

Memo No: No. 52/HR/RC/E-4/2020-21/ 5140

Dated: 7-08-2024

ORDER

Whereas, on receipt of an indent for arranging the Annual Rate Contract for the supply of Solar Power by Commissioning of Grid Connected Roof Top Solar Photovoltaic (PV) Power Plant on the Roofs of Govt. Buildings in State of Haryana for 25 years required by New & Renewable Energy Department, Haryana & HAREDA. Tender was issued on 24.08.2020.

And whereas, the tender was opened on 18.09.2020. In response thereto, following 07 firms have submitted their online bids.

- i. M/s Ultimate Sun Systems Pvt. Ltd; Gurugram,
- ii. M/s Trinix Impex Pvt. Ltd;
- iii. M/s Salluz Energy Pvt. Ltd;
- iv. M/s Smart Roof Solar Solutions Pvt. Ltd;
- v. M/s Oakridge Energy Pvt. Ltd;,,
- vi. M/s KRPC Enterprises Pvt. Ltd;
- vii. M/s Himalayan Solar Pvt. Ltd;,, have submitted their bids.

And whereas, the offer/documents of the above said firms were examined in the Technical Committee meeting held on 08.10.2020 and the offer of following 04 firms were observed to be as per DNIT.

- i. M/s Ultimate Sun Systems Pvt. Ltd; Gurugram,
- ii. M/s Trinix Impex Pvt. Ltd;
- iii. M/s KRPC Enterprises Pvt. Ltd;
- iv. M/s Himalayan Solar Pvt. Ltd;,, have submitted their bids.

And whereas, the Financial Bids of technically qualified firms including your were opened on 24.11.2020. The case was discussed by the High Powered Purchase Committee meeting in its meeting held on 30.03.2021. As per decision of High Powered Purchase Committee, the rate contract was issued in favour of firm namely M/s Ultimate Sun Systems, Pvt. Ltd; Gurugram (herein after referred as firm) for the supply of Solar Power by commissioning of Grid Connected Roof Top

SUPPLIES & DISPOSALS DEPARTMENT, HARYANA  
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Solar Photovoltaic (PV) Power Plant on the Roofs of Govt. buildings in State of Haryana for 25 years vide rate contract No. 57/HR/RC/E-4/2020-21/3204 dated 29.06.2021.

And whereas, as per the delivery period clause of the rate contract, the systems are to be supplied, installed and commissioned within 03 months' time from the date of signing of PPA. But, as per report received from the Director General, Anti Corruption Bureau, Haryana, Panchkula vide their letter dated 09.01.2023, firm caused inordinate delay in the project execution and requested to deduct penalty from the PBG, and also make request to take action against the firm by blacklisting on account of non-performance. This office had issued Regd. Notice vide letter dated 16.01.2023 to the firm to install the solar power plant within 15 days from the date of issue of this Regd. Notice, failing which panel action viz forfeiture of your security, debarring of your firm from doing business with Govt. of Haryana, will be taken, as per terms & conditions of the Rate Contract. But the firm has failed to reply the same till date. This office issued reminder of Regd. Notice on dated 08.02.2023 to the firm, but, no reply has been received so far from the firm's side regarding execution of work such as; supply of Solar Power by commissioning of Grid Connected Roof Top Solar Photovoltaic (PV) Power Plant on the Roofs of Govt. buildings in State of Haryana for 25 years and chose to make requests devoid of merit vide letter dated 23.11.2023. The Director General, Anti Corruption Bureau, Haryana, Panchkula again reiterated their grievances and recommended penal action against the firm vide their letter dated 20.03.2023.

The Director General, New & Renewable Energy Deptt., Haryana & HAREDA vide their letter dated 13.04.2023 has informed that the firm has not executed supply, installation and commissioning of Solar Power Plants against rate contract and further informed that their office has already reported the deficiencies in services to the firm which include non-execution of work, incomplete execution and non-adherence to the specification of the rate contract and requested to penal action

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against the firm. The details of list of buildings where Solar Plants are yet to be installed and commissioned is as under :-

Sr. No.	District	Name of Buildings	Capacity Allocated KW	PPA Status
1	Rohtak	PTC, Sunarian	500	PPA signed on 14.12.21
2	Panchkula	SP, Tele.	50	PPA signed on 28.01.22
3	Faridabad	Police Lines	101	PPA signed on 19.01.22
4	Panchkula	HQ, DC Vigilance	130	PPA signed on 28.01.22
5	Panchkula	Police Line	105	PPA signed on 01.01.22
		<b>Total (A))</b>	<b>886</b>	

And whereas, this office vide REGD Final Show Cause Notice dated 05.03.2024 issued to M/s Ultimate Sun Systems Pvt. Ltd; Gurugram requested to explain the position within 15 days as to why their Earnest Money/Security may not be forfeited and why the firm may also not be blacklisted/ debarred to doing business with Government of Haryana on account of un-business like dealing. The firm had submitted reply on dated 16.03.2024. This office vide letter dated 05.03.2024 asked the Indenting Department i.e. M/s New & Renewable Energy Department Haryana & HAREDA to send their comments on the points raised by your firm. The New & Renewable Energy Department & HAREDA vide their letter dated 10.04.2024 has informed that the reply received from the firm was not found satisfactory.

And whereas, personal hearing was given to the firm on 20.05.2024 by DGS&D at Urja Bhawan, Panchkula and the firm was requested to submit the request incorporating the points discussed.

And whereas, the firm had submitted reply on dated 07.06.2024. The New & Renewable Energy Department & HAREDA vide their letter dated 01.07.2024 has informed that the reply received from the firm was not found satisfactory.

In view of the factual position, the firm has failed to supply of Solar Power by Commissioning of Grid Connected Roof Top Solar Photovoltaic (PV) Power Plant on the Roofs of Govt. Buildings in State of Haryana for 25 years within 03 months' time

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from the date of signing of PPA as per Condition No. 18 of DNIT, Schedule-V under the Head of terms and conditions of rate contract.

Condition no. 18 of Schedule-V of PPA is reproduced as under :-

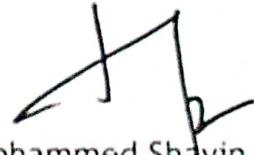
*"Non-performance according to contract provisions, Power Purchase Agreement on three occasions will disqualify the firm to participate in the Tender for a period of 3 (Three) years and its security deposit will be forfeited and no further Power Purchase Agreement will be given to that firm for that item".*

And now therefore, it is hereby ordered to forfeit the Total Security deposit of the firm amounting to Rs. 22,20,000/- (i.e. EMD Rs. 2,00,000/- and performance security amounting to Rs. 20,20,000/-

This is without prejudice to all other right and remedies permissible to the Govt. under the terms and conditions of the contract.

I hereby order accordingly.


Dated:-

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

Endst No. 52/HR/RC/E-4/2020-21/5740- Dated 7/5/24

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

1. The Director General, New & Renewable Energy Department, Haryana, Panchkula.
2. Section officer O/o Supplies & Disposals Department, Haryana.
3. Security Assistant O/o Supplies & Disposals Department, Haryana.
4. Programmer, O/o Supplies & Disposals Department, Haryana.
5. M/s. Ultimate Sun System Ltd; Unit 414, 4<sup>th</sup> Floor, Acus, Quantam Tower, Sector-51, Gurugram-122018, Haryana, India Email:- [info@ultimatesunsystems.com](mailto:info@ultimatesunsystems.com)

  
Executive Engineer,  
For Director General, Supplies & Disposals,  
Panchkula, Haryana