

पथ निर्माण विभाग

दिनांक 11/9/26 को सम्पन्न परिवार समिति की बैठक की कार्यवाही।

पथ प्रमण्डल, बेतिया 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.-01C/Bettiah 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:

- (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 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-2467 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-2624(अनु०) दिनांक-27.08.2026 के माध्यम से परिवार पर दिनांक-27.08.2026 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.- 01C/Bettiah |
| 2.2 योजना मद | : | 3054 |
| 2.3 निविदा आमंत्रित करने वाले प्रमंडल का नाम | : | पथ प्रमंडल, बेतिया। |
| 2.4 प्रशासनिक स्वीकृति की राशि एवं प्रसंग | : | ₹20305.92 लाख।
विभागीय ज्ञापांक-3247(एस०) दिनांक-12.05.2026 |
| 2.5 तकनीकी स्वीकृति की राशि एवं प्रसंग | : | ₹24017.98 लाख।
मुख्य अभियंता, उत्तर, पथ निर्माण विभाग, बिहार, पटना का पत्रांक-1652(अनु०) दिनांक-26.05.2026 |
| 2.6 ECV/परिमाण विपत्र की राशि | : | ₹21007.01243 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 :-

- | | |
|---|--|
| (1) S&P Infrastructure Developers Private Limited | (2) Ujjain Engicon India Private Limited |
| (3) JKM Infra Projects Limited | (4) AIPL-Avian 'JV' |
| (5) SCC Infrastructure Pvt. Ltd. | |

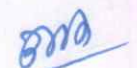
4. उपभागीय ज्ञापांक- 2467 दिनांक-13.08.2026 द्वारा संसूचित दिनांक 13.08.2026 को सम्पन्न तकनीकी बीड मूल्यांकन समिति की बैठक में उक्त निविदा में कुल पाँच निविदाकारों में से दो निविदाकार यथा (i) Ujjain Engicon India Private Limited एवं (ii) SCC Infrastructure Pvt. Ltd. को तकनीकी बीड में सफल घोषित करने का निर्णय लिया गया।

शेष तीन निविदाकार (i) S & P Infrastructure Developers Private Limited द्वारा MBD के Section 3: Clause 1.2.3, Section 4E.10 एवं NIT के क्रमांक - 39 एवं MBD के Section 3: Clause 1.2.1 (b) के आलोक में, (ii) M/s JKM Infra Projects Ltd. को MBD के Section 3: Clause-2.2.1, Section 4E.5 एवं MBD के Section-3 Clause-1.2.1 (a) के आलोक में एवं (iii) AIPL-Avian 'JV' को NIT के क्रमांक-28 के आलोक में 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 जाता है, बशर्त उक्त विभागीय निदेश के अनुसार निर्धारित अवधि (दो कार्य दिवस) में इस निविदा में शामिल किसी निविदाकार का परिवार/आपत्ति प्राप्त न हो। यदि परिवार प्राप्त होता है, तो सक्षम स्तर से परिवार निष्पादन के उपरांत ही वित्तीय बीड खोलने हेतु निदेश दिया गया।

5. उपभागीय ज्ञापांक-2467 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 (i) JKM Infra Projects Limited का पत्रांक- JKM/PAT/INBR/MUZ/CE/2026/819, दिनांक-17.08.2026 (ii) S & P Infrastructure Developers Private Limited के पत्रांक- S&P/Admin/2026-27/181, दिनांक-14.08.2026 एवं पत्रांक- S&P/Admin/OPRMC-III/2026-27/026, दिनांक-14.08.2026 एवं (iii) Ujjain Engicon India Pvt. Ltd. का पत्रांक- UEIPL/RCD/2026/249, 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-2624(अनु०) दिनांक-27.08.2026 द्वारा परिवार पर दिनांक-27.08.2026 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) JKM Infra Projects Limited का पत्रांक- JKM/PAT/INBR/MUZ/CE/2026/819, दिनांक-17.08.2026 (ii) S & P Infrastructure Developers Private Limited के पत्रांक- S&P/Admin/2026-27/181, दिनांक-14.08.2026 एवं पत्रांक- S&P/Admin/OPRMC-III/2026-27/026, दिनांक-14.08.2026 एवं (iii) Ujjain Engicon India Pvt. Ltd. का पत्रांक- UEIPL/RCD/2026/249, दिनांक-17.08.2026 के द्वारा आपत्ति पत्र प्राप्त हुआ है।



परिवाद / आपत्ति की समीक्षा :-

परिवाद / आपत्ति	तकनीकी बीड मूल्यांकन समिति द्वारा परिवाद की समीक्षा एवं निर्णय / अनुशंसा	परिवाद समिति की अनुशंसा
1. JKM Infra Projects Limited द्वारा दिये गये आपत्ति :- 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, respectively dated 13.08.2026, 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-	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। 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 के 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। "Arbitration and the writ petition is filed in Hon' High court can not be taken same, since Both Cases on different forum. So writ filed (CWJC No.- 10469/2026) must be disclosed by the Bidder. not Connected but independent matter and on different forum. It is mandatory to disclose." 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	तकनीकी बीड मूल्यांकन समिति की अनुशंसा से सहमत।

