



# BIHAR STATE POWER TRANSMISSION COMPANY LTD., PATNA

(A subsidiary company of Bihar State Power (Holding) Company Ltd., Patna)

CIN - U74110BR2012SGC018889

[SAVE ENERGY FOR BENEFIT OF SELF AND NATION]

Head Office, Vidhyut Bhawan, Bailey Road, Patna - 800021

Office Order No. ....119.....

Dated:- ...17.12.2021

Trans/Misc/P-I/156/2020

**Sub: Debarring of M/s A.K. Das Associates Ltd. in JV with M/s REW Contracts Pvt. Ltd. from participating in future tender of BSPTCL till satisfactory completion of all works against NIT No. 46/PR/BSPTCL/2018.**

- Ref:-
1. NOA No. 27(Supply) & 28(Service) both dated 21.01.2019
  2. PO No. 33 & WO No. 34 both dated 21.06.2019.
  3. This office letter no. 3203 dated 03.12.2019.
  4. This office letter no. 3203 dated 03.12.2019
  5. This office letter no. 3334 dated 16.12.2019.
  6. This office letter no. 3339 dated 17.12.2019
  7. This office letter no. 1576 dated 09.09.2020.
  8. Your letter no. REW/PTN/BSPTCL/CE(P-I)/NIT-46/19-20/284 dated 20.01.2020
  9. Your letter no. REWCPL/RKS/BSPTCL/CE(P-I)/NIT-46/19-20/544 dated 23.09.2020
  10. This office letter no. 1857 dated 23.10.2020
  11. Your letter no. REWCPL/RKS/BSPTCL/CE(P-I)/NIT-46/19-20/594 dated 30.10.2020
  12. This office letter no. 1910 dated 23.11.2020
  13. This office letter no. 1912 dated 23.11.2020
  14. This office letter no. 2107 dated 23.12.2020
  15. Your letter no. REW/PTN/BSPTCL/CE(P-I)/NIT-46/18-19/647 dated 31.12.2020
  16. This office letter no. 426 dated 09.03.2021.
  17. This office letter no. 439 dated 10.03.2021
  18. Your letter no. REWCPL/RKS/BSPTCL/CE(P-I)/NIT-46/20-21/679 dated 25.03.2021
  19. Your letter no. REWCPL/RKS/BSPTCL/CE(P-I)/NIT-46/20-21/688 dated 01.04.2021
  20. Your office email dated 07.04.2021
  21. Your letter no. REWCPL/RKS/BSPTCL/CE(P-I)/NIT-46/20-21/797 dated 20.04.2021
  22. Your letter no. REW/PTN/BSPTCL/CE(P-I)/NIT-46/20-21/965 dated 06.05.2021
  23. Your letter no. REW/PTN/BSPTCL/CE(P-I)/NIT-46/20-21/977 dated 26.05.2021.
  24. This office letter no. 637 dated 04.06.2021.
  25. Your letter no. REWCPL/RKS/BSPTCL/CE(P-I)/NIT-46/18-19/ 854 dated 30.06.2021.
  26. Your letter no. REW/PTN/BSPTCL/CE(P-I)/NIT-46/18-19/1120 dated 21.08.2021.
  27. This office letter no. 1058 dated 02.09.2021.
  28. GM-CuM-CE, Transmission Zone, Muzaffarpur letter No.-688 dated:-10.09.2021.
  29. A.Ex.E, TSD, Darbhanga letter No.-94 dated:-29.09.2021
  30. This office letter no. 1134 dated 16.09.2021.
  31. Your letter no. REWCPL/RKS/BSPTCL/CE(P-I)/NIT-46/20-21/845 dated 20.09.2021
  32. M/s A.K Das Associates Ltd. reference letter :-AKDAL/REW-BSPTCL/21-22 dated -07.10.2021
  33. This office letter no. 1231 dated 12.10.2021.
  34. This office letter no. 1227 dated 12.10.2021
  35. M/s A.K Das Associates Ltd. reference letter :-AKDAL/REW-BSPTCL/21-22 dated:-07.10.2021.
  36. This office letter no. 1257 dated 21.10.2021.
  37. Your letter no. REWCPL/RKS/BSPTCL/CE(P-I)/NIT-46/20-21/965 dated 22.10.2021.
  38. This office letter No.-1324 dated:-03.11.2021.
  39. Your letter no. REWCPL/RKS/BSPTCL/CE(P-I)/NIT-46/18-19/992 dated 09.11.2021
  40. This office email dated 03.12.2021.
  41. M/s REW email dated 04.12.2021.

