

(ii) विभागीय ज्ञापांक–6007(E) दिनांक–29.08.2026 द्वारा लिये गये निर्णय को इस हद तक संशोधित समझा जाय।

(iii) तकनीकी बीड में सफल निविदाकारों का वित्तीय बीड खोलकर विभागीय निविदा समिति का अनुमोदन प्राप्त करने का निदेश मुख्य अभियंता, दक्षिण, पथ निर्माण विभाग, बिहार, पटना को दिया जाता है।

5.1. परिवाद समिति की इस कार्यवाही को विभागीय वेबसाईट पर भी डाली जाय।

(संजय कुमार भारती)	(राजेश कुमार गुप्ता)	(रिक्त)	(उमा कान्त रजक)
मुख्य अभियंता, दक्षिण, पथ निर्माण विभाग, बिहार, पटना।	मुख्य अभियंता, संविदा प्रबंधन, नीतिगत मामले एवं लेखा परीक्षा, पथ निर्माण विभाग, बिहार, पटना।	संयुक्त सचिव, पथ निर्माण विभाग, बिहार, पटना।	अभियंता प्रमुख–सह–अपर आयुक्त–सह–विशेष सचिव (कार्य प्रबंधन), पथ निर्माण विभाग, बिहार, पटना।

ज्ञापांकः प्र0–7/निविदा–03–103/2026 7270 (E) पटना, दिनांक 13/10/2026

प्रतिलिपिः– मुख्य अभियंता, दक्षिण, पथ निर्माण विभाग, बिहार, पटना/मुख्य अभियंता (अनुश्रवण), पथ निर्माण विभाग, बिहार, पटना को सूचनार्थ एवं आवश्यक कार्रवाई हेतु, प्रेषित/आई0टी0 मैनेजर, पथ निर्माण विभाग, बिहार, पटना को विभागीय वेबसाईट पर अपलोड करने हेतु प्रेषित।

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