(A) Responsive/Disqualified on the grounds mentioned in S1. No. (iii). In this regard, the following facts and submissions are respectfully placed for kind consideration: JKM Infra projects 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	Mention नहीं किया जा सका। निविदा की तिथि 03.07.2026 तक बढ़ायी गयी। e-Proc पर Date extend Corrigendum के पश्चात document Re-Submit किये जाने का नियम है। अतः निविदाकार द्वारा आवश्यक सुधारोपरांत Bid Document Upload किया जाना चाहिए था, जो उन्होंने नहीं किया। उपरोक्त तथ्यों के आलोक में स्पष्ट है कि निविदाकार द्वारा Litigation History LIT-1 को Disclose नहीं किया गया है। अतः आपत्ति का यह बिन्दु अमान्य किया जा सकता है।	
---	---	---

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 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

परिवादी द्वारा निविदाकार, M/s Agrawal Infrabuild Private Limited के विरुद्ध परिवाद समर्पित किया गया है। परिवाद में अंकित सभी वादों (Court Case) के समीक्षोपरांत वर्णित वादों की अद्यतन स्थिति इस प्रकार है :-

Sl. No.	Case No.	Case Status
1.	CWJC No. 2302/2026,	Case Disposed

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 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

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।

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

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, Rajasthan.)

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 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.		
2.	S&P Infrastructure De4velopers (P) Ltd. द्वारा दी गयी आपत्ति :- We, M/s S&P Infrastructure Developers Private Limited (the "Bidder"), submitted our Bid for the above work by the extended deadline of 30.07.2026. By the technical evaluation proceedings dated 13.08.2026, the Bid has been declared non-responsive on two grounds: (i) an alleged declaration of the Bidder as a 'Non-Performer' in relation to the work of strengthening Km 0.00 to Km 21.00 of ara (NH-30) to Chapra (NH-19) via Babura-Doriganj Road for 2022-23; and (ii) alleged non-submission of an Engineer-in-Charge certificate for one existing commitment the Bidder respectfully seeks an immediate, reasoned reconsideration before the Financial Bids are opened or any irreversible step is taken. 1. Alleged declaration as Non-Performer 2. Clause 2.2.2 of Section 3, read with Form CON-1, says that contract non-performance during the last five years can be considered only when the dispute has been fully settled. It also explains the a dispute is fully settled only after it has been decided under the contract and all available appeals have been completed. 3. In our case, there is no such final	तकनीकी बीड मूल्यांकन समिति की अनुशंसा से सहमत। “दक्षिण बिहार उपभाग में पथ प्रमंडल, आरा अन्तर्गत आरा-छपरा भाया बबुरा, डोरीगंज पथ में मजबूतीकरण कार्य वर्ष 2022-23 में S&P Infra Structure Developers Pvt. Ltd. को Non-Performer घोषित किया गया है, जिसके आधार पर MBD के Section 3: Clause 1.2.1 (b) & Clause 2.2.2 के आलोक में इन्हें दक्षिण बिहार उपभाग, पथ निर्माण विभाग अन्तर्गत पटना पश्चिम पथ प्रमंडल, पटना अन्तर्गत पथ आस्तियों के अनुरक्षण हेतु दीर्घकालीन निष्पादन और उपलब्धि आधारित पथ आस्तियाँ अनुरक्षण संविदा (Long Term Output & Performance Based Road Asset	

decision. A rectification notice, departmental letter, internal remark, or pending dispute cannot by itself prove that a contractor is a non-performer under Clause 2.2.2. 4. We have never received any show-cause notice or final order declaring us a non-Performer for the Ara-Chapra via Babura-Doriganj Road work. The technical evaluation also does not mention the number, date, issuing authority, or validity of the alleged order. We therefore request you to provide us a copy of the order relied upon. Until such a final order is shown, this reason should not be used to reject our Bid. 5. The ara-Chapra via Babura-Doriganj Road work has already been completed. After Completion, the Executive Engineer issued a letter date 08.06.2026 for some rectification work. We responded and arranged the required manpower and machinery. The work took some time because resources had to be arranged again and permission was required from the District Administration for traffic management. These facts were explained in our letters dated 13.07.2026 01.08.2026 6. This is only a rectification matter after completion of the work. It has not been finally decided against us under the contract. Therefore, it should not be treated as poor performance or as a ground for rejecting our Bid under Clauses 1.2.1	Maintenance Contract) प्रणाली के तहत राज्य अन्तर्गत Package No.- 43B / OPRMC-III for the year 2026-33 कार्य की निविदा के तकनीकी बीड में असफल घोषित किया गया”, के आलोक में TBEC द्वारा MBD के Section 3: Clause 1.2.1 (b) के आलोक में निविदाकार को तकनीकी बीड में असफल घोषित किया गया था। निविदाकार द्वारा समर्पित आपत्ति आवेदन के साथ संलग्न पत्र में अंकित कार्यपालक अभियंता, शाहाबाद पथ प्रमंडल, आरा का पत्रांक— 3528, दिनांक— 31.12.2025, पत्रांक— 1167, दिनांक— 30.03.2026, पत्रांक— 1682, दिनांक— 25.05.2026 एवं पत्रांक— 1884, दिनांक— 16.06.2026 तथा अधीक्षण अभियंता, भोजपुर पथ अंचल, आरा के पत्रांक— 1234 (अनु0), दिनांक— 18.06.2026 से स्पष्ट है कि क्षेत्रीय अभियंताओं द्वारा अनुरोध के बावजूद इनके द्वारा गुणवत्तापूर्ण कार्य नहीं किया गया है। निविदाकार द्वारा संलग्न पत्र से स्पष्ट है कि Strengthening work in Km 0.00 to 21.00 Km of Ara (NH-30) to Chapra (NH-19) Via Babura, Doriganj Road for the year 2022-23 कार्य में लगभग 2.00 कि०मी० (8वें एवं 9वें कि०मी०) में PQC कार्य की जाँच TTRI द्वारा किया गया जो Specification के अनुरूप नहीं पाया गया (TTRI का पत्रांक— 114 (गो०) अनु०, दिनांक— 30.10.2024)। उक्त PQC कार्य को Dismantle कर पुनः Specification के अनुरूप PQC कार्य करने हेतु कार्यपालक	
---	---	--

