

ORDER

1. As per decision taken in High Powered Purchase Committee (HPPC) in its meeting held on 25.04.2019, Rate Contract were issued to the 07 Nos. approved firms vide this office Memo. No.166/HR/RC/TLA-II/2017-2018/1665-71 dated 26.04.2019 @ Rs. 467/- Per Crates Incl. of GST & all other type of taxes/duties. The Rate Contract holding firms were to supply 70% of the allotted quantity by 15.05.2019 and balance 30% allotted quantity by 25.05.2019 as per details given below:-

Sr. No.	Name of Firm	Quantity Allocated	70% of Quantity before 15.05.2019	30% of Quantity before 25.05.2019
1	2	3	4	5
1.	Bansal Timber Supply Company, Sirsa	50,000	35,000	15,000
2.	K.P. Garg & Company, Sirsa	50,000	35,000	15,000
3.	Shree Ram Bansal & Sons	50,000	35,000	15,000
4.	Savitri Industries, Sirsa	50,000	35,000	15,000
5.	Jai Baba Barfani Fabricators, Karnal	20,000	14,000	6,000
6.	Gangan Enterprises, Karnal	20,000	14,000	6,000
7.	Laggar Industries, Karnal	20,000	14,000	6,000
TOTAL		2,60,000	1,82,000	78,000

The schedule of supply as detailed above was finalized only after its acceptance by all the firms before the HPPC.

2. The Director, Food, Civil Supplies & Consumer Affairs Department, Haryana vide its Memo No.S.B-5-2019/8553-8559 Dated 01.05.2019 placed Supply Orders with various Rate Contract approved firms for supply of 1.30 Lakhs Wooden Crates for various Districts as per the quantity allotment mentioned in the said order. It was further mentioned that the Rate Contract firms to offer the stock to the concerned District Food & Supplies Controller for inspection so that the inspecting team may be sent to their premises for inspection as per the Rate Contract terms. Similarly, the Haryana State Warehousing Corporation (HSWC) vide its Memo No.HSWC/Tech/TA4/165/Wooden Crates/2019/16438, 16442, 16448, 16454, 16458, 16462 & 16467 Dated 30.04.2019 placed Supply Orders with various Rate Contract approved firms for supply of 1.30 Lakhs Wooden Crates for various Districts as per the quantity allotment mentioned in the said order.
3. The Haryana State Warehousing Corporation (HSWC) vide their e-Mail dated 02.05.2019 addressed to various Rate Contract allotted firms to which Supply Order was placed on 30.04.2019 directed them to send the Wooden Crates at their destination only after inspection made by their inspection team at the Rate Contracted firms premises.

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4. The Food, Civil Supplies & Consumer Affairs Department, Haryana vide their e-Mail dated 06.05.2019 to all their concerned Officers at District Level (both Food & HSWC) and all the Rate Contract holding firms issued revised Supply Orders thereby substituting the Supply Orders Dated 01.05.2019 (Food) & Dated 30.04.2019 (HSWC) as detailed in Para-2 above. The quantity allocation to various Districts in the revised order was changed in reference to what was provided in the Supply Order Dated 01.05.2019 & 30.04.2019.
5. That a note dated 23.05.2019 was received through Additional Chief Secretary to Govt. Haryana Industries & Commerce Department from Additional Chief Secretary to Govt. Haryana Food, Civil Supplies & Consumer Affairs Department. In the said note, it had been mentioned that as per decision of H.P.P.C. meeting held on 25.04.2019, the orders were placed for Wooden Crates with the Rate Contract approved firms by the Director General, Food, Civil Supplies & Consumer Affairs Department, Haryana and Managing Director, Haryana State Warehousing Corporation against Rate Contract issued by DGS&D and the details of quantity for which the order was placed and quantity supplied by the firms as on 23.05.2019 were as under:-

Sr. No.	Name of Firm	Quantity Allocated	70% of Quantity before 15.05.2019	30% of Quantity before 25.05.2019	Total Quantity Supplied so far	% of quantity allocated
1	2	3	4	5	6	7
1.	Bansal Timber Supply Company, Sirsa	50,000	35,000	15,000	500	1.00
2.	K.P. Garg & Company, Sirsa	50,000	35,000	15,000	7,025	14.05
3.	Shree Ram Bansal & Sons	50,000	35,000	15,000	9,490	18.98
4.	Savitri Industries, Sirsa	50,000	35,000	15,000	8,505	17.01
5.	Jai Baba Barfani Fabricators, Karnal	20,000	14,000	6,000	5,686	28.43
6.	Gangan Enterprises. Karnal	20,000	14,000	6,000	1,498	7.49
7.	Laggar Industries, Karnal	20,000	14,000	6,000	0	0.00
TOTAL		2,60,000	1,82,000	78,000	32,704	12.58

It was further strongly recommended that all these firms be immediately blacklisted and 'risk purchase' be authorized enabling the department to proceed for seeking alternative arrangement (such as hiring of Wooden Crates) to meet with the exigency caused by the default on part of these suppliers.

