

No. JSV-SP-I-SCM-Vol. -XIII/2022-23: 2233-43
Government of Himachal Pradesh
Jal Shakti Department,

To

The Additional Chief Secretary (Finance) to the
Government of Himachal Pradesh, Shimla-171002.

The LR-cum- Principal Secretary (Law) to the
Government of Himachal Pradesh, Shimla-171002.

The Secretary (JSV) to the
Government of Himachal Pradesh Shimla-2.

The Commissioner (Industries)-cum-Controller of Stores,
Department of Industries, H.P., Shimla-171002.

The Managing Director,
H.P. State Civil Supplies Corp. Ltd.
SDA Complex, Kasumpti, Shimla-171009.

Dated Shimla-171001 the 06th July, 2022.

Subject: Minutes of the 2nd Meeting of the Screening Committee held
on 05.07.2022 under the chairmanship of Hon'ble Jal Shakti
Minister.

Sir/Madam,

Kindly find enclosed herewith a copy of the minutes of the
above meeting held on 05.07.2022 under the Chairmanship of Hon'ble Jal Shakti
Minister, Himachal Pradesh for favour of information please.

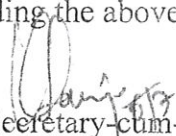
DA: As above.

Yours faithfully,

(Er. Sanjeev Kaul)
Member Secretary-cum-Engineer-in-Chief,
Jal Shakti Vibhag
Tutikandi, Shimla-171005.
Telephone No: 01772832992.
E-Mail: eespiph@gmail.com

Copy along with above is forwarded to the following for information please:

1. The Sr. Private Secretary to the Hon'ble Jal Shakti Minister to the Govt. of
H.P., Shimla-2.
2. The Chief Engineer, Shimla, Mandi, Hamirpur & Dharmshala Zone for
information and further necessary action.
- ✓ 3. In charge, Computer Cell for uploading the above minutes on departmental
website.


Member Secretary-cum-Engineer-in-Chief,
Jal Shakti Vibhag, Himachal Pradesh.

MINUTES OF 2nd MEETING OF SCREENING COMMITTEE FOR THE YEAR 2022-23 HELD ON 05.07.2022 UNDER THE CHAIRMANSHIP OF HON'BLE JAL SHAKTI MINISTER FOR PROCUREMENT OF PIPES/GI WIRE.

The following were present:

Sh. Amitabh Awasthi (IAS), Secretary (Jal Shakti) to the Government of Himachal Pradesh.	Member
Shri Rohit Jamwal (IAS), Special Secretary, Rep. of Addl. Chief Secretary (Finance), to the Government of Himachal Pradesh.	Member
Smt. Sunita Kapta (HPAS), Additional Controller of Stores Rep. of Controller of Stores, Industries Department H.P.	Member
Shri Rajendar Singh Tomar, Addl. LR-cum- Additional Secretary (Law) to the Rep. of Principal Secretary (Law), Government of Himachal Pradesh.	Member
Shri Arvind Kr. Sharma, General Manager, Rep. of Managing Director, H.P. State Civil Supplies Corp. Shimla-9.	Member
Er. Sanjeev Kaul, Engineer-in-Chief, Jal Shakti Vibhag H.P.	Member Secretary.

At the outset, the Member Secretary welcomed the Hon'ble Jal Shakti Minister & other members of the Committee.

Thereafter, discussion on agenda items followed as under:

Item No. I : Confirmation of Minutes of 1st Meeting of Screening Committee for the year 2021-22:

The Member Secretary explained that the minutes of the previous meeting held on 11.04.2022 were circulated to all the members vide letter no. JSV-SP-I-SCM-Vol.-XII/2021-22: 544-45 dated 27.04.2022. No comments/observations have been received from any of the members.

The Screening Committee accorded approval to confirm the same.



Item No.-II**Procurement of G.I. Pipes for the year 2022-23.**

- (a) The Member Secretary explained that in the previous meeting of Screening Committee held on 11.04.2022, following decision was taken:

“After detailed discussion/deliberation, the Screening Committee approved the annual requirement of G.I. Pipes i.e. 22585 MT G.I. Pipes {11677 MT under Jal Jeevan Mission + 10908 MT under other Head} and further authorized the department to call online tenders for procurement of GI Pipes through e-procurement. Further, the Screening Committee decided to include the above proposed condition in DNIT for ensuring good quality of pipes. The Screening Committee also decided to procure the pipes required under JJM in one go and pipes required under other Head were decided to be procured in phased manner as per availability of funds”.