(b) and 2.2.2. 7. Declaring a contractor as a Non-Performer has serious effects on its business. Before taking such action, the contractor must be issued the Show Cause Notice of the Proposed action and given a proper chance to explain its case. We were not given any such notice or opportunity and even also not been issued a formal letter declaring us a Non-Performer. Therefore, application of Clauses 1.2.1 (b) and 2.2.2 for disqualification is beyond the terms of the tender.	अभियंता द्वारा निविदाकार को निदेश दिया गया। निविदाकार का उक्त कार्य MBD के Section 3: Clause 1.2.1 (b) के आलोक में Poor Performance की श्रेणी में आता है। अतः इनकी आपत्ति अमान्य किया जा सकता है।	
2. Certificate for ongoing works 8. The second reason says that the Engineer-in-Charge certificate for one ongoing work was not uploaded as required under Clause 1.2.3 of Section 3, Section 4E.10/Form FIN-4, and Serial No. 39 of the NIT. However, the evaluation does not mention which work or certificate is missing. It also does not show the amount taken for that work or the calculation of our bid capacity. 10. In EPC contracts, the officer performing the role of Engineer-in-Charge is generally called the Authority's Engineer or Authority Engineer under Article 18 of the EPC Agreement. Therefore, a certificate issued by the competent Authority Engineer should be accepted even though the designation is different. 11. We are not asking for any change in our Bid or for adding any new	निविदाकार द्वारा MBD के Section 4E.10 (c) एवं NIT के क्रमांक— 39 के आलोक में Uploaded Existing Commitment की सूची के क्रमांक — 28 पर अंकित कार्य "Construction of road from Km 0.00 to Km 17.812 (Package-3) of Bile-Migging section (Km 0.00 to Migging end) of NH- 913 (Frontier Highway) to Intermediate Lane on EPC mode in the State of Arunachal Pradesh" 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।	तकनीकी बीड मूल्यांकन समिति की अनुशंसा से सहमत।

experience or qualification. We are only asking for confirmation of the information already submitted with the Bid.

12. Under ITB Clauses 22 and 25, the Authority may ask the bidder for clarification or Supporting documents, provided that the Bid price and its main contents are not changed. The required confirmation would only verify the details already given in Form FIN-4 and would not change our Bid in any manner.

13. The issue relates to only one work out of around 30 works disclosed by us. If there was any doubt, the Authority could have asked us for clarification. It could also have taken the full balance value of that work while calculating our bid capacity and checked whether we still met the requirement.

14. We therefore request the Evaluation Committee to tell us which certificate is considered missing and provide the bid-capacity calculation. We Are ready to submit the require confirmation from the Authority Engineer/Engineer-in-Charge immediately.

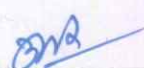
15. In view of the above, the Bidder respectfully requests that the competent authority to declare our bid responsive/qualified in accordance with tender documents and open our Financial bid. This representation is made bona fide and without prejudice to all contractual,



	statutory, and constitutional rights and remedies available to the Bidder. The Bidder requests a speaking decision before the Financial Bids are opened and communicated to it at the earliest.		
(A)	2. S&P Infrastructure Developers (P) Ltd. द्वारा दिया गया परिवाद :- We respectfully submit that, with regard to the technical evaluation of the above-mentioned tender, our attention has been drawn to certain significant deficiencies, discrepancies and verifiable facts in the technical bid documents submitted by M/s SCC Infrastructure Pvt. Ltd., M/s RKS Engicon Pvt. Ltd. and M/s Ujjain Engicon India Pvt. Ltd. Despite the same, the said bidders have been declared technically Responsive. Whereas our bid has been declared Non-Responsive on certain grounds, it is therefore essential, in the interest of equality, transparency and fairness in the tender process, that the documents submitted by all bidders be examined and evaluated by applying the same criteria and the same level of scrutiny. We have observed the following important deficiencies/discrepancies: निविदाकार, M/s SCC Infrastructure Pvt. Ltd. के विरुद्ध परिवाद:- (i) Power of Attorney: The prescribed ₹25/- Welfare Ticket has not been affixed to the Power of Attorney. (ii) Bidder Information Affidavit: The prescribed 25/- Welfare Ticket has also not been affixed to the	Power of Attorney पर Rs. 25/- का Advocate Welfare Stamp वांछित नहीं है। Bidders Information Sheet पर Rs. 25/- का Advocate Welfare Stamp वांछित नहीं है। फलतः परिवाद के ये बिन्दु मान्य नहीं किये जा सकते हैं। S&P Infrastructure Developers (P) Ltd. द्वारा अपने परिवाद में निम्न दो वाद	तकनीकी बीड मूल्यांकन समिति की अनुशंसा से सहमत।

