

ORDER

Whereas on receipt of an indent for the purchase of 71683 Nos. Training Kits (Consisting of Training Bag 01 No, 01 No. Writing Pad and 01 No. Pen) required by the Development and Panchayats Department, Haryana, an on-line tenders was invited with brief intimation in news-papers and was opened on 03.10.2023. It is pertinent to mention here that as per the terms & conditions of the tender, the firms were required to submit test report/sample.

In response to the tender, following 07 firms submitted their bids:-

- i) M/s Florid Print & Pack Pvt. Ltd, Patiala
- ii) M/s G.M. Traders, Patiala
- iii) M/s Lakshya Enterprises (MSE-MICRO), Nuh
- iv) M/s National Federation of Farmers Procurement, Processing & Retailing Cooperative of India Ltd, Chandigarh
- v) M/s New Bharat Engg(swm) Pvt. Ltd. (MSE- MICRO), Kurukshetra
- vi) M/s Oasis Enterprises, Panchkula.
- vii) M/s Sterling Enterprises, Chandigarh

2. And whereas, present case was examined by the Technical Committee in its meeting held on 30.10.2023 and it was observed that the same address of both the firms namely M/s Florid Print & Pack Pvt. Ltd, Patiala & M/s G.M. Traders, Patiala was mentioned in the submitted Lab Test Reports of pen. In the Lab Test Report of pen submitted by M/s National Federation of Farmers Procurement, Processing & Retailing Cooperative of India Ltd, Chandigarh as per party's specification in Part A "Particular of Sample Submitted" where the name of the firm mentioned was M/s Florid Print & Pack Pvt. Ltd, Patiala. The findings as above, indicated it as a case of cartelization formed by these firms / bidders which amounted to committing breach of the terms & conditions of tender.
3. And whereas, as per provision contained at Para-12 of the DNIT, it has been provided that in case of evidence of cartel formation by the bidder(s), the EMD is liable to be forfeited along

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with other actions as are permissible to Government. In view of the factual position as detailed above, the Technical Committee decided that Show Cause Notices may be issued to M/s Florid Print & Pack Pvt. Ltd, Patiala, M/s G.M. Traders, Patiala & M/s National Federation of Farmers Procurement, Processing & Retailing Cooperative of India Ltd, Chandigarh for Panel actions as per provision contained in the DNIT. Accordingly, a registered Show Cause Notice dated 07.11.2023 was issued to the firm / bidder M/s National Federation of Farmers Procurement, Processing & Retailing Cooperative of India Ltd, Chandigarh.

4. And whereas, in response to the Show Cause Notice dated 07.11.2023, the firm / bidder had submitted its reply vide letter dated 20.11.2023. The reply of the firm was put up to the Competent Authority i.e. Director General, Supplies and Disposals Haryana (DGS&D) with the request to grant an opportunity for personal hearing to the concerned firm/bidder. Thereafter, the firm namely M/s National Federation of Farmers Procurement, Processing & Retailing Cooperative of India Ltd, Chandigarh was called for personal hearing on 09.01.2024 vide letter dated 05.01.2024. It is relevant to mention here that representative of the firm appeared in person and gave his detailed explanation through revised reply, wherein the firm admitted the mistake committed by it, which is also taken on record. The relevant portions of the revised reply is also reproduced as under:-

" Further in continuous of our letter dated 20.11.2023, it is submitted that as already informed that the mistake regarding lab test report was done at the level of Lab. However, it is requested that while submitting the tender documents, the error of Lab report could not be noticed due to our negligence. In future, we will take care of it and such mistake will not be repeated. I humbly requested your good self to kindly withdraw the show cause notice. In case the department feels, if our submission is meaningful, we have no objection withdrawal of our tender."

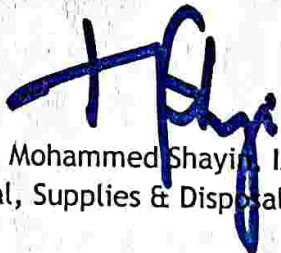
5. It is, therefore, expedient in the interest of the department and to decide the present issue, I have examined the entire file in details along with the reply/revised reply submitted by the firm against the show cause notice issued on 07.11.2023. After thoughtful consideration over

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the issues involved in the present matter, have reached to this conclusion that the firm admitted that they have committed negligence/mistake and has also given in writing that it has no objection if the firm is kept out of the tender. Under these circumstances, I am of the considered view that the submissions of the firm M/s National Federation of Farmers Procurement, Processing & Retailing Cooperative of India Ltd, Chandigarh through its representative do not help him it much to evade from the penal action/liability as committed by the firm and I hereby impose punishment to forfeiture of Earnest Money Deposit (Rs.2,00,000/-) of the firm and to deposit the same into Government account. The Earnest Money Amount of Rs.2,00,000/- (Rs. Two Lakhs only) as forfeited above is to be credited in State Government Account under the relevant Head of this Department. The firm / bidder M/s National Federation of Farmers Procurement, Processing & Retailing Cooperative of India Ltd, Chandigarh is hereby issued warning to be careful in future otherwise, strict panel action as per the rules will be taken against them. In the fitness of things, I hereby pass an order in the present matter and file the reply of the firm received against show cause Notice dated 07.11.2023 being devoid of merits.

I hereby order accordingly.


Dated:-


Mohammed Shayin IAS,
Director General, Supplies & Disposals, Haryana

Endst No. 1945/HR/TLA-I/2023-2024/ 20163-67 Dated 11/01/24

A copy is forwarded to the following for information and necessary action:-

1. M/s National Federation of Farmers Procurement, Processing & Retailing Cooperatives of India Ltd. (NACOF), S.C.O-128-129, Sector-8-C, Chandigarh. Email:- nacofchd@gmail.com.
2. The Director General, Development & Panchayats Department, Haryana, Plot No. 03, Sector-28-A, Chandigarh.
3. HODs of all the Departments of the States.
4. Section officer O/o Supplies & Disposals Department, Haryana.
5. Security Assistant O/o Supplies & Disposals Department, Haryana.


Deputy Director,
For Director General, Supplies & Disposals, Haryana.