- (b) As per decision of Screening Committee, the online tender for procurement of 22595 MT G.I. Pipes was called on 28.04.2022 and the technical bids were opened on 19.05.2022. Total thirteen firms have participated in the tender. The detail of the participating firms is mentioned below:

Sr. No.	Bid No	Bidder	Submitted Date	Mode of Payment
1	<u>281255</u>	M/s Jindal Industries Pvt. Limited, O.P. Jindal Marg, Model Town, Hisar, Haryana - 125005 (India).	18-May-2022	Offline
2	<u>281489</u>	M/s Hi-Tech Pipes Limited, 505, Pearls, Omax Tower, Netaji Subhash Place, Pitampura, New Delhi-110034.	18-May-2022	Offline
3	<u>281734</u>	M/s Rama Steel Tubes Limited, B-21, B-25/1, Site No. 4, Industrial Area, Sahibabad (UP)- 201010.	17-May-2022	Offline
4	<u>281853</u>	M/s Jindal Pipes Limited, 22nd Mile, Delhi-Hapur Road, P.O. Jindal Nagar, Ghaziabad-201302 (U.P.)	18-May-2022	Online
5	<u>281902</u>	M/s APL Apollo Tubes Limited, 37, Hargovind Enclave, Vikas Marg, Delhi-110092, India.	18-May-2022	Offline
6	<u>282094</u>	M/s Tata Steel Limited (earlier TISCO) Steel Limited, Tubes Division, Jamshedpur, Post Office Burmamines, Jharkhand- 831007	18-May-2022	Online
7	<u>282134</u>	M/s Goodluck India Limited,	18-May-2022	Offline

		Goodluck House, Nehure Nagar, Ambedkar Road, Ghaziabad-201001 UP Noida		
8	<u>282149</u>	M/s Vishal Pipes Limited, 32, Nishant Kunj, Kohat Enclave, Pitampura, Delhi-110034.	18-May-2022	Offline
9	<u>282156</u>	M/s Nippon Tubes Limited, C-49, Ist Floor, RDC, Raj Nagar, Ghaziabad (UP).	18-May-2022	Offline
10	<u>282225</u>	M/s Surya Roshni Limited, Bahadurgarh-124507 Haryana (India)	18-May-2022	Offline
11	<u>282358</u>	M/s Swastik Pipe Limited, 4, Central Market, Punjabi Bagh (W), New Delhi-110026.	18-May-2022	Offline
12	<u>282452</u>	M/s JTL Infra Limited, Village Gholu Majra, Dera Bassi Ambala Highway, Post Office Dapper, Dera bassi, Dsitt. SAS Nagar Mohali (PB)	18-May-2022	Offline
13	<u>282732</u>	M/s Gaurang Products Pvt. Ltd., Plot No. 10, South Side of GT Road, Bulandshahr Road, Industrial rea Ghaziabad-201009 (U.P.)	18-May-2022	Offline

After technical scrutiny of technical bids of all the participating firms by the Technical Committee headed by the Chief Engineer (Shimla Zone), the financial bids of all the firms were opened on 30.05.2022 and found to be in order and the tender case was further recommended for approval of the Negotiation Committee headed by Engineer-in-Chief (Jal Shakti). The meeting of Negotiation Committee headed by Engineer-in-Chief (JSV) was held on 06.06.2022 in which all the L-1 firms attended the meeting.

- (c) It is pertinent to mention here that in the downloaded comparative statement, the statement has reflected zero rates against item No. 7 (25mm Screwed & Socketed Heavy Class), resulting the firm M/s Gaurang Products Private Limited as L-1 against this item. During the negotiation meeting, the representative of the firm M/s Ganrang Products Pvt. Limited stated that the firm has not quoted for item No. 7 (25mm Screwed & Socketed Heavy Class) as the quantity mentioned in the tender was zero, but due to system requirement, the firm had to put zero in the column of basic rates, hence he requested to treat the same item as not quoted. The Negotiation Committee deliberated on the issue in detail and found that other tenderers M/s Hi-Tech Pipes Limited who has put similar zero in its basic rates for many items has not been shown L-1 in the system generated comparative

statement. Even M/s Gurnag Products Pvt. Limited has not been shown L-1 despite putting zero in another item no. 10 (32mm Screwed & Socketed Heavy Class) but has been shown as TR. It shows that there is some problem in the e-tender system regarding declaring L-1 in the system generated comparative statement in case of zero rates. After detailed discussions, the Negotiation Committee decided to accept the request of M/s Gurnag Products Pvt. Limited and further decided to consider M/s JTL Infra Ltd. as L-1 in item no. 7.

