

दिनांक 31/8/2026 को सम्पन्न परिवार समिति की बैठक की कार्यवाही।

पथ प्रमण्डल संख्या-2, मुजफ्फरपुर अन्तर्गत पथ आस्तियों के अनुरक्षण हेतु दीर्घकालीन निष्पादन और उपलब्धि आधारित पथ आस्तियाँ अनुरक्षण संविदा (Long Term Output & Performance Based Road Asset Maintenance Contract) प्रणाली के तहत राज्य अन्तर्गत Package No.-05A/Muzaffarpur कार्य की निविदा के तकनीकी बीड में प्राप्त परिवार 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:

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

2. दिनांक-13.08.2026 को आहूत तकनीकी बीड मूल्यांकन समिति की कार्यवाही, जो उपभागीय ज्ञापांक-2450 दिनांक-13.08.2026 द्वारा संसूचित है, में लिये गये निर्णय के विरुद्ध प्राप्त परिवार पर मुख्य अभियंता, उत्तर, पथ निर्माण विभाग, बिहार, पटना के पत्रांक-2601(अनु०) दिनांक-25.08.2026 के माध्यम से परिवार पर दिनांक-24.08.2026 को आहूत तकनीकी बीड मूल्यांकन समिति की कार्यवाही एवं अनुशंसा 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 Asset Maintenance Contract) प्रणाली के तहत राज्य अन्तर्गत Package No.- 05A/ Muzaffarpur
- 2.2 योजना मद : 3054
- 2.3 निविदा आमंत्रित करने वाले प्रमण्डल का नाम : पथ प्रमण्डल संख्या-2, मुजफ्फरपुर।
- 2.4 प्रशासनिक स्वीकृति की राशि एवं प्रसंग : ₹15889.96 लाख।
विभागीय ज्ञापांक-3247(एस०) दिनांक-12.05.2026
- 2.5 तकनीकी स्वीकृति की राशि एवं प्रसंग : ₹16129.09 लाख।
मुख्य अभियंता, उत्तर, पथ निर्माण विभाग, बिहार, पटना का ज्ञापांक-1647 (अनु०) दिनांक-26.05.2026
- 2.6 ECV/परिमाण विपत्र की राशि : ₹13861.27850 लाख।
- 2.7 कार्य समाप्ति की अवधि : 84 (Eighty-four) Months.
- 2.8 निविदा की प्रक्रिया : ई-टेंडरिंग (MBD)
- 2.9 निविदा प्राप्ति की तिथि : 03.07.2026
- 2.10 प्राप्त निविदा क्या पुनर्निविदा है यदि हाँ तो कारण : पुनर्निविदा नहीं है।

3. विषयांकित निविदा में निम्नलिखित 05 (पाँच) संवेदकों द्वारा भाग लिया गया :-

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| (1) JKM Infra Projects Limited | (2) M/s Vinod Kumar Jain |
| (3) M/s Rajendra Singh and Bros | (4) Agrawal Infrabuild Private Limited. |
| (5) M/s Hill Bro Metallics & Construction Pvt. Ltd. | |

 



4. उपभागीय ज्ञापांक- 2450, दिनांक- 13.08.2026 द्वारा संसूचित दिनांक-13.08.2026 को सम्पन्न तकनीकी बीड मूल्यांकन समिति की बैठक में उक्त निविदा में कुल पाँच (05) निविदाकारों में से दो निविदाकार यथा (i) M/s Rajendra Singh and Bros एवं (ii) Agrawal Infrabuild Private Limited. को तकनीकी बीड में सफल घोषित करने का निर्णय लिया गया।

