

**DELHI URBAN SHELTER IMPROVEMENT BOARD
GOVT. OF NCT OF DELHI**

No. D856/EE/C7/2023-24/DUSIB

Dated: 3/5/2023

ORDER

To

**M/s. Sainath Sales & Services Pvt. Ltd.,
341-E, AnandMarg, East Babarpur,
Shahdara, Delhi-110032**

(1)

N.O.W.: Pay and Use JSC

Sub-Head: Operation, management and maintenance of Jan Suvidha Complexes at Locations as per list under Jurisdiction of Divisions C-10, C-11 and C-12 under Circle-4, Delhi Urban Shelter Improvement Board, GNCTD (Group-4) (PID: 11230).

Agreement No. : 09/EEC-12/2018-19 dated 28.11.2018

(2)

N.O.W.: Pay and Use JSC

Sub-Head: Operation, management and maintenance of Jan Suvidha Complexes at Locations as per list under Jurisdiction of Divisions C-7, C-8 and C-9 under Circle-3, Delhi Urban Shelter Improvement Board, GNCTD (Group-3) (PID: 11229).

Agreement No. : 53/EEC-7/2018-19 dated 28.11.2018

WHEREAS work/contracts as stated above were awarded to you A.L. no. WI/6031/PG/EEC-7/DUSIB/2018-19/D-1047 dated 31.10.2018 and A.L. no. WI/6031/PG/EEC-7/DUSIB/2018-19/D-1048 dated 31.10.2018 for a period of one year with a provision of further extension of work. The work was extended from time to time as fresh tenders could not be invited due to unavoidable circumstances.

AND WHEREAS vide aforesaid agreement/contract you had been entrusted the work of maintenance and operation of Jan Suvidha complexes as per various norms/points / conditions as mentioned the Agreements.

AND WHEREAS during the Contract/Agreement period despite frequent information / complaints of the field staff and the general public regarding maintenance of proper hygiene and cleanliness, you failed to properly maintain and operate the Jan Suvidha Complexes (i.e. JSCs) as per aforesaid terms and conditions as mentioned in the Contract/Agreement. There have been serious lapses on your part due to which general public and dwellers of JJ basties had suffered.

AND WEHREAS it has been noticed that you are/were a habitual defaulter in maintenance and operation of the Jan Suvidha Complexes during the entire contract period and large number of complaints had been received from the general public and departmental team of swachhbharat mission in respect of Jan Suvidha Complexes entrusted with you for operation and maintenance.

AND WHEREAS as per record total Rs. 1,26,32,490/-(Rs, one crore twenty six lakh thirty two thousand four hundred and ninety) were recovered, from your 26 number of running bills on account of deficiency in service on your part in PID:11229. Similarly, A sum of Rs. 64,12,245/-(Rs.sixty four lakh twelve thousand two hundred and forty five) were recovered from your 24 number of running bills on account of deficiency in service on your part in PID:11230.

AND WHEREAS the Competent Authority has taken a serious view of the aforesaid lapses on your part and decided to call for your explanation as to why you may not be debarred for six month as per terms and conditions of the agreement from participating in future tenders invited by the DUSIB for operation and maintenance of JSCs.

AND WHEREAS you have filed a Writ Petition bearing No. WP(C) 9476/2022 and CM APPL. 28296/2022 titled as M/S. SAINATH SALES AND SERVICES PRIVATE LIMITED Vs. DUSIB, GNCTD thereby challenging the order dated 10.5.2022 of the EE, C-7 and C-12. The said writ petition was disposed of by the Hon'ble High court of Delhi on dt. 08.06.2022 wherein the impugned orders dated 10.5.2022 were set aside and it was left open for the DUSIB to issue Show Cause Notice to you (i.e. the petitioner).

AND WHEREASthe CEO, DUSIB vide her orders dated 01.03.2023 was pleased to constitute a committee of officers in the matter.

AND WHEREAS keeping in view of the Orders dated 8.6.2022 of the Hon'ble High Court of Delhi, Show Cause Notices were issued vide No. D-92/EEC-12/DUSIB/2023 dated 6.3.2023 by EE C-12 and vide No. 745/EE/C-7/22-23 dated 6.3.2023 by EE,C-7 calling upon on behalf of the CEO, DUSIB, to you to explain as to why you may not be debarred for six months as per terms and conditions of the agreement from participating in future tenders to be invited by the DUSIB for operation and maintenance of JSCs.