The Committee approved the same and decided to consider M/s JTL Infra Ltd. as L-1 for item no. 7.

(d) As per comparative statement generated online, as well as comparing financial bids of all the 13 participating firms, the detail of L-1 firms is mentioned as under:

Sr. No.	Name of L-I firm	L-1 Qty. against tender opened on 19.05.2022
1	M/s JTL Infra Limited	15575 MT.
2	M/s Rama Steel Tubes Limited	3671 MT
3	M/s Nippon Tubes Limited	2576 MT.
4	M/s Hi-Tech Pipes Limited	741 MT
5	M/s Swastik Limited	22 MT
	Total:	22585 MT

The quoted rates of almost all items were well below the justification prepared keeping in view the rates of raw material i.e. HR Coil from SAIL and Zinc from M/s Hindustan Zinc Limited (HZL) for the month of April, 2022 and considering the consumption, wastage, conversion charges, inspection charges, profit and GST as per past pattern. Similarly, the L-1 rates for most of the items are the lower than the rates worked out for the month of April 2022 after applying escalation to the rates of tender of last year. The negotiation with all the above firms was conducted one by one and after great persuasion most of the quoted rates were got reduced from L-1 bidders. The negotiated rates are based on rate of HR Coils of April 2022 i.e. Rs. 73,900/- PMT and monthly average rate of Zinc of April 2022 i.e. Rs. 3,82,263/- PMT. The validity of these rates is up to 31.03.2023.

After detailed discussion/ deliberations, the Committee approved the rates of GI Pipes valid up to 31.03.2023 as under:

Item Code	Description of Work / Item(s)	Negotiated Rail Head Rates (Per Metric Tonne)
item1	15mm Screwed & Socketed Light Class	125000.00
item2	15mm Screwed & Socketed Medium	120878.50

	Class	
item3	20mm Screwed & Socketed Light Class	119500.00
item4	20mm Screwed & Socketed Medium Class	119500.00
item5	25mm Screwed & Socketed Light Class	114400.00
item6	25mm Screwed & Socketed Medium Class	114400.00
item7	25mm Screwed & Socketed Heavy Class	114400.00
item8	32mm Screwed & Socketed Light Class	113550.00
item9	32mm Screwed & Socketed Medium Class	113550.00
item10	32mm Screwed & Socketed Heavy Class	113400.00
item11	40mm Screwed & Socketed Light Class	112690.00
item12	40mm Screwed & Socketed Medium Class	113400.00
item13	40mm Screwed & Socketed Heavy Class	113025.00
item14	50mm Screwed & Socketed Light Class	112690.00
item15	50mm Screwed & Socketed Medium Class	112500.00
item16	50mm Screwed & Socketed Heavy Class	112500.00
item17	65mm Screwed & Socketed Light Class	112650.00
item18	65mm Screwed & Socketed Medium Class	112650.00
item19	65mm Screwed & Socketed Heavy Class	112155.00
item20	80mm Screwed & Socketed Light Class	112600.00
item21	80mm Screwed & Socketed Medium Class	112600.00
item22	80mm Screwed & Socketed Heavy Class	111600.00
item23	100mm Screwed & Socketed Light Class	111500.00
item24	100mm Screwed & Socketed Medium Class	111500.00
item25	100mm Screwed & Socketed Heavy Class	111500.00
item26	125mm Screwed & Socketed Medium Class	113800.00
item27	125mm Screwed & Socketed Heavy Class	112700.00
item28	150mm Screwed & Socketed Medium Class	111000.00
item29	150mm Screwed & Socketed Heavy Class	110200.00
item30	15mm Plain Ended Light Class	125000.00
item31	15mm Plain Ended Medium Class	119560.20
item32	20mm Plain Ended Light Class	117391.00
item33	20mm Plain Ended Medium Class	117391.00
item34	25mm Plain Ended Light Class	114400.00
item35	25mm Plain Ended Medium Class	114400.00
item36	25mm Plain Ended Heavy Class	113600.00
item37	32mm Plain Ended Light Class	113500.00
item38	32mm Plain Ended Medium Class	112350.00
item39	32mm Plain Ended Heavy Class	112350.00
item40	40mm Plain Ended Light Class	113300.00