शेष तीन (03) निविदाकार यथा (i) JKM Infra Projects Limited को MBD के Section 3 : Clause 2.2.1 एवं Section 4E.5 एवं MBD के Section-3 Clause-1.2.1(a) के आलोक में (ii) M/s Vinod Kumar Jain को MBD के Section 3 : Clause 1.2.3, Section3-Clause 1.2.3-Section 4E-10 FIN 4, NIT के क्रमांक-39, तथा NIT के क्रमांक-28 के आलोक में एवं (iii) M/s Hill Bro Metalics & Construction Pvt. Ltd. को MBD के Section 3 : Clause 1.2.3, Section3-Clause 1.2.3-Section 4E-10 एवं NIT के क्रमांक-39, तथा NIT के क्रमांक-28 के तहत निविदा में वांछित न्यूनतम अर्हता नहीं पूर्ण करने के कारण तकनीकी बीड में असफल घोषित करने का निर्णय लिया गया।

विभागीय आदेश-141-सह-पठित ज्ञापांक-5355 (S) दिनांक- 28.10.2021 के आलोक में तकनीकी बीड में सफल निविदाकारों का वित्तीय बीड खोलने का निर्णय लिया गया, बशर्त्ते उक्त विभागीय निदेश के अनुसार निर्धारित अवधि (दो कार्य दिवस) में इस निविदा में शामिल किसी निविदाकार का परिवार/आपत्ति प्राप्त न हो। यदि इस निविदा में शामिल किसी निविदाकार का परिवार/आपत्ति प्राप्त होता है, तो सक्षम स्तर से परिवार निष्पादन के उपरांत ही तकनीकी बीड में सफल निविदाकारों का वित्तीय बीड खोलने का निदेश दिया गया।

5. उपभागीय ज्ञापांक-2450, दिनांक- 13.08.2026 द्वारा संसूचित दिनांक-13.08.2026 को सम्पन्न तकनीकी बीड मूल्यांकन समिति की निर्णय के विरुद्ध विषयांकित कार्य की निविदा के तकनीकी बीड में असफल निविदाकार यथा (i) M/s Vinod Kumar Jain के पत्रांक-VKJ/OPRMC/005, दिनांक-15.08.2026, (ii) JKM Infra Projects Limited के पत्रांक-819, दिनांक-17.08.2026 एवं (iii) M/s Hill Brow Metalics and Construction Pvt. Ltd. के पत्रांक-शून्य, दिनांक-17.08.2026 के द्वारा परिवार/अभ्यावेदन/आपत्ति समर्पित किये जाने के परिप्रेक्ष्य में मुख्य अभियंता, उत्तर, पथ निर्माण विभाग, बिहार, पटना के पत्रांक-2601(अनु०) दिनांक-25.08.2026 द्वारा परिवार पर दिनांक-24.08.2026 को आहूत तकनीकी बीड मूल्यांकन समिति की बैठक की कार्यवाही एवं अनुशंसा समर्पित की गई है।

6. तकनीकी बीड मूल्यांकन समिति के उक्त निर्णय के विरुद्ध तकनीकी बीड में असफल निविदाकार (i) M/s Vinod Kumar Jain के पत्रांक-VKJ/OPRMC/005, दिनांक-15.08.2026, (ii) JKM Infra Projects Limited के पत्रांक-819, दिनांक-17.08.2026 एवं (iii) M/s Hill Brow Metalics and Construction Pvt. Ltd. के पत्रांक-शून्य, दिनांक-17.08.2026 के द्वारा आपत्ति प्राप्त हुआ जो निम्नवत् है :-
परिवार /आपत्ति की समीक्षा :-

परिवार /आपत्ति	समीक्षा	परिवार समिति की अनुशंसा
1. Vinod Kumar Jain द्वारा दिये गये परिवार :- 1. Representation has been sought vide letter cited under reference-1 communicated vide mail dated 14.08.2026 in respect of alleged deficiency in compliance of instructions by the Contractor as bidder in submission of bids for the aforementioned works invited through NIT (S) under reference. 2 The Contractor's/Bidder's bid has been considered non responsive primarily on following issues, in respect of which Contractor's /Bidder's representation is	तकनीकी बीड मूल्यांकन समिति द्वारा इन्हें NIT के कडिका-28 (Advocate Welfare Stamp) एवं Section-3 Clause 1.2.3, Section-3 Clause 1.2.3 Section 4E-10 FIN-4 तथा NIT के कडिका-39 (Existing Commitment) के आलोक में असफल घोषित किया गया है। NIT के क्रमांक-28 के आलोक में निविदाकार को शपथ-पत्र के साथ Rs.	तकनीकी बीड मूल्यांकन समिति की अनुशंसा से सहमत।