Bidder Information Affidavit. (iii) Conflict of Interest: In place of the required Affidavit relating to Conflict of Interest, a Technical Bid Sheet has been submitted. Therefore, it requires verification whether the document submitted actually complies with the prescribed tender requirement. (iv) Form LIT-I - Pending Litigation: The required Affidavit in respect of Form LIT-I – Pending Litigation has also not been submitted. (v) Litigation History declared as "NIL" despite information regarding two pending cases: It is a matter of serious concern that M/s SCC Infrastructure Pvt. Ltd. has declared its Litigation History as "NIL", whereas, as per the information/records available to us, the following two cases are pending in respect of the said company: 1. Case No. MCA/293/2026--pending before the Hon'ble Bombay High Court, Nagpur Bench. 2. Case No. 25664/2025 - pending before the Hon'ble Supreme Court of India. Despite the pendency of the above two cases, if the bidder has declared its Litigation History as "NIL", the matter requires detailed and independent verification in accordance with the tender conditions. In particular, in the light of the provisions of the Model Bidding Document (MBD), Section-3, Clause 2.2.1 and Section 4E.5, it is necessary to verify whether all information required to be disclosed by the bidder in respect of its litigation history has been furnished completely, correctly and truthfully. If disclosure of the above pending	अंकित किया गया है। (i) Case No. MCA/293/2026 & (ii) Case No. 25664/2025 (i) माननीय उच्च न्यायालय, मुम्बई के Website पर उक्त वाद Case No. MCA/293/2026 की जाँच की गई एवं पाया गया कि वाद की अद्यतन स्थिति Pending है। वाद Neha Construction Pvt. Ltd. से संबंधित है। (ii) Supreme Court of India के Website पर परिवादी द्वारा अंकित वाद की जाँच की गई एवं पाया गया कि वाद संख्या (SLP-25664/2025) RITES से संबंधित है, जिसकी अद्यतन स्थिति Pending है। उक्त दोनों वाद को MBD के Section-3: Clause 2.2.1, Section 4E.5 के तहत Form-LIT-1 में अंकित नहीं किया गया है। Form-LIT-1 में इनके द्वारा NIL अंकित किया गया है। अतः परिवाद का यह बिन्दु मान्य किया जा सकता है।	
---	--	--




cases was required under the prescribed format/declaration of the tender documents, and the bidder has nevertheless declared "Litigation History - NIL", the same becomes a serious matter for consideration while determining the Responsiveness of the bid. It is therefore requested that the current status, parties and nature of the above cases be verified from the concerned judicial records and that it also be examined whether disclosure of these cases was mandatory under MBD Section-3, Clause 2.2.1 and Section 4E.5. In view of the above, the deficiencies in the prescribed documents submitted by M/s SCC Infrastructure Pvt. Ltd., as well as the issue relating to its Litigation History, require re-examination in accordance with the tender conditions.		
(B) निविदाकार, M/s RKS Engicon Pvt. Ltd. के विरुद्ध परिवाद:- There also appear to be serious and significant discrepancies in the Turnover Certificate submitted by M/s RKS Engicon Pvt. Ltd., which require detailed and document-based verification. (i) Significant discrepancy in Turnover Figures: In the Turnover Certificate for the financial year 2022-23, the turnover of RKS-SKBPL JV has been stated to be approximately 25 Crore. However, in the certificate relating to the work "Bajjnathpur to Gamhariya via Litiyahi Road" under Road Division, Madhepura, available at Page No. 10 of the file named "1783058468567_19 EXP CERT", the turnover of the JV for the same year has been shown as ₹44,69,65,759/-. Thus, there is a clear and significant	M/s RKS Engicon Pvt. Ltd. इस निविदा में निविदाकार नहीं है। अतः विभागीय कार्यालय आदेश सं0- 141, दिनांक- 28.10.2021 के आलोक में परिवाद का यह बिन्दु अमान्य किया जा सकता है।	तकनीकी बीड मूल्यांकन समिति की अनुशंसा से सहमत। 

discrepancy between the two documents regarding the turnover of the same JV for FY 2022-23.

It is particularly important that the above Bajjnathpur to Gamhariya via Litiyahi Road work has been submitted by the company as Similar Nature of Work / Qualifying Similar Nature of Work. Therefore, the authenticity and correctness of the Turnover and Experience Certificate relating to this work require strict verification from the original records and the concerned competent authority.

Similarly, if different figures are found in the certificates submitted for other financial years, all such figures should also be cross-verified with the original records and certificates issued by the competent authority.

(ii) Mention of "Turnover inclusive of GST" in the Turnover Certificate:

The Turnover Certificate submitted by M/s RKS Engicon Pvt. Ltd. states that "The above turnover is inclusive of GST."

This is also an important matter requiring specific examination in accordance with the conditions of the tender.

Generally, turnover reported in audited financial statements is stated exclusive of GST, since GST collected from customers does not constitute the income/revenue of the company. Therefore, unless the tender specifically permits calculation of turnover inclusive of GST, the basis and calculation adopted for showing turnover inclusive of GST in the Turnover Certificate require clear verification.