item41	40mm Plain Ended Medium Class	109400.00
item42	40mm Plain Ended Heavy Class	109400.00
item43	50mm Plain Ended Light Class	112600.00
item44	50mm Plain Ended Medium Class	112370.00
item45	50mm Plain Ended Heavy Class	112300.00
item46	65mm Plain Ended Light Class	112600.00
item47	65mm Plain Ended Medium Class	111175.00
item48	65mm Plain Ended Heavy Class	111000.00
item49	80mm Plain Ended Light Class	112100.00
item50	80mm Plain Ended Medium Class	111510.00
item51	80mm Plain Ended Heavy Class	109400.00
item52	100mm Plain Ended Light Class	110920.00
item53	100mm Plain Ended Medium Class	110920.00
item54	100mm Plain Ended Heavy Class	110500.00
item55	125mm Plain Ended Medium Class	111400.00
item56	125mm Plain Ended Heavy Class	110300.00
item57	150mm Plain Ended Medium Class	108900.00
item58	150mm Plain Ended Heavy Class	108300.00

(e) Further the Member Secretary explained that the additional requirement of urgently required 2029 MT G.I. Pipes {1310 MT under Jal Jeevan Mission + 719 MT under other Head} during the current financial year has been received from Chief Engineer, Hamirpur & Dharmshala Zone. The Division wise/ Head Wise detail is as under:

Sr. No.	Name of Jal Shakti Division	JJM (IN MT)	Other Head (IN MT)	Total (JJM + Other Head) (In MT)
<u>Hamirpur Zone</u>				
1	Ghumariwn	405		405
2	Jhandutta	20		20
4	Hamirpur	423	2	425
5	Bhoranj	106		106
6	Chauntra	356	25	381
	Total	1310	27	1337
<u>Dharmshala Zone</u>				
Dharmshala Circle				
7	Jaswan Pragpur		90	90
8	Chamba		154	154
9	Saloonie		34	34
10	Tissa at Bhajraru		332	332
11	Nurpur		82	82
	Total	0	692	692
	G. Total	1310	719	2029

The Screening Committee approved the additional requirement as above for procuring during the current financial year.

(f) As per the decision of Screening Committee vide para 'a' & para (e) , it was proposed to procure total 21761 MT G.I. Pipes in first instance {i.e. 11677 MT+ 1310 MT (Additional Requirement) under Jal Jeevan Mission, Priority-I & II in one go and 8055 MT Priority-I + 719 MT (Additional Requirement) of Other Head}. The balance 2853 MT of other head shall be procured in 2nd phase as per availability of funds.

Since, only five firms have quoted lowest rates for different dia of pipes, out of which the maximum quantity has been quoted by one firm as per the table in para (d) and during the negotiation, this firm has not committed to complete the supply as per the requirement within 60 days, so, it is proposed to offer all the participating firms for matching the negotiated rail head rates, so that, supply orders can be placed to these firms also, as per their manufacturing capacity, as well as, previous supply position for the timely procurement of the pipes.

After detailed deliberations, the Committee authorized Jal Shakti Vibhag to place the supply orders of 21761 MT G. I. Pipes in first instance {i.e. 12987 MT of Jal Jeevan Mission and 8774 MT of Other Head} in one go. The balance 2853 MT of other head shall be procured in 2nd phase as per availability of funds.

Further, the Committee authorized Jal Shakti Vibhag to seek consent from all the participating firms for supplying material on L-1 rates and place the supply orders as per offer/ manufacturing capacity and previous supply position of the firms.

Item No.-III

Procurement of additional requirement of D.I. Pipes for the year 2022-23.

The Member Secretary explained that the Screening Committee in its meeting held on 11.04.2022 has approved the total requirement of 126832 Rmt. and decided to call online tender for procurement of D.I. Pipes. Accordingly, the Department had called the online tender for procurement of D.I. Pipes on 06.05.2022 and the technical bids were opened on 28.05.2022. The finalization of tender is under process.

Now, the Chief Engineer Hamirpur Zone & Dharmshala Zone have submitted additional requirement of 43482 Rmt. D.I. Pipes. The Division wise detail is as under:

Sr. No.	Name of Division	Description of Material	Total Quantity (in Rmt.)
1	Jhandutta	150mm K-7	1660
2	Hamirpur	150mm K-7	10000

3	Chauntra	150mm K-7	1500
		200mm K-7	200
		250mm K-7	300
		450mm K-7	400
		Total:	2400
4	Chamba	150mm K-7	1802
		200mm K-7	650
		250mm K-7	1080
		Total:	3532
5	Dalhousie	150mm K-7	6790
6	Killar (Pangi)	150mm K-7	18750
		200mm K-7	350
		Total:	19100
		Grand Total:	43482

After detailed discussion/ deliberations the committee approved 43482 MT additional requirements of D.I. Pipes and further decided to procure the same, against tender opened on 28.05.2022, after its finalization from Screening Committee, subject to final outcome of CWP No. 3268/PD/22 pending before the Hon'ble High Court.