submitted below- (i) 25/- Advocate welfare stamp is not attached with Affidavit. :- An advocate Welfare stamp is not governed by the Indian Stamp Act, 1899. Instead, it is mandated by specific State Advocates' Welfare Fund Acts or the central Advocates' Welfare Fund Act, 2001, and it is legally required to be affixed on a Vakalatnama, not strictly on an ordinary affidavit to make the affidavit valid. The welfare stamp is a statutory requirement meant to be pasted and cancelled on a Vakalatnama (the authorization document given to a lawyer) to fund the welfare and social security of advocates. Whereas, the validity of an affidavit itself falls under the Code of Civil Procedure (CPC), the Oaths Act, and the general stamp duty requirements for affidavits under the Indian Stamp Act, 1899 (or state amendments), rather than advocate welfare legislation. Since the submitted Affidavit is not a Vakalatnama mandated to be affixed under specific State Advocates' Welfare Fund Act, 2001, rather it is a document falls under the Code of Civil Procedure (CPC), the Oaths Act, and the general stamp duty requirements for affidavits under the Indian Stamp Act, 1899 (or state amendments), hence Advocate Welfare Stamp is not required to be affixed on the Affidavit. Therefore, the Contractor's/Bidder's Bid cannot be considered as "non-responsive" on this ground. (ii) 01 Work Supporting certificate issued by Engineer-in-Charge not attached :- The Contractor/Bidder in said respect has submitted (i) Work Orders for the projects billing not yet done; (ii) Work supporting certificate issued by Engineer-in-Charge (iii) pass orders of latest Running Account Bills works under progress The documents submitted in respect of aforementioned (i) and (ii) are not in dispute Regarding 01 work for which the Engineer-in-Charge's certificate could not be obtained due to unavoidable	25/- का Advocate Welfare Stamp Affixed करना था, जो कि नहीं किया गया। अतः आपत्ति का यह बिन्दु अमान्य किया जा सकता है। MBD Section-3 Clause 1.2.3 में यह स्पष्ट अंकित है कि The Bidder is complete Form of Current Contract Commitment as part of their bid for the determination of this value & Current Contract commitments must be duly certified by the Engineer-in-Charge. साथ ही Form-FIN-4 (c) में अंकित है कि The current Contract Commitments must be duly certified by the Engineer-in-Charge. चूँकि MBD के Section-6 Clause-1.22 में Defined है निविदा के NIT की कंडिका-39 में स्पष्ट रूप से अंकित है कि Existing Commitment Engineer-In-Charge से निर्गत नहीं होने पर Non-Responsive एवं Invalid घोषित किया जायेगा। निविदाकार द्वारा MBD के Section 4E.10 (c) एवं NIT के क्रमांक- 39 के आलोक में Uploaded Existing Commitment की सूची के क्रमांक - 5 पर अंकित कार्य "PROVN OF OTM ACCN AND ALLIED INFRA FOR KLPAT NASIRABAD" से संबंधित Engineer-in-Charge द्वारा निर्गत/हस्ताक्षरित प्रमाण-पत्र Upload नहीं किया गया है। अतः आपत्ति का यह बिन्दु अमान्य किया जा सकता है।