Further, Form 26AS cannot, by itself, be treated as conclusive evidence of accounting turnover, as Form 26AS primarily reflects information reported/deducted/collected under the

Income Tax system, and the amount reflected therein may not necessarily be identical to the actual turnover recorded in the books of accounts or audited financial statements of the company. Accordingly, if the tender conditions specifically permit Turnover inclusive of GST, the certificate should clearly establish the basis of calculation, the GST component considered and the methodology adopted for arriving at the stated turnover. Otherwise, the turnover should be verified with reference to the audited financial statements, excluding GST, as applicable. Therefore, the statement "Turnover inclusive of GST" appearing in the Turnover Certificate of M/s RKS Engicon Pvt. Ltd. should be independently examined with reference to the relevant tender provisions, audited financial statements, GST returns and other original financial records.		
(C) निविदाकार, M/s Ujjain Engicon India Pvt. Ltd. के विरुद्ध परिवाद:- Further, an important pending litigation and a significant discrepancy in the Existing Commitment documents of M/s Ujjain Engicon India Pvt. Ltd. have also come to our notice, which require detailed verification. (i) Pending Litigation: The Litigation between M/s Ujjain Engicon India Pvt. Ltd. & NHIDCL (National Highways & Infrastructure Development Corporation Limited), which is pending before the Hon'ble High Court of Delhi as Case No. 13910/2024. The said case relates to the work "Construction and Upgradation of Existing Road to 02	परिवादी द्वारा निविदाकार के विरुद्ध NHIDCL द्वारा Non Performance से संबंधित मामले के संबंध में बताया गया है। NHIDCL द्वारा निविदाकार, M/s Ujjain Engicon India Pvt. Ltd. को Non-Performer घोषित करने के विरुद्ध निविदाकार द्वारा माननीय "High Court of Delhi" में वाद सं०- WP (C)/13910/2024 दायर किया गया है, जिसमें अन्तिम निर्णय नहीं हुआ है। यह Pending Litigation का मामला बनता है। निविदाकार द्वारा NHIDCL से निर्गत पत्र एवं इससे संबंधित दायर वाद की सूचना एवं इससे संबंधित सभी Documents निविदा में Upload किया	तकनीकी बीड मूल्यांकन समिति की अनुशंसा से सहमत। <i>BMA</i>

Lane with Paved Shoulder from Km 37+600 to Km 52+000 of Rhenok-Menla Spur (NH-717B), Package-IIC, State of Sikkim." The Hon'ble Delhi High Court vide order dated 03/10/2024 vide para 3 given stay order with the condition that "Having regard to the aforementioned circumstances, till the next date of hearing, the Petitioners are permitted to participate in any tender issued by MORTH or its executing agencies. However, any such participation shall be subject to the outcome of the present petition" During the proceedings dated 17.03.2026, the company undertook before the Court to complete the remaining work by 1 July 2026. On the basis of this undertaking, the Hon'ble Court granted the stay. But as per balance value of works certified by the Authority as on 30.06.2026, the work is only 79% complete. Therefore, M/s Ujjain Engicon India Pvt. Ltd. Is the real Non-Performer and will be declared by Hon'ble Delhi High Court in next date of hearing. However, the company has still not completed the work as on date. The next date of hearing before the Hon'ble Delhi High Court has been fixed for 28 August 2026. Therefore, the nature and current status of the pending litigation, as well as the actual status of the concerned work, require verification from NHIDCL and the relevant judicial records. (ii) Significant discrepancy in Remaining Work Value in Existing Commitment: In the Existing Commitment Letter submitted by M/s Ujjain Engicon India Pvt. Ltd. in respect of the above-mentioned work, the "Updated Value of Works remaining to be completed" has been shown as 32.84	गया है। अतः परिवाद का यह बिन्दु अमान्य किया जा सकता है। निविदाकार द्वारा Existing Commitment हेतु Uploaded Document में परिवादी द्वारा अंकित कार्य का Remaining work value 55.84 करोड़ दर्शाया गया है जो कि NEPL-UEIPL (JV) के द्वारा किया जा रहा है जिसमें निविदाकार, Ujjain Engicon India Pvt. Ltd. (UEIPL) का Share 40% है। जिसमें स्पष्ट है कि निविदाकार द्वारा किये जाने वाले Remaining work value Rs. 55.84 x 40% = Rs. 22.336 Crore & Updated value for Finanacil year 2026-27= 22.336 x 1.47 = Rs. 32.83392 करोड़ होता है। निविदाकार द्वारा उक्त कार्य हेतु Remaining work value Rs. 32.84 करोड़ दर्शाया गया है जो सही है। अतः परिवाद का यह बिन्दु अमान्य किया जा सकता है।	
--	--	---

Crore. However, in the relevant document issued/available from NHIDCL, the "Updated Value of Works Remaining to be Completed" for the same work has been shown as 55.84 Crore. Thus, for the same work, the Existing Commitment document submitted by the bidder shows 32.84 Crore, whereas the NHIDCL document shows 55.84 Crore. There is therefore a clear difference of 23.00 Crore between the two figures. This discrepancy is significant because the correct amount of Existing Commitment may directly affect the assessment of the bidder's Bid Capacity and existing contractual commitments. It is therefore necessary to verify the amount of 32.84 Crore stated by M/s Ujjain Engicon India Pvt. Ltd. from the original records of NHIDCL and to obtain a clear explanation for the difference from the amount of 55.84 Crore reflected in the NHIDCL record. It should also be examined what the actual status of the work was as on the stipulated 01.07.2026 completion/remaining-work timeline and what impact the same may have on the Existing Commitment and Bid Capacity of the bidder. Regarding Fair and Uniform Evaluation Our objective is not to seek the disqualification of any bidder unfairly, but to ensure equality, transparency, fairness and uniform compliance with the prescribed tender conditions throughout the tender process. Where deficiencies, discrepancies or factual inconsistencies are found in the documents of any bidder which may affect its Responsiveness under		
--	--	---

the prescribed tender conditions, the same standards should be applied as have been applied to all other bidders.