Item No. IV: **Procurement of additional requirement of HDPE Pipes for the financial year 2022-23:**

The Member Secretary explained that the additional requirement of HDPE Pipes of 43763 Rmt. has been received from the Chief Engineer Shimla & Dharmshala Zone. The division wise detail of requirement is mentioned as under:

Sr. No.	Name of Division	Quantity (in Rmt.)
1	Shillai	11885
2	Baddi	1945
3	Killar (Pangi)	4000
4	Dehra	25933
	Total :	43763

The material is required for various on-going works in state sector programme HIMCAD under which command area development activity in clusters of minor irrigation schemes is being carried out, in the shape of piped distribution network. Sufficient funds for procurement of HDPE Pipes are available during current financial year.

Since, the rate contract of HDPE Pipes has expired on 31.12.2021 and as confirmed by the representative of Industry Department, the rate

contract is being finalized shortly, hence it is proposed to procure these pipes on fresh rate contract as & when the rate contract is finalized.

After detailed discussions & deliberations on the matter the Screening Committee approved the additional requirement of 43763 Rmt. HDPE Pipes and decided to procure the same a/w previous approved requirement, as & when rate contract is finalized by the Industry Department . Further the Screening Committee was of the unanimous view that in case of abnormal delay in finalization of rate contract, if there is any urgency of material by any division, same shall be procured on turnkey basis/ through rates for works so that works of the Department are not held up further as the working season in Tribal/ snow bound areas is limited and also the work of CAD is to be executed in the field of farmers which also have limited working period due to standing crops.

Item No. V: Procurement of additional requirement of G.I. Wire for the financial year 2022-23.

The Member Secretary explained that the additional requirement of 9 MT G.I. Wire has been received from Chief Engineer Dharmshala Zone for the year 2022-23. The Division wise detail is as under:

Additional requirement of G.I. Wire for the year 2021-22			
Sr. No.	Name of Division	Description of Material	Quantity (in MT)
1	Chamba	SWG-6, 5.00mm thick	9
		Total	9

There is no HPCOS rate contract for supply of G.I. Wire for its procurement since last two years. However, as intimated by representative of Industry Department, the tender has been called and it will take some time for its finalization. Hence it is proposed to procure G.I. Wire on fresh rate contract as & when the rate contract is finalized.

After detailed discussions & deliberations on the matter the Screening Committee approved the additional requirement of 9 MT G.I. Wire and decided to procure the same a/w previous approved requirement, as & when rate contract is finalized by the Industry Department. Further the Screening Committee was of the unanimous view that in case of abnormal delay in finalization of rate contract, if there is any urgency of material by any division especially on account of current monsoon season, same shall be procured on turnkey basis/ through rates for works so that works of the Department are not held up further.

Item No. VI: Extension in delivery period without price variation against supply orders dated 05.08.2021 & 03.09.2021 in favour of firm M/s Hi-Tech Pipes Limited.



The Member Secretary explained that the matter regarding non-supply of G.I. Pipes by the M/s Hi-Tech Pipes Limited against supply orders dated 03.09.2021 was placed before the Screening Committee in its meeting held on 02.12.2021 and the Committee decided as under:

“After detailed discussions & deliberations the committee was of the unanimous view that since the firm had not supplied the material against the two supply orders dated 03.09.2021, hence both the supply orders may be cancelled and placed to other firms as per proposal of department. Moreover the committee decided to forfeit earnest money of M/s Hi-Tech Pipes Limited deposited against tender opened on 10.06.2021 and further decided to release the payment of the firm against supply order dated 05.08.2021 only after the completion of balance quantity 578 MT of this supply order by 31.12.2021 with penalty of Liquidated damages of 10% as per terms and conditions of supply order/ tender”.

Further, a notice had also been issued by E-in-C office to Firm M/s Hi-Tech Pipes Limited vide letter no. 9350-52 dated 1.12.2021 in which the firm had been asked to explain the reasons for not completing the supply of G.I. Pipes against above supply orders.

In response to the above notice, the firm vide its letter no. HT/JSV/2021-21 dated 07.12.2021 addressed to E-in-C office with copy to M.D. H.P. State Civil Supplies Corporation has informed that a notice/ letter has been received vide HP State Civil Supplies Corporation Shimla-9 vide letter no. 14779-14780 dated 17.11.2021, in which the firm has been directed to initiate the supplies against supply orders dated 03.09.2021.