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reasons, the submitted Running Account Bills fulfil the requirement for which the supporting certificate from the Engineer-in-Charge was sought. Since the Engineer-in-Charge's certificate has already been submitted for the majority of the works, non-submission of only 01 such certificates due to unavoidable reasons cannot be grounds for declaring the bid non-responsive. Therefore, the Contractor's/Bidder's Bid cannot be considered as "non-responsive" on this ground. 3. Therefore on the above representation made by the contractor/Bidder, it is with utmost respect and humility in the interest of public, competitiveness and justice requested to please be kind to consider the Contractor's/Bidder's Bids responsive for opening of its Financial Bids.		
2. M/s Hill Bro Metalics & Construction Pvt. Ltd. द्वारा दिये गये परिवाद:- As per Section 3, Clause 1.2.3, Section 4 – E-10 (FIN-4), and NIT Clause 39, the details of our existing commitments and ongoing works were submitted along with the required supporting documents. For all our existing commitments, we have uploaded the available Work Orders and, wherever the work has commenced, the Ongoing Work Certificates issued by the concerned Executive Engineers. In cases where a newly awarded work has not yet commenced at site, the concerned department/Executive Engineer has not issued an Ongoing Work Certificate, as the work has not started. Accordingly, for such works, we have submitted the Work Order copies and duly reflected the respective work values and balance work commitments in FIN-4. The same figures have been considered while calculating our Bid Capacity. Therefore, there has been no concealment or misrepresentation of our existing commitments, and the information submitted by us is in accordance with the actual status of the works. We respectfully submit that our bid has been prepared in good faith and in compliance with the tender conditions. We therefore request your good office to kindly reconsider our technical	इनके द्वारा Form-FIN-4 में कुल 17 (सतरह) Existing Commitment Upload किया गया है, जिसमें 01 (एक) अदद Existing Commitment जो FIN-4 क्रमांक-17 पर अंकित कार्य से संबंधित है, का Engineer-in-Charge सत्यापित/प्रतिहस्ताक्षरित Certificate uploaded नहीं है। MBD Section-3 Clause 1.2.3 में यह स्पष्ट अंकित है कि The Bidder is complete Form of Current Contract Commitment as part of their bid for the determination of this value & Current Contract commitments must be duly certified by the Engineer-in-Charge. साथ ही Form-FIN-4 (c) में अंकित है कि The current Contract Commitments must be duly certified by the Engineer-in-Charge. चूँकि MBD के Section-6 Clause-1.22 में Defined है निविदा के NIT की कंडिका-39 में स्पष्ट रूप से अंकित है कि Existing Commitment Engineer-In-Charge से निर्गत नहीं होने पर Non-Responsive एवं Invalid घोषित किया जायेगा। तदनुसार परिवाद का यह बिन्दु अमान्य किया जाता है। M/s Hill Brow Metalics and Construction Pvt. Ltd. द्वारा आपत्ति दिया गया है कि Rs. 25/- Advocate	तकनीकी बीड मूल्यांकन समिति की अनुशंसा से सहमत।