We therefore respectfully request that:

1. The technical bid documents and deficiencies mentioned above in respect of **M/s SCC Infrastructure Pvt. Ltd.** be re-examined in accordance with the tender conditions.

2. The absence of the prescribed Welfare Ticket in the Power of Attorney and Bidder Information Affidavit, along with other documentary discrepancies, is examined.

3. The validity and acceptability of the documents submitted in place of the required Affidavit relating to Conflict of Interest and Form LIT-I - Pending Litigation be examined.

4. The information regarding Case No. MCA/293/2026 and Case No. 25664/2025, despite the declaration of "Litigation History - NIL" by M/s SCC Infrastructure Pvt. Ltd., be independently verified.

5. It be examined whether disclosure of the above cases was required under MBD Section-3, Clause 2.2.1 and Section 4E.5.

6. If disclosure of the said cases was mandatory and the bidder nevertheless declared its Litigation History as "NIL", the same may kindly be considered while determining the Responsiveness of the bid in accordance with the tender conditions.

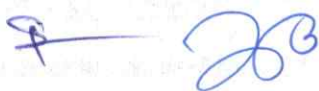
7. The Turnover Certificate of M/s RKS Engicon Pvt. Ltd. is verified from the original records.

8. The discrepancy between the FY 2022-23 turnover of *25 Crore and ₹44,69,65,759/- be thoroughly

examined. 9. The Turnover and Experience Certificate relating to Baijnathpur to Gamhariya via Litiyahi Road, submitted as Similar Nature of Work, be specifically verified. 10. The statement "Turnover inclusive of GST" in the Turnover Certificate of M/s RKS Engicon Pvt. Ltd. be examined with reference to the relevant tender provisions, audited financial statements and GST records. 11. It be verified whether, if turnover inclusive of GST is permitted, the calculation has been made strictly in accordance with the prescribed tender conditions. 12. The current status of Case No. 13910/2024, High Court of Delhi, against M/s Ujjain Engicon India Pvt. Ltd., and the actual status of the related work are verified from NHIDCL/judicial records. 13. The difference of 23.00 Crore between the 32.84 Crore Existing Commitment shown by M/s Ujjain Engicon India Pvt. Ltd. and the 55.84 Crore shown in the NHIDCL document is thoroughly examined. 14. The correct Existing Commitment amount and its impact on the bidder's Bid Capacity and related financial calculations are determined. 15. After verification of all the above matters, it may kindly be ensured that the technical eligibility and Responsiveness of all bidders have been determined on the basis of uniform, fair and transparent criteria. It is therefore respectfully requested that, before opening the Financial Bid, a fair, detailed and document-based re-examination/verification of all the above points may kindly be carried out and that a final decision regarding the Responsiveness of the		
---	--	---

	concerned bidders be taken only after such verification. In particular, the following matters require examination in light of the relevant tender conditions: • Declaration of "Litigation History – NIL" by M/s SCC Infrastructure Pvt. Ltd.; • Discrepancies in the Turnover figures and the statement "Turnover inclusive of GST" in respect of M/s RKS Engicon Pvt. Ltd.; and • Pending litigation and discrepancies relating to Existing Commitment in respect of M/s Ujjain Engicon India Pvt. Ltd. This representation is being submitted not with the intention of seeking the unfair disqualification of any bidder, but with the objective of ensuring equality, fairness, transparency and uniform compliance with the prescribed tender conditions in the tender process.	
3.	Ujjain Engicon India Pvt. Ltd. द्वारा दिये गये परिवाद :- उपर्युक्त विषयक प्रासंगिक ज्ञापांक जो दिनांक-14.08.2026 को 1:00 बजे अपराह्न में ईमेल से प्राप्त हुआ है, के संदर्भ में निवेदन पूर्वक सूचित करते हुए कहना है कि विषयांकित कार्य के निविदा संख्या-02/BTH/RCD/2026-27 Tender ID-132530 में प्रासंगिक पत्र द्वारा लिए गए निर्णय से मैं सहमत नहीं हूँ क्योंकि हमें पूर्ण विश्वास है कि अधिकांशतः निविदाकार निविदा के शर्तों विशेषकर NIT के क्रमांक-39 के अनुरूप अहर्ता पूर्ण नहीं करते हैं।	तकनीकी बीड मूल्यांकन समिति की अनुशंसा से सहमत।

(A)





