

Ref. No.: MCL/GM/BA/E&M/2023-24/ 825

Date: 16.11.2023

To
M/S GAJENDRA PATEL
GARJANJORE, HEMGIR,
SUNDARGARH, ODISHA- 770013
MOB: - 9556554487.

Subject: Termination of the contract vide GEMC-511687741724598 dated. 25.11.2022.

Ref: Termination Notesheet no.: MCL/GM/BA/E&M/2023-24/638 dtd. 09.09.2023.
Ref: e-Office File no.:MCL/GM/BA/E&M/2023-24/Banning dtd. 13.09.2023. (Computer No.: 1220335)
Ref: Letter no. MCL/GM/BA/E&M/2023-24/580 dated. 21.08.2023.
Ref: Letter no. MCL/BA/KOCP/MGR/2023-24/95 dated. 19.08.2023.
Ref: W.O. no.: MCL/GM/BA/E&M/VWO/2022-23/115 dated. 30.11.2022.
Ref: Show Cause Notice Letter no.: MCL/GM/BA/E&M/2023-24/680 dated. 28.09.2023.
Ref: GeM Bid I'd no.: GEM/2022/B/2681342.
Ref: GeM Contract Order no.: GEMC-511687741724598 dated. 25.11.2022.

Dear Sir,

The above mentioned contract has been awarded to you vide GEMC-511687741724598 dated. 25.11.2022 for the deployment of vehicle at Kulda OCP, Basundhara Area. The vehicle bearing regd. no. OD16K 3582 has been deployed vide work order no. MCL/GM/BA/E&M/VWO/2022-23/115 dated. 30.11.2022 at Kulda OCP, Basundhara Area for the engagement period from 01.12.2022 to 30.11.2024. The vehicle is not turning up to the duty since 24.06.2023 as per the letter issued by Project Manager, Kulda OCP on dtd. 19.08.2023. So, an email has already been sent to you in this regard on dtd. 21.08.2023 to justify the reason for non-deployment of the vehicle and advised you to deploy the vehicle. You were given a notice vide MCL/GM/BA/E&M/2023-24/580 dated. 21.08.2023 via email, to deploy the vehicle within 15 days. You have neither replied to the letter through mail nor deployed the vehicle since then. An Incident vide no. 1665760 was raised against you on dtd. 21.08.23 to justify the reason for non-deployment of the vehicle and also advised you to deploy the vehicle. Neither you deployed the vehicle nor replied to the incident, so GeM admin took action and suspended your account from 11.09.2023 to 11.10.2023. A show cause notice vide no. MCL/GM/BA/E&M/2023-24/680 dated. 28.09.2023 was issued to you to give your representation regarding why the penal action of "Debarment from participating in future tenders of MCL for a period of one year." shouldn't be taken against you. You haven't replied to the Show Cause Notice within 15 days of issue of the aforesaid notice.

As per "Service Level Agreement for Monthly Basis Cab & Taxi Hiring Services" clause no.: 11(2):-

Breach of contractual obligations: Any incidents considered as the breach of contract will result in immediate termination of services. The Buyer shall have the right to terminate the Contract effective immediately by giving written notice to the Service Provider if, the Service Provider breaches a material provision of this Contract where that breach is not capable of remedy; or if the Service Provider breaches any provision of this Contract and fails to remedy the breach within 14 days after receiving notice requiring it to do so.

General Terms and Conditions on GeM 4.0 (Version 1.12) dated. 16.08.2023.

Clause: 19. Termination for Default: If the Seller does not perform its obligations within the Delivery Period/Date mentioned in the Contract, the same would constitute the breach of the Contract and the Buyer shall have the right to Cancel or withdraw the Contract for the unsupplied portion after the expiry of the original, extended or re-fixed delivery date or period stipulated in the Contract. Such cancellation of contract on account of non - performance by the Seller would entitle the Buyer to forfeit the performance security besides other actions such as downgrading the Seller's rating or debarment from the GeM for specified period as decided by GeM on merits.

Terms and Conditions part of Bid Document Clause no. 48 (C) :-

The contractor whose contract is terminated shall not be allowed to participate in future bidding in MCL for period of minimum twelve months.

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In view of the above and as per above mentioned clauses, following penal actions are hereby imposed on you:

1. Cancellation of the work and termination of the contract.
2. Forfeiture of Performance Security Deposit submitted in this contract.
3. You will be debarred from participating in future tenders of MCL for a period of 1 year.

This issues with the approval of the Competent Authority.

Thanking You,

Yours faithfully,

Staff Officer (E&M),
Basundhara Area.

Copy to :-

1. GM(E&M),MCL, HQ, Burla.
2. GM, Basundhara Area.
3. AFM, Basundhara Area .
4. SO(E&M)-Jagannath/Bharatpur/Talcher/Lingraj/CWS(T)/CWS(IBV)/NSCH-Talcher/Kaniha/Hingula/IBV/Lakhanpur/Orient/Mahalaxmi- for taking necessary action.
5. TC Member: SO(Min), Basundhara Area; TC Member(Fin), Basundhara Area.
6. Project Manager (e-procurement cell), HQ , MCL.
7. Office copy.

[Handwritten signature]