	disqualification and allow our bid to be evaluated further. “Your office has already verified all the submitted Work Orders and Ongoing Work Certificates directly with the concerned Executive Engineers/Departments through official email. All concerned departments have also verified the Work Orders and Ongoing Work Certificates and confirmed the same through email replies.” Regarding ₹25/- Advocate Welfare Stamp Paper Affidavit With regard to the requirement of the affidavit on ₹25/- Advocate Welfare Stamp Paper, we respectfully submit that no specific format for such affidavit was provided along with the NIT/tender documents available to us. Therefore, the same was inadvertently not uploaded with the bid documents. We are ready and willing to submit the required affidavit on ₹25/- Advocate Welfare Stamp Paper immediately, in the format prescribed by your department, if required. In view of the above facts and our bona fide compliance with the tender requirements, we humbly request your good office to kindly reconsider the technical disqualification, verify the submitted documents from the concerned Executive Engineers, and permit our bid to proceed for further evaluation.	Welfare Stamp हेतु Specific Format उपलब्ध नहीं कराया गया है। NIT कंडिका-28 में स्पष्ट रूप से अंकित है कि Affidavit ₹25/- का Advocate Welfare Stamp attach किया जाना है। इसके लिए कोई Specific Format की आवश्यकता नहीं है। अतः परिवाद का यह बिन्दु अमान्य है।	
3	JKM Infra Projects Limited द्वारा दिये गये आपत्ति/परिवाद :- With due respect, we, M/s JKM Infra Projects Ltd., most respectfully submit this representation against the decision communicated vide Aforesaid Memo No. vide 2467, 2442, 2446, 2450, 2463 whereby our bid has been declared Non-Responsive/Disqualified under Sl. No. (iii) during technical evaluation. At the outset, it is respectfully submitted that the aforesaid Memo was uploaded on 13.08.2026 at about 06:00 P.M. As per Clause 5.2 of the said Memo, the bidder has been provided an opportunity to submit clarification/representation within two working days. Since 15.08.2026 and 16.08.2026 were holidays, the present		