ANDS WHEREAS you submitted a written reply to the said Show Cause Notices vide your separate replies addressed to EEC-7 and EEC-12 vide dated 13.3.2023.

AND WHEREAS adhering to the principles of Natural Justice, letter vide No. EE/C-12/DUSIB/2022-23/D-122 dated 25.3.2022 and letter bearing No. EE/c-7/DUSIB/2022-23/D-785 dated 25.3.2023 were sent to you by EEC-12 and EEC-7 respectively requiring you to appear for a personal hearing fixed on dt.28.3.2023 at 4 PM in the above matter.

AND WHEREAS you attended the personal hearing with your representative/Director/Legal Advisor, as scheduled, on dt. 28.3.2023 before the Committee already constituted for the purpose.

AND WHEREAS during the course of personal hearing, following submissions were made by you:-

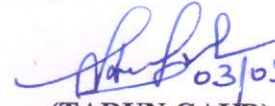
- (i) It was admitted by the representatives of M/s Sainath Sales & Services Pvt. Ltd. that there had been shortcomings on various counts in the performance by the staff and Agency viz. M/s Sainath Sales & Services Pvt. Ltd.
- (ii) It was stated that the Agency had been paying salary to its employees timely and that the same was being done even during the period of Covid-19 pandemic.
- (iii) The representative of M/s Sainath Sales & Services Pvt. Ltd. also alleged that there was a late payment of bills submitted to the DUSIB.
- (iv) It was admitted by Director of M/s Sainath Sales & Services Pvt. Ltd. that several complaints related to the poor performance of the agency in keeping the JSCs neat and clean/hygienic, was in the knowledge of the agency. However, it was stated by the agency that the complaints were addressed in accordance with the terms and conditions of the agreement/ contract. On this, Executive Engineer, C-7 stated that many complaints of cleanliness and other maintenance issues were received against M/s Sainath Sales & Services Pvt. Ltd. which was communicated to M/s Sainath Sales & Services Pvt. Ltd. and it was observed that even though M/s Sainath Sales & Services Pvt. Ltd. claimed that complaint has been addressed; but on inspection, it was found that sanitary and maintenance condition of JSCs were not found satisfactory. He stated that the performance of staff on work was poor.
- (v) The representatives of Agency viz. M/s Sainath Sales & Services Pvt. Ltd. also requested that written reply to Show Cause Notice may also be considered with this.

AND WHEREAS the Committee, after considering the written reply and oral submissions made by you/your representative/Director/Legal Advisor, during the course of personal hearing, is of the view that you failed to properly maintain and operate the Jan Suvidha Complexes (i.e. JSCs) as per terms and conditions as mentioned in the Contract/Agreement. There have been serious lapses on your part due to which general public and dwellers of JJ basties had suffered. It has been noticed that you are/were a habitual defaulter in maintenance and operation of the Jan Suvidha Complexes during the entire contract period and large number of complaints had been received from the general

public and departmental team of swachhbharat mission in respect of Jan Suvidha Complexes entrusted with you for operation and maintenance. The committee unanimously recommended that ends of the justice would be met if you are debarred for a period of six month as per terms and conditions of the Agreement from participating in all future tenders to be invited by DUSIB.

AND WHEREAS the recommendations of the Committee were placed before the Competent Authority for consideration. The competent authority, after considering all the facts and record of the case, your reply to Show cause Notice, and your submissions made before the Committee during the course of personal hearing, has accepted the recommendations of the committee to debar you for a period of six month as per terms and conditions of the Agreement, for participating in all future tenders to be invited by DUSIB. You are hereby accordingly debarred for a period of six months from participating in all future tenders to be invited by DUSIB.

NOW the above decision of the competent authority is conveyed to you.

 03/05/23

(TARUN GAUR)

Nodal Officer/Executive Engineer(C-7 & 12),
Group-3 and Group-4
DUSIB

Copy to:

1. PS to CEO, DUSIB for kind information of the latter.
2. PS to Member(Admn./Engg./Fin./) for kind information of the latter.
3. SE(Cord.)
4. All EEs, DUSIB
5. BFO
6. DD(IT)
- ✓ 7. Office copy