



Bihar State Mining Corporation Ltd.

(Government of Bihar Undertaking)

Room No. 164, Vikas Bhawan (New Secretariat), Bailey Road, Patna - 800 015
C.I.N.:- U10300BR2017SGC035811, Tel : 0612-2215350

Ref.No. 04/निबन्ध-01/18-510

Date. 6/9/18

ORDER

The Corporation considered the action /omission of the empanelled agency namely M/S Atlanta Systems Pvt. Ltd. It was issued a show cause vide Letter No. 431, dt. 14th August 2018 seeking reply on the apparent irregularities committed in the installation of AIS 140 Certification VTDs-cum- load sensor in minor mineral carrying vehicles in the State of Bihar. The said device was not to be supplied to the Department, but rather it was authorised to be sold to the transporters directly by the empanelled agency.

The Atlanta Systems Pvt. Ltd. had submitted its show cause vide letter dated- 23.08.2018 against the queries raised by the Corporation and the same was considered and carefully examined. On perusal of the show cause submitted and the records, it is found that:-

1. The RFP floated by the Corporation clearly mentioned that the applicant must have a device compliant to AIS 140 Certification. Further, before placing the order, it was directed to furnish an affidavit to that effect.

However from the show cause submitted by the empanelled agency, it is apparent that the product was not AIS 140 compliant and the same has been conceded by him under Para 1 of its reply that the company has now only applied for testing and certification of its device as per AIS140-2016. This amply proves that the company has tried to use unethical methods to mislead the Corporation. AIS 140-2016 compliant devices were not available with the empanelled agency at the time when the RFP was floated and when he sold/installed the devices.

It is also a serious matter that the company in an oath in the Intervener Application No. /2018 filed in CWJC No-10006/2018 (Para 5-7) again reaffirmed that the product is AIS-140 compliant.

2. It also transpired from the show cause submitted by empanelled agency that it has sold 5861 devices as mentioned therein, till the month of June 2018. The empanelled agency had been issued directions on 17.05.2018 to install 2000 device in the vehicles by 31.05.2018. However, subsequently, there had been an order to

2/2/18
06/09/18



Bihar State Mining Corporation Ltd.

(Government of Bihar Undertaking)

Room No. 164, Vikas Bhawan (New Secretariat), Bailey Road, Patna - 800 015
C.I.N.:- U10300BR2017SGC035811, Tel : 0612-2215350

Ref. No.

Date.....

maintain status quo by the Hon'ble High Court, Patna vide order dated 18.05.2018 in CWJC No. 10006/2018 in which the very process of selecting and appointing empanelled agencies was challenged. Thus, the show cause dated 23.08.2018 reveals that the empanelled agency went ahead on its own and sold devices to the transporters without the consent of the Corporation and without its requisition and it acted in derogation of the letter of authorization dated 17.05.2018.

3. On perusal of record and facts, it has also transpired that the Department of Mines and Geology has done away with the requirement to install VTDs till further orders and an advertisement to this effect was published in local newspapers on 28.06.2018. This decision was taken in the light of the prevailing situation and circumstances.
4. It is also made clear that M/S Atlanta Systems Pvt. Ltd. was just empanelled for installation of devices on requisition and demand and therefore, no indefeasible right accrued to the agency to supply any number of devices.

Therefore, in the light of the above, the Corporation invokes Para 20 (II) of the agreement and has decided that the empanelment of M/s Atlanta Systems Pvt. Ltd. be terminated forthwith and the agreement be cancelled for the remaining period. Given the fact that the agency tried to mislead the Corporation regarding certification of the device installed and also that it violated the order of authorization and did not take into account the order of the Hon'ble High Court in CWJC No. 10006/2018, the above mentioned agency is debarred from any future dealings, whatsoever with the Corporation.

(Handwritten signature and date)
06/09/18
(Anand Prakash Sinha)
General Manager,
BSMC Ltd

- Copy:-
1. M/s Atlanta Systems Pvt Ltd, New Delhi
 2. Managing Director, BSMC Ltd
 3. CEO, BSMC Ltd