Accordingly, the firm had informed to H.P. State Civil Supplies Corporation Shimla-9 vide letter dated HPSCSC/GIP/2019-20 dated 22.11.2021 that due to raw material constraints, some obstacle in plant and then Deepawali and Chatt Festivals, there was delay in execution of orders and the firm shall commence the supplies immediately.

Further, the firm had explained to E-in-C office that due to above cited reasons and shortage of raw material in market especially for smaller diameter due to huge demand of these pipes in various State Govt. departments under Jal Jeevan Mission Programme, the supplies got delayed. However, the firm managed to procure the raw material on higher prices and the firm shall start to commence the supply against the above supply orders.

As the firm was ready to supply the material without claiming any price variation and if department had placed fresh supply orders for above material to

other firms, they would claim price variation as per terms and condition of supply orders. Moreover, the firm M/s Hi-Tech Pipes Limited had reported that the firm manufactured the material of 491 MT against supply order no. 10461—10497 Dated 03.09.2021 and as per Inspection Note 100% inspection has been done by the Inspection agencies M/s WAPCOS on 02.12.2021 & 30 % inspection be done by M/s Edlipse on 03.12.2021 against this supply order and the firm had also initiated to dispatch the material accordingly. Further, as per inspection note, the 1st lot of 120 MT out of 795 MT (15mm- Light) against supply order no. 10150-10158 Dated 03.09.2021 was inspected by the above agencies on 04.12.2021 & 06.12.2021 respectively.

In view of all above facts, for saving time & money of the Government ex-chequer, the proposal that the firm M/s Hi-Tech Pipes Limited may be allowed to supply the material against above supply as per terms and conditions of supply orders was sent to Government through single file dated 08.12.2021 and the Government had approved the same on single file. The necessary ex-post facto sanction was taken in the Screening Committee meeting held on 23.02.2022 as under:

“After detailed discussion/ deliberations, the committee granted ex-post facto sanction and was of unanimous view that since the firm has completed the supplies and the Liquidated Damages as per terms and conditions of the tender/ supply orders has already been imposed on the firm hence the decision regarding forfeiture of earnest money of the firm is revoked”.

Now the firm M/s Hi-Tech Pipes Limited has represented to E-in-C office to extend their delivery period against supply order dated 05.08.2021 & 03.09.2021 without any price variation. The main reason for delay of supplies cited is *“acute shortage of raw material in the market due to time bound tender floated by various state Government Department for supply of GI Pipes under flagship programme Central Govt. Jal Jeevan Mission”.* The supply order wise detail of extension required is as under:

PO No & Date	PO Qty.	Last Date of original delivery period of 60 Days.	Last date of Dispatch
HPSCSC/Pro.1-36/2021-22(GI Pipes)-8279-8342 Dated 05.08.2021	2933 MT	04.10.2021	10.12.2021 (67 Days)
HPSCSC/Pro.1-36/2021-22 (GI Pipes)-10150-10158 Dated 03.09.2021	785 MT.	02.11.2021	31.12.2021 (59 Days)
HPSCSC/Pro.1-36/2021-22(GI Pipes)-10461—10497 Dated - 03.09.2021	491 MT.	02.11.2021	31.01.2021 (90 Days)

After detailed discussions/ deliberations on the issues the Committee was of the unanimous view that the firm M/s Hi-Tech Pipe Limited has supplied all the material without claiming the price variation as per earlier approval of Screening Committee and the main reason of delay of supplies was acute shortage of raw material, which was beyond the control of the firm. Hence, the Committee decided to grant extension of delivery period, as mentioned above without any price escalation, thereby revoking the liquidated damages.

Item No. VII

Regarding dispatch of material without joint inspection of material by the representative of Jal Shakti & H.P. State Civil Supplies Corporation Shimla-9 at factory premises: Waiver of 2% penalty imposed on M/s Rama Steel Tubes Limited.