1. M/s A.K. Das Associates Ltd. in JV with M/s REW Contracts Pvt. Ltd. have been awarded the work for capacity augmentation of different GSS - 1. Replacement of 3x100 MVA by 3x200 MVA Power Transformer at GSS Gopalganj, 2. Replacement of 3x100 MVA by 3x200 MVA Power Transformer at GSS Hajipur, 3. Replacement of 2x160 MVA by 2x200 MVA Power Transformer at GSS Darbhanga under State Plan against NIT No. 46/PR/BSPTCL/2018 by BSPTCL vide NOA No. 27 (S) & 28 (E) both dated 21.01.2019. The scheduled date of completion (SDOC) for the entire work was 12 (twelve) months from date of NOA i.e. up to 20.01.2020.
2. The progress of work was very slow since beginning of the contract and no significant physical activities had been taken up initially by M/s A.K. Das in JV with M/s REW Contracts. The JV of M/s A.K. Das and M/s REW were requested several times to speed up the works and submit the delivery schedule of the transformer but no fruitful response was received. Accordingly a show cause notice for slow progress of work was issued vide this office letter No.-141 dated:-16.01.2020.

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In response to the above show cause notice, M/s A.K. Das in JV with M/s REW Contract assured that procurement of all items is in streamline and to cover the backlog as soon as possible vide their letter no.-284 dated:-20.01.2020. A very few works had been carried out by the firm on ground during that period.

3. M/s A.K. Das in JV with M/s REW Contracts have again failed to meet their commitment made vide their letter dated 20.01.2020 regarding supply of various materials as well as in physical progress of work at site. The JV of M/s A.K. Das & M/s REW was well aware from the beginning of the contract that the aforesaid work involves shutdown of existing transformers, the same was also communicated by BSPTCL time and again. The JV of M/s A.K. Das & M/s REW have agreed all the terms & conditions of the contract to execute the work.

Further, as per clause of JV agreement "the parties to the joint venture shall jointly and severally be bound unto the employer for successful performance of the contract and shall be fully responsible for the design, manufacture, supply and successful performance of the equipment in accordance with the contract.

4. The firm did not show any inclination for execution of work during lockdown period even after all supports were being provided by BSPTCL due to Covid-19 pandemic, where as other agencies, working in BSPTCL, were executing the work at various locations of Bihar after obtaining necessary administrative approvals.
5. Again, after normalization of situation after 1<sup>st</sup> wave of Covid-19, the progress of work was not found satisfactory by M/s A.K. Das in JV with M/s REW Contracts and almost all the works at all sites were lagging behind the committed execution scheduled submitted by M/s REW itself, which has been communicated through various letters as well as during project review meetings.
6. After continuous follow up & persuasion, only 03 nos. of 200 MVA Auto Transformer (One no. at each site) could be delivered & commissioned by M/s A.K. Das in JV with M/s REW Contracts.  
The firm were requested several times for completion of balance works & supply of balance 05 Nos. 200 MVA Transformer vide letter under reference but till date no fruitful outcomes has been achieved.
7. M/s A.K. Das in JV with M/s REW Contracts have earlier submitted plan for supply of balance 05 Nos. of 200 MVA Transformer up to 30.09.2021 vide their e-mail dated:-07.04.2021. Accordingly based on the request of the firm and as per provisions of the contract, provisional time extension up to 30.09.2021 was granted for completion of the work.
8. In response to the various letters & regular follow ups for supply of balance 05 Nos. 200 MVA Transformer by BSPTCL, JV of M/s A.K. Das & M/s REW have repeatedly asked for price escalation citing Covid-19 Pandemic, initially ranging from 45% to 50 % , thereafter 45 % to 55 % and lastly 70 % to 75 % as per IEEMA on immediate basis.
9. The request of the JV of M/s A.K. Das & M/s REW was examined in light of the provisions of the contract and it was communicated to the firm vide this office letter no. 637 dated 04.06.2021 that, "No price variation shall be allowed on any account for the scope of work specified in the tender specifications" as per terms & conditions of the contract with a request to submit delivery schedule of balance 05 nos. transformer with day wise execution plan so that shut down can be allowed accordingly for early completion of the work.
10. After that various follow up/reminder letters were also issued to the firm for supply of balance 05 Nos. 200 MVA Transformer but JV of M/s A.K. Das & M/s REW have again asked for price variation vide their letter no. REWCPL/RKS/BSPTCL/CE(P-I)/NIT-46/20-21/845 dated 20.09.2021 mentioning that "BSPTCL has to give the price amendment for supply of 05 nos. 200 MVA Auto Transformer for early completion of the work" which is not in line with the terms & condition of the contract.
11. Considering the above facts, the higher authorities at the level of MD/CEO of M/s A.K. Das and M/s REW Contracts were requested to attend the meeting at Vidyut Bhawan, Patna on dated 25.10.2021 & 06.12.2021 to come up at a workable solution in the above matter. But the higher management of the firm did not turned up.