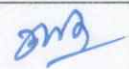
इस संबंध में मैं अपना परिवाद समर्पित कर रहा हूँ कि :- निविदाकार, SCC Infrastructure Pvt. Ltd. के विरुद्ध परिवाद:- 1. निविदाकार SCC Infrastructure Pvt. Ltd. के द्वारा NIT के क्रमांक 39 के अनुरूप "Existing commitment of ongoing works duly issued by Engineer-in-Charge" Upload नहीं किया गया होगा जिसकी गहनता से वृहत जाँच करने की आवश्यकता है। 2. जबकि NIT के क्रमांक-39 में स्पष्ट उल्लिखित है कि All Bidder have to submit their existing commitment of ongoing works duly issued by Engineer-in-charge along with all bidding documents. Otherwise, bid shall be considered/declared as non-responsive & invalid.	परिवादी द्वारा यह स्पष्ट नहीं किया गया है कि निविदाकार, SCC Infrastructure Pvt. Ltd. द्वारा Uploaded Existing Commitment की सूची में अंकित किस कार्य का Engineer-in-Charge द्वारा निर्गत Certificate Upload नहीं किया गया है। अतः परिवाद का यह बिन्दु अमान्य किया जा सकता है।	
3. निविदाकार SCC Infrastructure Pvt. Ltd. के द्वारा Arbitration/Litigation History एवं Debarred को छुपाया गया है। इनके Arbitration/Litigation History एवं इन्हें Debarred किये जाने से संबंधित कुछ साक्ष्य सुलभ प्रसंग हेतु संलग्न कर रहा हूँ जिस पर नियमानुकूल विचार करने की आवश्यकता है। उपर्युक्त बिन्दुओं के पुनरावलोकन किया जाय जिससे स्पष्ट हो जायेगा कि निविदाकार SCC Infrastructure Pvt. Ltd. निविदा के NIT क्रमांक-21 एवं 39 तथा Section	परिवादी द्वारा General Manager (E&M) CCL, Ranchi का पत्रांक- 595, दिनांक- 19.02.2021 की छायाप्रति संलग्न किया गया है, जिसमें निविदाकार को 12 Months यानि 18.02.2022 तक के लिए Debar किया गया है। इस आधार पर निविदा की तिथि दिनांक- 03.07.2026 को इन्हें Debar नहीं माना जा सकता है। अतः परिवाद का यह बिन्दु अमान्य किया जा सकता है। परिवादी द्वारा "In the High Court of Orissa at Cuttack" में दायर वाद WP (C) 8375/2022 का दिनांक- 24.11.2022 को पारित आदेश की प्रति संलग्न किया गया है, जिसमें निविदाकार, SCC Infrastructure Pvt.	

3. Evaluation & Qualification Criteria की कंडिका 1.2.1, 2.2 के शर्तों के अनुरूप अहर्ता पूर्ण नहीं करते है।	Ltd. Petitioner है। न्यायादेश में इस वाद को Dismissed किया जा चुका है। अतः परिवाद का यह बिन्दु अमान्य किया जा सकता है। परिवादी द्वारा "In the High Court of Delhi at New Delhi" में दायर वाद ARB.P. 345/2025 का दिनांक— 26.05.2025 को पारित आदेश की प्रति संलग्न किया गया है, जिसमें माननीय उच्च न्यायालय द्वारा Sole Arbitrator नियुक्त किया गया है। विषयक वाद से संबंधित मामला Arbitration में रहने के कारण निविदाकार को MBD के Section 3: Clause 2.2.1 & Section 4E.5 के आलोक में Litigation History में दिखाना चाहिए था। इनके द्वारा Pending Litigation, NIL दर्शाया गया है। अतः परिवाद का यह बिन्दु मान्य किया जा सकता है।	
(B) निविदाकार, S & P Infrastructure Private Limited के विरुद्ध परिवाद :- 4. निविदाकार S & P Infrastructure Private Limited को दिनांक—13.08.2026 को सम्पन्न तकनीकी बीड मूल्यांकन समिति की बैठक की कार्यवाही में केवल एक अदद कार्य से संबंधित Engineer-in-Charge द्वारा निर्गत प्रमाण पत्र नहीं होने की बात कही गई है जबकि मुझे पूर्ण विश्वास है कि इनके द्वारा सभी कार्यों के लिए विहित प्रपत्र में NIT के क्रमांक 39 के अनुरूप "Existing commitment of ongoing works duly issued by Engineer-in-Charge" Upload नहीं	परिवादी द्वारा यह स्पष्ट नहीं किया गया है कि निविदाकार, S & P Infrastructure Private Limited द्वारा Uploaded Existing Commitment की सूची में अंकित किस कार्य का Engineer-in-Charge द्वारा निर्गत Certificate Upload नहीं किया गया है। अतः परिवाद का यह बिन्दु अमान्य किया जा सकता है।	तकनीकी बीड मूल्यांकन समिति की अनुशंसा से सहमत।

\$ 263

किया गया होगा जिसकी गहनता से वृहत जाँच करने की आवश्यकता है।		
5. निविदाकार, S & P Infrastructure Private Limited के द्वारा Arbitration/Litigation History को छुपाया गया है। इनके Arbitration/Litigation History से संबंधित साक्ष्य सुलभ प्रसंग हेतु संलग्न कर रहा हूँ जिस पर नियमानुकूल विचार करने की आवश्यकता है। अतः तकनीकी बीड समिति से निवेदन हे उपरोक्त वर्णित सभी बिन्दुओं पर गहनता से जाँच के बाद ही वित्तीय बीड खोलने की कृपा किया जाय।	परिवादी द्वारा माननीय उच्च न्यायालय पटना में दायर वाद CWJC No. 987 of 2023 का दिनांक— 15.03.2023 को पारित Oral Judgement की प्रति संलग्न किया गया है, जिसमें निविदाकार, S & P Infrastructure Pvt. Ltd. Petitioner हैं। Oral Judgment में इस वाद को "Disposed of" किया जा चुका है। अतः परिवाद का यह बिन्दु अमान्य किया जा सकता है। परिवादी द्वारा "In the High Court of Delhi at New Delhi" में दायर वाद WP (C) 5401/2026 का दिनांक— 22.04.2026 को पारित Judgment की प्रति संलग्न किया गया है, जिसमें निविदाकार, S & P Infrastructure Developers Pvt. Ltd. Petitioner हैं। Judgment में इस वाद को "Dismissed" किया जा चुका है। अतः परिवाद का यह बिन्दु अमान्य किया जा सकता है।	तकनीकी बीड मूल्यांकन समिति की अनुशंसा से सहमत।