The matter regarding dispatch of the material without joint inspection of material by the representative of Jal Shakti & H.P. State Civil Supplies Corporation Shimla-9 at factory premises of the firm M/s Rama Steel Tubes Limited against following terms and conditions of supply orders was put up before the Screening Committee in its meeting held on 11.04.2022. The detail of supply orders is mentioned as under:

Sr. No.	Supply Order No. & Date	Quantity (In MT)	Name of Consignee Division
1	HPSCSC/Pro/1-36/2021-22 (GI Pipes)-21625-21646 Dated 09.02.2022	208 MT	Una-II (Thanaklan), Amb, Indora, Fatehpur, Kullu-II, Una-I, Jawali
2.	HPSCSC/Pro/1-36/2021-22 (GI Pipes)-21398-21429 Dated 09.02.2022	486 MT	Baddi, Sundarnagar, Padhar, Kullu-II, Bialspur, Amb, Nurpur, Indora, Jawali, Mandi, Hamirpur & Bhoranj

The decision of the Screening Committee taken in last meeting in the matter is mentioned as under:

“After detailed discussion & deliberation, the Screening Committee was of the unanimous view that since the firm has supplied the material, without the inspection at factory premises in contravention of the terms and conditions of the supply orders, hence penalty @ 2% be deducted from the firm against above supply orders and post Inspection thereof be done at consignee end as proposed above. The firm shall however ensure strict adherence to terms and conditions of supply orders in future and this shall not be treated as a precedent for future.”

Now a representation has been received from the firm M/s Rama Steel Tubes Limited vide which the firm has represented that 100% Inspection of material has been done by M/s WAPCOS on 21.03.2022 and further 30% inspection of material was done by M/s QSS on 23.03.2022 at factory premises. Further, the firm has stated, that inadvertently due to oversight, the firm did not read the revised terms and conditions of supply orders regarding joint inspection of Pipes at factory premises and the firm had dispatched the material as per past practice {i.e. relaxation granted during

Covid time by the Screening Committee in its meeting held on 06.07.2020}, during November & December 2021 against supply order dated 03.09.2021.

In the matter the firm has requested that they have quoted very competitive prices in the tender and such a heavy penalty i.e. 2% of total payment of supply orders will bring big loss to their organisation. Hence the firm has requested to consider sympathetically their case and condone this penalty levied on the firm.

After detailed deliberations on the issue, the Committee was of the unanimous view that since the material has been received and inspected by the consignee and representative of Civil Supplies at consignee end and no any quality issue has been noticed. Hence as per request of the firm, the Committee took a lenient view and revoked the penalty of 2% imposed in the previous meeting.

Item No. VIII: Regularization of delivery period against supply order dated 31-01-2015, 26-09-2015 and 23-06-2016 in respect of M/S Tirupati Container Pvt. Ltd.

The Member Secretary explained that the supply orders for procurement of G.I. pipes were placed in favour of M/S Tirupati Containers Pvt. Ltd., during financial year 2014-15, 2015-16 and 2016-17 but the firm did not supply the pipes within delivery period of 60 days. The firm has sought extension in delivery period against above supply orders.

The complete case was placed before the Screening Committee in its meeting held on 12-10-2017 wherein the committee did not agree to grant extension and decided that action as per terms and conditions of tender/supply order may be taken against the firm. Accordingly liquidated damages of Rs. 2.31 Crore were imposed on the firm as per terms and conditions of tender and supply orders.

As per decision taken in the Screening Committee meeting held on 26.12.2019, a sub-committee under the chairmanship of Chief Engineer (Dharmshala Zone) was constituted to re-examine the representation of M/s Tirupati Containers Pvt. Limited regarding regularization of delivery period against supply orders dated 31.01.2015, 26.09.2015 & 23.06.2016.

The brief facts of the case are as under:

The firm in its representation has cited the various reasons for delay in supply of pipes, the some of which are:

- *The payment against supplies was excessively delayed by HP Sate Civil Supplies Corporation Limited.*
- *Heavy Snowfall.*
- *Delay in Inspection by various inspection agencies.*
- *Numerous Holidays falling in validity period leading to shortage of labour.*
- *Jaat reservation riots in various towns of Haryana.*



The above issues were deliberated by the sub-committee and the reasons cited such as heavy snow fall, Blockade of Highway during Jaat Reservation and delay in release of payment to the firm were considered to be genuine and deserving leniency hence the sub-committee was of considered view that the representation of M/s Tirupati Containers Pvt. Ltd. is valid hence be reconsidered for regularization of the delivery period angst supply order dated 31.01. 2015, 26.09.2015 & 23.06.2016 The supply order wise detail of delay in days and LD imposed is as under:

Sr. No.	Supply order No. & dated	Qty. Ordered (MT)	Qty. Dispatched within delivery period (MT)	Qty. Dispatched after delivery period (MT)	Delivery period up to	Extension required up to (in days)	Liquidated Damages imposed (In Rs.)
1	No. 39029-088 dated 31-01-2015	1937	229.00	1708.00	31-03-2015	05-09-2015 (158 days)	90,34,296/-
2	No. 24229-294 dated 26-09-15	4982	1344.58	3637.42	25-11-2015	16-03-2016 (112 days)	1,15,91,939/-
3	No. 7060-121 dated 23-06-2016	2010	1188.10	821.90	22-08-2016	25.10.2016 (64 days)	24,89,526/-
						Total:	2,31,15,761/-

The above matter was also put up before the Screening Committee in its meeting held on 26.02.2021 in which the member of LR-cum- Principal Secretary (Law) did not attend the meeting and the screening committee deferred the matter for the next meeting.