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12. Accordingly, show cause notice for debarment of contract was issued vide this office letter no.-1324 dated:- 03.11.2021. M/s A.K. Das Associates Ltd. in JV with M/s REW Contracts Pvt. Ltd have again requested to provide price escalation.

13. It is evident that M/s A.K. Das Associates Ltd. in JV with M/s REW Contracts Pvt. Ltd. are intentionally delaying the project completion schedule whereas BSPTCL is loosing precious working time for completion of the project during this period for which JV of M/s A.K. Das & M/s REW are fully responsible.

Non supply of 05 nos. of 200 MVA Transformers is totally attributable to the JV of M/s A.K. Das & M/s REW as they should have planned procurement of all required 200 MVA Transformers well in advance so that a market fluctuation does not affect the cost.

14. Considering the present scenario, it is evident that M/s A.K. Das Associates Ltd. in JV with M/s REW Contracts Pvt. are not going to supply balance 05 Nos. of 200 MVA Transformer. Non supply of balance 05 nos. of 200 MVA Transformer will put BSPTCL in trouble in providing full load from these sub-stations (where these transformers are to be installed) during the next summer season for which JV of M/s A.K. Das & M/s REW will be solely responsible.

15. This shows that JV of M/s A.K. Das & M/s REW is completely non-serious regarding completion of the above project since beginning of contractual period. The firm have not taken any timely effort for execution of work in spite of having sufficient opportunities.

16. Under the above circumstances, M/s A.K. Das Associates Ltd. in JV with M/s REW Contracts Pvt. Ltd. are hereby debarred from participating in future tenders in BSPTCL from the date of issuance of this order till satisfactory completion of all works against NIT No. 46/PR/BSPTCL/2018.

17. This order may also be treated as termination notice in case there is no assurance for supply of balance 05 nos. of 200 MVA Transformer within a week from the date of issue of this order.

Yours Faithfully,

Sd/-

(Ratan Kumar)

Chief Engineer (Project-1)

dated .....

Memo No.....

Copy forwarded to:-

- 1) M/s A.K. Das Associates Ltd.  
in JV with M/s REW Contracts Pvt. Ltd.  
594, Sector - 1, Vaishali, Ghaziabad  
Email: [rewcontracts@gmail.com](mailto:rewcontracts@gmail.com) /

for information and necessary action.

- 2) M/s A.K. Das Associates Ltd.  
11/1, Satya Nagar, Bhubaneswar-751007  
Odisha, India  
[amiyakanta@akdasassociates.com](mailto:amiyakanta@akdasassociates.com).

Sd/-

(Ratan Kumar)

Chief Engineer (Project-1)

dated ...17.12.2021

Memo No.....1460

Copy forwarded to DBA (IT), BSPTCL to upload this office order on BSPTCL website.

Ratan Kumar  
(Ratan Kumar) 17/12/21

Chief Engineer (Project-1)

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