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

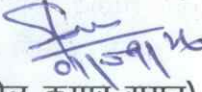
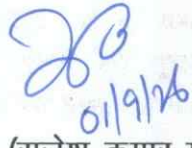
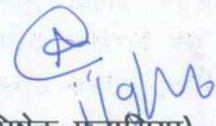
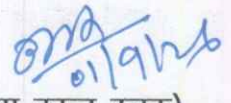
तकनीकी बीड मूल्यांकन समिति द्वारा समीक्षोपरान्त एवं सम्यक विचारोपरान्त निविदाकार (ii) JKM Infra Projects Limited का पत्रांक— JKM/PAT/INBR/MUZ/CE/2026/819, दिनांक—17.08.2026 (ii) S & P Infrastructure Developers Private Limited के पत्रांक— S&P/Admin/2026-27/181, दिनांक—14.08.2026 एवं पत्रांक— S&P/Admin/OPRMC-III/2026-27/026, दिनांक—14.08.2026 एवं (iii) Ujjain Engicon India Pvt. Ltd. का पत्रांक— UEIPL/RCD/2026/249, दिनांक—17.08.2026 द्वारा दिए गए परिवाद/आपत्ति के आलोक में उपभागीय ज्ञापांक— 2467, दिनांक— 13.08.2026 द्वारा संसूचित दिनांक—13.08.2026 को सम्पन्न तकनीकी बीड मूल्यांकन समिति की बैठक में लिये गये निर्णय में आंशिक संशोधन करते हुए निविदाकार, **SCC Infrastructure Pvt. Ltd.** को MBD के Section- 3: Clause 2.2.1, Section- 4E.5 एवं Section- 3: Clause 1.2.1 (a) के आलोक में असफल घोषित करने की अनुशंसा के साथ ही प्रथम बार आमंत्रित निविदा में एकल निविदाकार सफल होने के फलस्वरूप बिहार लोक निर्माण संहिता के नियम— 163 के आलोक में पुनर्निविदा आमंत्रित करने हेतु अनुशंसा की जाती है। तथा उपभागीय ज्ञापांक— 2467, दिनांक— 13.08.2026 द्वारा संसूचित दिनांक— 13.08.2026 को सम्पन्न तकनीकी बीड मूल्यांकन समिति की बैठक में लिए गए शेष निर्णय को यथावत रखने हेतु अनुशंसा की जाती है।



8. परिवाद समिति का निर्णय :-

- (i) विषयांकित कार्य की निविदा के तकनीकी बीड में असफल निविदाकार (1) JKM Infra Projects Limited का पत्रांक— JKM/PAT/INBR/MUZ/CE/2026/819, दिनांक—17.08.2026 के द्वारा दिए गए परिवाद/आपत्ति को अमान्य एवं निविदा के तकनीकी बीड में सफल निविदाकार (2) Ujjain Engicon India Pvt. Ltd. का पत्रांक— UEIPL/RCD/2026/249, दिनांक—17.08.2026 के द्वारा दिए गए परिवाद/आपत्ति को अमान्य एवं (3) S & P Infrastructure Developers Private Limited के पत्रांक— S&P/Admin/2026-27/181, दिनांक—14.08.2026 एवं पत्रांक— S&P/Admin/OPRMC-III/2026-27/026, दिनांक—14.08.2026 के द्वारा निविदा के तकनीकी बीड में सफल निविदाकार यथा SCC Infrastructure Pvt. Ltd. के विरुद्ध दिए गए परिवाद/आपत्ति को मान्य करने का निर्णय लिया जाता है।
- (ii) 04 (चार) निविदाकार (1) S & P Infrastructure Developers Private Limited द्वारा MBD के Section 3: Clause 1.2.3, Section 4E.10 एवं NIT के क्रमांक — 39 एवं MBD के Section 3: Clause 1.2.1 (b) के आलोक में, (2) M/s JKM Infra Projects Ltd. को MBD के Section 3: Clause-2.2.1, Section 4E.5 एवं MBD के Section-3 Clause-1.2.1 (a) के आलोक में (3) AIPL-Avian 'JV' को NIT के क्रमांक—28 के आलोक में एवं (4) SCC Infrastructure Pvt. Ltd. को MBD के Section- 3: Clause 2.2.1, Section- 4E.5 एवं Section- 3: Clause 1.2.1 (a) के आलोक में तकनीकी बीड में असफल घोषित करने का निर्णय लिया जाता है।
- (iii) शेष 01 (एक) निविदाकार यथा Ujjain Engicon India Private Limited द्वारा निविदा की वांछित अर्हता पूर्ण करने के कारण तकनीकी बीड में सफल घोषित करने का निर्णय लिया जाता है। साथ ही विषयांकित कार्य के निविदा के तकनीकी बीड में एकल निविदाकार सफल होने के फलस्वरूप निविदा को रद्द पुनर्निविदा आमंत्रित करने का निदेश मुख्य अभियंता, उत्तर, पथ निर्माण विभाग, बिहार, पटना को दिया जाता है।
- (iv) उपभागीय ज्ञापांक—2467 दिनांक—13.08.2026 द्वारा संसूचित दिनांक—13.08.2026 को सम्पन्न तकनीकी बीड मूल्यांकन समिति के निर्णय को इस हद तक संशोधित समझा 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 वेबसाइट 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-03-68/2026	6087(E)	पटना, दिनांक 11/9/24	
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 वेबसाइट पर अपलोड करने हेतु प्रेषित।			


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