The matter had been put-up in Screening Committee meeting held on 23.03.2022 and the Committee has decided "to send the case on single file for examination and legal opinion before approval".

Accordingly the complete case along with facts & records have been sent to Govt. through single file in which now the Law Department of Government of Himachal Pradesh has given their advice that "as per condition No. 15 of the term and conditions for the supply of GI Pipes, the provision of extension in delivery period may be granted/ exhausted only in rare circumstances and that too only by the authorised officials. Further, if the reasons given by the said company like poor availability of trucks, Holidays, Riots, delay in payments & delay in inspection for making delay in supply fall in rare circumstances as per condition NO. 15 of the terms and conditions, in that case the AD can consider to revoke the liquidated damages imposed upon the firm".

The term and condition no. 15 of supply order or condition no. 20 of Tender is as under:

"The time and date of dispatch stipulated in the said schedule shall be deemed to be the essence of the contract and if the firm fails to dispatch any consignment within the period prescribed for such dispatch, then without prejudice to its rights otherwise the firm shall agree to pay liquidated damages for non-supply/delayed supply. The onus of levy of liquidated damages will vest with HP State Civil Supplies Corporation; these damages shall be imposed @ of 1% per week subject to a maximum of 10%. However, provision of extension in delivery period in rare

circumstances as authorized to Principal Secretary and Engineer-in-Chief shall stay as per his discretion and all above said penal action shall follow only after when extension period is exhausted/extension in time period is denied by the said office. After that the penalty shall begin to be levied as above. If the firm still fails to supply the ordered pipe, L-2 firm shall be awarded with the order at L-1 rates, in case of its refusal L-3 firms shall be invited to execute the order on L-1 rates.


- i) The department reserves the right to withhold 5% payment of the lot, which has been randomly chosen for post-delivery testing. The delivery period will be subject to force-majeure clause, particularly blockade of roads due to climatic conditions”.


Further in the matter it is mentioned here that the Screening Committee in its meeting held on 19.08.2009 has authorized Engineer-in-Chief to grant extension for delay of 30 days beyond actual delivery period and further Principal Secretary (IPH) for next 30 days without any price escalation.

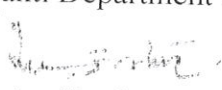
Since the delay of supply of pipes in above cases is more than 60 days, hence the extension is required to be granted by Screening Committee.

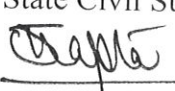
The matter was discussed in detail by the Committee and in view of the recommendation of Sub Committee and advice of Law Department, the Screening Committee being a competent authority in the matter, regularized the delayed period of supply orders thereby revoking the liquidated damages imposed on the firm M/s Tirupati Containers Pvt. Limited.


The meeting ended with a vote of thanks to and from the Chair.

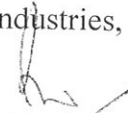

(Er. Sanjeev Kaul)
Member Secretary-cum-
Engineer-in-Chief,
Jal Shakti Department H.P.

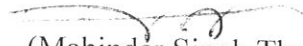

(Arvind Kr. Sharma)
General Manager,
Rep. of Managing Director,
H.P. State Civil Supplies Corp. Shimla-9


(Rajender Singh Tomar)
Additional Secretary (Law),
Rep. of Principal Secretary (Law)
to the Govt. of Himachal Pradesh


(Sunita Kapta, HPAS)
Addl. Controller of Stores,
Rep. of Controller of Stores,
Department of Industries, H.P.


(Rohit Jamwal, IAS)
Special Secretary,
Rep. of Addl. Chief Secretary (Finance),
to the Government of Himachal Pradesh.


(Amitabh Awasthi, IAS)
Secretary (Jal Shakti Vibhag)
to the Govt. of Himachal Pradesh.


(Mahinder Singh Thakur)
Jal Shakti Minister,
Govt. of Himachal Pradesh.