representation is being submitted on 17.08.2026 within the stipulated period. We respectfully submit that M/s JKM Infra Projects Ltd. had duly prepared and uploaded the required tender documents and records on the e-Procurement Portal in accordance with the tender requirements. However, our Technical Bid has been declared Non-Responsive/Disqualified on the grounds mentioned in S1. No. (iii). In this regard, the following facts and submissions are respectfully placed for kind consideration: A- JKMInfraprojects Limited का आपत्ति – 1. OBSERVATION/OBJECTION REGARDING CWJC NO. 10469/2026 AND LITIGATION HISTORY / LIT-1 It has further been observed by the Technical Bid Evaluation Committee that CWJC No. 10469/2026 dated 23.06.2026, filed against the Department, was not separately mentioned in Litigation History/LIT-1, allegedly in terms of MBD Section 3, Clause 2.2.1 and Section 4E.5. Clarification:- In this regard, it is respectfully submitted that the dispute forming the subject matter of CWJC No. 10469/2026 is connected with the Kishanganj Arbitration Claim, which had already been disclosed in the Litigation History/LIT-1 submitted by the bidder. The said CWJC is not an independent, unrelated or concealed litigation. It arises out of and relates to the same underlying dispute/arbitration matter and concerns modification/clarification in relation to the said Arbitration Claim. Therefore, merely because the subsequent CWJC case number was not separately mentioned in LIT-1 cannot, in the facts and circumstances of the present case, be construed as wilful concealment, suppression of material facts or fraudulent misrepresentation, particularly when the underlying dispute/arbitration matter had already been disclosed and was otherwise within the knowledge/records of the Department. There was no intention whatsoever on the part of M/s JKM Infra Projects Ltd. to conceal any material fact, mislead the Department or obtain any undue advantage in the tender process. It is further submitted that, if the	निविदाकार, JKM Infra Projects Limited द्वारा वाद CWJC No.-10469/2026 विभाग के विरुद्ध दिनांक- 23.06.2026 को दायर किया गया है, जिसे Litigation History, LIT-1 में नहीं दर्शाया गया है। "Since Arbitration and the writ petition is not Connected but independent matter and on different forum. It is mandatory to disclose." इसके अतिरिक्त इनके द्वारा पथ प्रमंडल, आरा में आवंटित कार्य (BR/SBD/MDR/03/2006-07) में Arbitration File किया गया था, जिसमें वर्ष 2021-22 (In last five years) में इस Arbitration में निविदाकार को Claim Amount Award किया गया है। जबकि MBD ds Section-3, Clause 2.2.1 में स्पष्ट अंकित है कि Information on Litigation history in which the bidder is involved must be attached." के आधार पर नहीं रहने के कारण निविदाकार को Non-Responsive घोषित किया जायेगा। निविदाकार द्वारा बताया गया है कि दिनांक- 26.06.2026 के पहले Bid Documents तैयार कर लिया गया था, जिसके कारण उक्त वाद से संबंधित तथ्य Mention नहीं किया जा सका। निविदा की तिथि 03.07.2026 तक बढ़ायी गयी। निविदा की अंतिम तिथि को बढ़ाये जाने के पश्चात् पुनः सभी अभिलेखों को e-Proc पर पुनः Re-Submitted किये जाना अनिवार्य है जिसके उपरान्त ही Bidder का Submission Successful होता है। अतः	तकनीकी बीड मूल्यांकन समिति की अनुशंसा से सहमत।
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Evaluation Committee considered the disclosure to be incomplete or required any clarification regarding the relationship between the disclosed Arbitration Claim and CWJC No. 10469/2026, the same could have been clarified by the bidder, subject to the provisions of the tender document, before arriving at the extreme consequence of disqualification. It is also relevant to submit that the original NIT prescribed 04.06.2026 as the last date for submission of the tender. Subsequently, the Department extended the bid submission deadline from time to time and ultimately fixed the final submission date as 03.07.2026. The documents uploaded by M/s JKM Infra Projects Ltd. had already been prepared in accordance with the original tender schedule. The documents bear their respective dates and signatures prior to 26.06.2026, and their authenticity can be verified from the documents submitted along with the bid. The subsequent extension of the bid submission date, by itself, should not lead to an adverse inference against documents which had already been duly prepared and uploaded. There was no deliberate intention to suppress, conceal or misrepresent any material information. 2. OBSERVATION/OBJECTION REGARDING ARBITRATION PROCEEDING IN BR/SBD/MDR/03/2006-07 The Technical Bid Evaluation Committee has further observed that the Arbitration proceeding relating to BR/SBD/MDR/03/2006-07 was not disclosed in terms of MBD Section 3, Clause 2.2.1 and Section 4E.5. Clarification: In this regard, it is respectfully submitted that the Arbitration proceeding in the said matter has already been concluded and an Arbitral Award has been passed. Therefore, the said matter was not treated as a pending/current arbitration proceeding at the relevant time. The non-disclosure of the concluded arbitration as a separate pending litigation item was not with any intention to conceal or suppress any material fact. There was no deliberate or fraudulent attempt on the part of M/s JKM Infra Projects Ltd. to misrepresent its litigation status or to obtain any advantage in the tender process. It is further respectfully submitted that the said concluded arbitration does not, by	निविदाकार द्वारा अन्य दस्तावेजों की तरह LIT-1 को भी Re-Submit किया जाना आवश्यक था, जो उन्होंने नहीं किया। फलतः आपत्ति को मान्य नहीं किया जा सकता है।
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itself, affect the bidder's:

