



To,
The Honorable Commissioner,
Nagpur Municipal Corporation,
Nagpur.

Date : 15-09-2020

Subject : Regarding irregularities in award of contract, subsequently payment made to the contractor M/s. D.C Gurbaxani (JV) for **Construction of Cement concrete road, phase II package No.17 & 18.**

Reference :- 1) My letter. Dt-30-07-2020
2) Reply of information Officer.25-08-2020
3) My letter dt -- 03-09-2020.

Honorable sir

With concern and reference to above I have to bring to your kind notice that as per the information Sought under RTI act 2005 rule, information office & Sub Divisional Engineer Lakadganj zone No. 8 NMC Nagpur, had provided part document i.e. 1) Work order copy 2) Tender booklet copy 3) Documents uploaded online by the contractor D.C Gurbaxani for the said work online tender.

As per the work order No 5/ C.C RD/2016 dt 28 07-2016 the work order is given in name of M/s. D.C Gurbaxani (JV) samath 13, New colony Nagpur-440001.

In page No.23 of document provided under RTI act page No.13 of online tender book it is mentioned that Joint Venture (JV) participation is permitted provided **number of partners in the joint venture shall not exceed two and minimum participation of one of the partners shall not be less than 30% and other partner (Lead Partner) shall not be less than 60% in Technical and Financial eligibility criteria. Both the partners of the Joint Venture jointly shall meet the eligibility criteria as stipulated in eligibility criteria. Also both the partners shall be registered in Govt./semi Govt organization in appropriate class and shall have carried out the similar work in past. Members of JV shall be jointly and severally responsible for the performance of the contract. Once formed and qualified, the partners of joint venture cannot be changed until the tenure of the contract.**

A company can participate only in one joint venture. Further a company participating in joint venture cannot submit separate bid in its own name. **Payment under contract shall be made in the name of lead member of Joint Venture only.** The other details for qualification of JV are given at paragraph 11.xi-2

o/c
15-9-2020
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Sr. No. 15/09/20 / CAFO
Dt. 15/09/20

15/09/2020



From the above it is very well clear that the payment under contract shall be made in name of lead member of Joint Venture only. In said work contract the payment is made only in name of M/s. D.C Gurbaxani which is evident from the account of M/s. D.C Gurbaxani in Axis Bank Limited Shankar Nagar Branch Nagpur, having account no. 917030026170608, IFSC Code : UT180001828. Being 40% partner (Not/lead partner)

As per documents uploaded by M/s. D.C Gurbaxani, document page no.124(received under RTI act) in **qualification information form -8 participation in joint venture** it is mentioned **M/s. Ashwini Infra developments Pvt. Ltd. (Lead Partner) the share mentioned is 60% and name of banker is Union Bank Of India while share of M/s. D.C Gurbaxani is 40% and name of banker is Bank Of India.** In the said contract the payment received by the contractor M/s. D.C Gurbaxani and made by Nagpur Municipal Corporation is only in name of M/s. D.C Gurbaxani Thus the Contractor M/s. D.C Gurbaxani as well as authorities of Nagpur Municipal Corporation had knowingly the facts of tender condition, violated the tender norms for JV work, favoring M/s. D.C Gurbaxani, the reasons best known to contractor M/s. D.C Gurbaxani and NMC authorities involved in awarding the work contract to the contractor not mentioning the name of JV lead partner.

From the above it may be concluded that M/s. D.C Gurbaxani had misguided the NMC authority for taking benefits of work qualification of C.C Road in subsequent bidding of NMC and other organizations. As such as per tender book page no.31 document page no.41 Sr. No.18 **Corrupt or Fraudulent Practices**, the said contractor may please be declared as a firm ineligible, either indefinitely, for bidding of various works of Nagpur Municipal Corporation and other departments anywhere in Maharashtra. Also the payments to be made for the said work and other works of M/s. D.C Gurbaxani in NMC Nagpur may kindly be stopped till the justification of above matter from M/s. D.C Gurbaxani and NMC authorities involved in above irregularities.

As per tender booklet conditions for Joint Venture works at page no.28 of document and tender page no.18, Sr No.2 (a) to (m), document page no.33, Sr. No (xii), document no.33, tender book page no.23, Sr. No 15 Envelop no.1, document page no.34, tender booklet page no.24, Envelop no.2, document page no.36, tender document page no.26, Sr. no.2(A), document page no.37, tender booklet page no.27, Sr. no (viii), document page no.41, tender booklet no.31. Sr. no.18. are not considered knowingly by the NMC authorities while scrutinizing the online submitted tender of M/s. D.C Gurbaxani. Thus this type of working by NMC authorities and M/s. D.C Gurbaxani, had been done there by given rise to corrupt practice in award of above work. Due to awarding of above work contract by making irregularities the Department had favored M/s. D.C Gurbaxani for other work contract under



phase.3 C.C Road work order no.2/C.C RD-III/2018 dt-11-07-2018 contract amount 25,05,85,621/- in a single bid received from M/s. D.C Gurbaxani there by making loss to NMC Department. I kindly request your good self to look into the irregularities done by M/s. D.C Gurbaxani and NMC authorities in the above work contract.

As such in view of the above, as a citizen of India and a common man request your good self to kindly take following actions for the corruption, irregularities made in above work contract. Hope that suitable actions for the following will be initiated at your end and not bend to knock the door of law.

1. To forfeit EMD amount of M/s. D.C Gurbaxani as per tender clause, for work under package 2 tender Sr. No.17 & 18.
2. To blacklist M/s. D.C Gurbaxani & M/s. Ashwini Infra development Pvt. Ltd. (Lead partner), for tendering in NMC and other organizations in Maharashtra in future for indefinite period.
3. To stop the payment of final bill for the said work under package 2 & 3, and also not to release security deposit till the, justification of above corrupt practice.
4. To suspend the Officers concerned in above work corrupt practice.

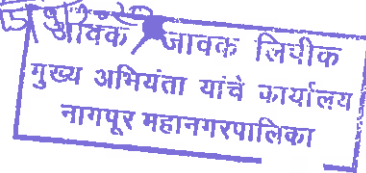
Thanking You.

Your's faithfully

Rajeev Ranjan Kushwaha (RTI applicant)
Special Correspondent. 9850503020

Copy to:-

1. Chief Engineer, NMC Nagpur
2. Superintending Engineer, NMC Nagpur
3. Chief Accounts & Finance Officer, NMC Nagpur
4. Executive Engineer, NMC Zone No.8 Nagpur



Enclosures :

1. Online tender booklet page no.13 to 31.
2. Qualification Information Form - 8.

15/7/2020
S. D. S.
Engineer Dept
NMC M.P. Corporation