6. That the matter was examined by this office and as per the laid out procedure, Show Cause Notices were issued to the Rate Contract holding firms vide Memo

- No.166/HR/RC/TLA-II/2017-18/4882, 4879, 4873, 4864, 4870, 4867 & 4876 Dated 07.06.2019 to explain their position within 15 days as to why their security money may not be forfeited and why their firms may not be blacklisted/ debarred from doing business with Government of Haryana in view of non fulfilling the Terms & Conditions of the Supply Orders for supply of Wooden Crates placed with them.
7. That in reference to the Show Cause Notices dated 07.06.2019, all the Rate Contract holding firms submitted their reply on dated 21.06.2019, 23.06.2019 & 24.06.2019 and the same were forwarded to the Director, Food, Civil Supplies & Consumer Affairs Department, Haryana & Haryana State Warehousing Corporation vide this office Memo No. 166/HR/RC/TLA-II/2017-2018/6714-6715 dated 05.07.2019 for their comments.
 8. That the Director, Food, Civil Supplies & Consumer Affairs Department vide Memo No. SB-5-2019/17145 Dated 27.09.2019 and Haryana State Warehousing Corporation vide their Memo No.HSWC/Tech/JTA-I/2019/30497 Dated 30.08.2019 had submitted their comments in reference to this office Memo of Dated 05.07.2019 as detailed in Para-7 above.
 9. That on the comments of the Indenting Departments submitted to this office as detailed in Para-8 above, this office issued rejoinder to all the Rate Contract holding firms vide Memo No. 166/HR/RC/TLA-II/2017-2018/13730-13736 dated 17.10.2019 to submit their comments on the rejoinder within 15 days. It was further informed that if no comments are received from their side, it will be assumed that they have nothing to say in this regard and further action (Forfeiture of Security/Blacklisting etc) as per the rules will be taken and no more opportunity will be given to them thereafter.
 10. That in reference to rejoinder issued, all the Rate Contract holding firms submitted their comments dated 31.10.2019 and further requested to give them personal hearing in this case. This office vide letter dated 14.11.2019 informed all the Rate Contract holding firms to present themselves before the Additional Director (Admin.) Supplies and Disposals, Haryana for personal hearing. The representative of the firms attended the personal hearing on 14.11.2019.
 11. That after going through the entire chronology of events, replies submitted by the Rate Contract holding firms on the Show Cause Notices, the comments of the Indenting Departments on the replies submitted by the firms, replies of the firms on the rejoinder and submissions made by the firms during the personal hearing, the following has been observed:-
 - A. That the Rate Contract was issued to the 07 Nos. approved firms vide this office Memo. No.166/HR/RC/TLA-II/2017-2018/1665-71 dated 26.04.2019 @ Rs. 467/- Per Crates Incl. of GST & all other type of taxes/duties to supply

70% of the allotted quantity by 15.05.2019 and balance 30% allotted quantity by 25.05.2019.

- B. That the Director, Food, Civil Supplies & Consumer Affairs Department, Haryana vide its memo dated 01.05.2019 and Haryana State Warehousing Corporation (HSWC) vide its memo dated 30.04.2019 placed Supply Orders with various Rate Contract approved firms for supply of 1.30 Lakhs Wooden Crates each for various Districts as per the quantity allotment mentioned in the said order.
- C. That the Indenting Department vide their e-Mail dated 02.05.2019 addressed to various Rate Contract allotted firms directed them to send the Wooden Crates at their destination only after inspection made by their inspection team at the Rate Contracted firms premises
- D. That the Food, Civil Supplies & Consumer Affairs Department vide their e-Mail dated 06.05.2019 substituted the Supply Order Dated 01.05.2019 & 30.04.2019 with revised allotment of quantity.
- E. On the basis of A, B, C & D above, it can be concluded that no Wooden Crates were supplied upto 06.05.2019 in view of the revised Supply Order of Dated 06.05.2019.
- F. As per the record on the file, all the Rate Contract holding firms had requested the concerned officer at the District level of the two Indenting Organizations through e-Mails for inspection of the Wooden Crates before their supply to the designated places.
- G. It is also on record that at many places no Wooden Crates were accepted since the Wooden Crates made available by the firm for inspection were not confirming to the specifications of the Rate Contract. However in some instances, small quantities of Wooden Crates were inspected at the premises of the Rate Contract holding firms and were supplied to the various designated places as detailed in Para-5 above.
- H. It has also been observed that the period of delivery defined in the Supply Orders/Rate Contract is also small in view of busy session for the State Procuring Agencies due to procurement season being at its peak. So, there was always an issue of sparing senior Officers/Officials at District level for visiting the premises of the Rate Contract holding firms for inspection of the ready stock of Wooden Crates before their supply.
- I. In view of specific timeline/delivery schedule for the supply of 2.60 Lakhs Nos. Wooden Crates between the period from say 06.05.2019 to 15.05.2019 (70% of the Qty.) and upto 25.05.2019 (remaining 30% Qty.) appears to be impractical. Hence, it becomes difficult to say who is responsible (seller or