- technical capacity;
- financial capacity;
- relevant experience;
- bid capacity;
- performance capability;
- or
- eligibility to participate in the present tender,

particularly in the absence of any pending adverse order, departmental debarment, blacklisting or other disqualification arising from the said matter.

The bidder has not submitted any false certificate or false declaration and has not made any misleading representation with an intention to deceive the Department.

M/s JKM Infra Projects Ltd. has always maintained transparency in its dealings with the Department and remains fully committed to participating in a fair, transparent and competitive tender process.

3. OVERALL SUBMISSION

(B) JKM Infra Projects Limited द्वारा M/S Agrawal Infrabuild Pvt. Ltd. के विरुद्ध परिवाद :-

It is further submitted that M/s Agrawal Infrabuild Private Limited has been declared successful by the Technical Bid Evaluation Committee IN Tender ID132319, Under Package no 05A/Muzaffarpur -02, and the particulars furnished by the said bidder under MBD Section 3, Clause 2.2.1, Section 4E.5 and Form LIT-1 of the MBD have been taken into consideration and reflected in the Technical Bid Evaluation Sheet (Attached)

However, the correctness and completeness of the current as well as historical litigation disclosed by the said bidder is a matter requiring proper verification and examination from the uploaded bid documents and relevant records.

Therefore, in the interest of fairness, transparency and uniform application of the tender conditions, it would be just and appropriate that the competent authority may, at its own level, re-examine and verify the complete bid documents uploaded by M/s Agrawal Infra build Private Limited, particularly the declarations and litigation details furnished under the aforesaid provisions, before taking any final decision regarding the further execution of the Technical Bid Evaluation and the tender process.

Litigation details of M/s Agrawal

Infrabuild Private Limited given below:-

1- CWJC No. 2302/2026, M/s Agrawal Infrabuild Private Limited V/s Rajasthan State Road Development and Construction Corp. Ltd.)(High Court, Rajsthan.)

2- WP (C) 13176/2025,, M/s Agrawal Infrabuild Private Limited V/s National Highway Authority Of India & Others .) (High Court, Delhi.)

3- WP (C) 4599/2025,, M/s Agrawal Infrabuild Private Limited V/s National Highway Authority Of India & Others .) (High Court, Delhi.)

4- TAX C No 167/2023 M/s Agrawal Infrabuild Private Limited V/s Asst Comm of Income Tax, Rajpur Chhattisgarh .) (High Court of Chhattisgarh at Bilaspur.)

5- SLP no 32645/2025 Dt 12.01.2026 M/s Agrawal Infrabuild Private Limited V/s Asst Comm of Income Tax, Rajpur Chhattisgarh .) (Supreme Court of india, Court no.15.)

In view of the facts stated above, it is respectfully submitted that the circumstances relied upon for declaring the Technical Bid NonResponsive/Disqualified primarily relate to either: Matters relating to disclosure/clarification of litigation and concluded arbitration, where there was no wilful concealment, fraudulent misrepresentation or intention to mislead the Department.

4. PRAYER / REQUEST

In view of the facts and circumstances stated hereinabove, we most respectfully request your good office to kindly:

a. Reconsider the decision communicated vide memo no. 2467, 2442,2446,2450,2463, respectively dated 13.08.2026 declaring M/s JKM Infra Projects Ltd. Non-Responsive/Disqualified.

b. Consider the fact that CWJC No. 10469/2026 relates to the already disclosed Kishanganj Arbitration dispute and that there was no wilful concealment or fraudulent misrepresentation;

C. Consider that the Arbitration proceeding relating to BR/SBD/MDR/03/2006-07 has already been concluded and an Arbitral Award has been passed;

d. Where permissible under the tender conditions, provide an opportunity for clarification in respect of any perceived deficiency or ambiguity in the disclosure documents before taking the extreme

JKM Infra Projects Ltd. द्वारा निविदाकार M/s Agrawal Infrabuild Private Limited के विरुद्ध परिवाद समर्पित किया है।

परिवाद में अंकित सभी वादों (Court Case) के समीक्षोपरांत वर्णित वादों की अद्यतन स्थिति इस प्रकार है :-

S.I No.	Case No.	Case Status
1-	CWJC No. 2302/2026,	Case Disposed
2-	WP (C) 13176/2025,	Case Disposed
3-	WP (C) 4599/2025,	Case Disposed
4-	Tax C No 167/ 2023	Case Disposed

शेष एक Hon'ble Supreme Court of india में Litigation SLP no 32645/2025 Dt 12.01.2026 Pending है जो Assistant Commissioner of Income Tax Central Circle-II Tax से संबंधित है।

चूँकि उक्त वाद विभागीय कार्य से संबंधित नहीं है फलस्वरूप इस आधार पर परिवाद मान्य नहीं किया जा सकता है।

तकनीकी बीड मूल्यांकन समिति की अनुशंसा से सहमत।

consequence of disqualification; e. upon accepting and treating the declaration submitted by M/s JKM Infra Projects Limited in LIT-1 as valid and in compliance with the prescribed tender requirements, the disqualification of M/s JKM Infra Projects Limited may kindly be set aside and M/s JKM Infra Projects Limited may also be declared technically qualified for further consideration in the tender process, in the interest of fairness, transparency and equal treatment of all bidders. f. Consequently, kindly reconsider and re-evaluate the Technical Bid of M/s JKM Infra Projects Ltd. in accordance with the applicable tender provisions; and g. Pass such other appropriate and equitable order as may be deemed fit and proper in the interest of fairness, transparency and justice. We assure your good office that M/s JKM Infra Projects Ltd. shall continue to extend its full cooperation and shall comply with all applicable tender requirements and instructions of the Department. We shall be highly obliged for your kind consideration and appropriate action.		
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7. परिवाद की समीक्षा एवं तकनीकी बीड मूल्यांकन समिति की अनुशंसा :-

तकनीकी बीड मूल्यांकन समिति द्वारा समीक्षोपरांत एवं सम्यक विचारोपरान्त निविदाकार (i) Vinod Kumar Jain (ii) M/s Hill Bro Metallics & Construction Pvt. Ltd (iii) JKM Infra Projects Limited से प्राप्त परिवाद को उपरोक्त वर्णित तथ्यों के आलोक में अमान्य करते हुए उपभागीय ज्ञापांक- 2450 दिनांक- 13.08.2026 द्वारा संसूचित दिनांक 13.08.2026 को सम्पन्न तकनीकी बीड मूल्यांकन समिति की बैठक में लिये गये सफल/असफल के निर्णय को यथावत रखा जा सकता है।





8. परिवाद समिति का निर्णय :-

(i) विषयांकित कार्य की निविदा के तकनीकी बीड में असफल निविदाकार यथा (1) M/s Vinod Kumar Jain के पत्रांक-VKJ/OPRMC/005, दिनांक-15.08.2026, (2) JKM Infra Projects Limited के पत्रांक-819, दिनांक-17.08.2026 एवं (iii) M/s Hill Brow Metalics and Construction Pvt. Ltd. के पत्रांक-शून्य, दिनांक-17.08.2026 के द्वारा दिए गए परिवाद/आपत्ति को अमान्य करने का निर्णय लिया जाता है।

(ii) तीन (03) निविदाकार (1) JKM Infra Projects Limited को MBD के Section 3 : Clause 2.2.1 एवं Section 4E.5 एवं MBD के Section-3 Clause-1.2.1(a) के आलोक में (2) M/s Vinod Kumar Jain को MBD के Section 3 : Clause 1.2.3, Section3-Clause 1.2.3-Section 4E-10 FIN 4, NIT के क्रमांक-39, तथा NIT के क्रमांक-28 के आलोक में एवं (3) M/s Hill Bro Metalics & Construction Pvt. Ltd. को MBD के Section 3 : Clause 1.2.3, Section3-Clause 1.2.3-Section 4E-10 एवं NIT के क्रमांक-39, तथा NIT के क्रमांक-28 के आलोक में तकनीकी बीड में असफल घोषित करने का निर्णय लिया जाता है।

(iii) दो (02) निविदाकार यथा (1) M/s Rajendra Singh and Bros एवं (2) Agrawal Infrabuild Private Limited. को तकनीकी बीड में सफल घोषित करने का निर्णय लिया जाता है। तकनीकी बीड में सफल निविदाकारों का वित्तीय बीड खोलने का निदेश मुख्य अभियंता, उत्तर, पथ निर्माण विभाग, बिहार, पटना को दिया जाता है।

(iv) उपभागीय ज्ञापांक-2450 दिनांक-13.08.2026 द्वारा संसूचित दिनांक-13.08.2026 को सम्पन्न तकनीकी बीड मूल्यांकन समिति के निर्णय को यथावत् रखा जाय।

(v) मुख्य अभियंता, उत्तर संबंधित परिवादी बीडर को समिति के निर्णय से अवगत कराना सुनिश्चित करेंगे।

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

(सुनील कुमार सुमन)
मुख्य अभियंता,
उत्तर, 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।

ज्ञापांक: प्र0-7/निविदा-03-149/2026

6088(E)

पटना, दिनांक 01/9/2026

प्रतिलिपि:- मुख्य अभियंता, उत्तर, 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।