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buyer) for not realization of the supply order in view of inter linked relation of inspection & thereafter supply.

J. However, during the personal hearing on 14.11.2019 before Additional Director (Administration), the Rate Contracted firms informed that the acceptance of delivery period/schedule by them before the High Power Purchase Committee in its meeting on 25.04.2019 was not appropriate on their part since, this delivery schedule/timeline was impractical. They further admitted that they should not have agreed to the same at that time.

12. In view of the above, it has been observed that it cannot be made out exactly who is responsible i.e. Indenting Department/Suppliers for the non-execution of the Supply Orders. It has been further observed that the acceptance of delivery period/schedule by the Rate Contracted firms before the HPPC was wrong on their part as self admitted by them.

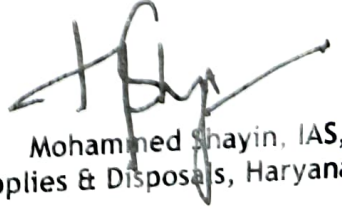
In order to ensure that such things are not repeated in future, bidding firms to make a practical submission before the HPPC and to meet the ends of justice, the security money of all the Rate Contract holding firms as per details given below be forfeited in to Government account:-

Sr. No.	Name of Rate Contract holding firm	Security No.	Security Amount
1	Bansal Timber Supply Company, Sirsa	S-24265	46,700/-
2	K.P. Garg & Company, Sirsa	S-24264	46,700/-
3	Shree Ram Bansal & Sons	S-24266	46,700/-
4	Savitri Industries, Sirsa	S-24267	46,700/-
5	Jai Baba Barfani Fabricators, Karnal	S-24263	18,700/-
6	Gangan Enterprises. Karnal	S-24261	18,700/-
7	Laggar Industries, Karnal	S-24262	18,700/-
Total			2,42,900/-

The security amount of Rs.2,42,900/- as forfeited above is to be credited in State Government Account under the relevant Head of this Department

I hereby order accordingly.

Dated:- 10-1-2024


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

Endst No. 166/HR/RC/TLA-II/2017-18/ 20088-01 Dated 11/1/24

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

1. Section officer O/o Supplies & Disposals Department, Haryana.
2. Security Assistant O/o Supplies & Disposals Department, Haryana.

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3. M/s. Jai Baba Barfani Fabricators Pvt. Ltd. Industrial Area near Bharat, Petrol Pump G.T. Road, Karnal-132001. E-mail:- gaganascamp@gmail.com
4. M/s. K.P. Garg & Co., Rangri Road, H.P. Petrol Pump, Sirsa (Haryana) E-mail:- kpgarg09@gmail.com
5. M/s. Shree Ram Bansal & Sons, Rania Road, New Kath Mandi, Sirsa-125055 (Hry.) E-mail:- sapnabansal228@gmail.com
6. M/s. Bansal Timber Supply Co. Rania Road, New Kath Mandi, Near Gandhi Colony, Sirsa (Haryana) -mail:- poojabansal08@gmail.com
7. M/s. Savitri Industries, Village Ramnagri, Raina Road, Sirsa-125055, Haryana. E-mail:- vineetgarg0456@gmail.com
8. M/s. Gagan Enterprises, 118 Mile stone Near Reliance Godwond, G.T. Road, Karnal-132001. Mob. No. 099531 86717.
9. M/s. Laggar Industries Ltd., New Grain Market opposite Bansal Rice Mills, Karnal-132001. E-mail:- sales@laggarindustries.com



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

