RITES Ltd./Contract Policy Cell/Gurgaon

No. RITES/CPC/OM/2025/09
Dated: 09.05.2025

OFFICE MEMORANDUM-CPC/OM-09/25

Subject: Banning of Business dealings with M/s Shivakriti International Ltd., Corporate Park, 7th Floor, Ajmer Puliya, Jaipur 302006 for a period of one (01) year w.e.f. 28.03.2025 – reg. Court Order dated 07.05.2025.

With reference to letter no. RITES/SO/DHANBAD/BCCL/PATHERDIH 5.0/101 dated 28.03.2025, RITES had banned the business dealings with M/s Shivakriti International Ltd, Jaipur for the period of one (01) year w.e.f. 28.03.2025. RITES' banning letter dated 28.03.2025 was also uploaded on website of RITES under list of "Banned & Suspended Vendors". The copy of same is enclosed herewith.

Now, the Hon'ble Calcutta High Court passed order dated 07.05.2025 wherein it is stated that *"The impugned order of ban shall be kept in abeyance still a fresh order is passed"*.

The copy of the Hon'ble Calcutta High Court' Order dated 07.05.2025 regarding the subject matter is enclosed herewith for information and compliance of all concerned.

This OM is issued with the approval of the Competent Authority.

(Sushil Yadav)
GGM/FT-CPC

Copy to:

1. Secy. to CMD/DP/DT/DF for kind information of CMD/DP/DT/DF please.
2. All Country Heads, Vertical Heads, Regional Heads, PU/ SUB-Unit/RIO Heads
3. CVO for kind information please.
4. GM/IT for getting uploaded on portal ESS/CPC Documents and also on RITES website under the list of "Banned & Suspended Vendors"

07.05.2025
Item No.ML 152
Court No. 14
AGM

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.8090 of 2025
Shivakriti International Limited & Anr.
-vs-
Union of India & Ors.

Mr. Jishnu Chowdhury, sr. adv.
Mr. A. Agarwalla, adv.
Mr. Varun Kothari, adv.
Ms. Debashri Mukherji, adv. ...for the petitioners

Mr. Shounak Mukhopadhyay.
Mr. Supriyo Gole
... for the respondent nos. 2 and 3.

1. The order of ban dated 28th March, 2025 passed by the respondent no. 3 is impugned herein.
2. The petitioner stress on the fact that no opportunity of hearing was given to the petitioner prior to passing the impugned order. There has been violation of principle of natural justice.
3. Prayer has been made to set aside the ban order.
4. Learned advocate representing the respondent authority submits that a notice to show cause was given to the petitioner. No reply was given by the petitioner to the show cause notice.
5. The order impugned is an appealable one. The petitioner ought to have preferred an appeal instead of filing the writ petition.
6. It has been brought to the notice of the Court that the reply to the show cause was filed by the petitioner at a wrong e-mail address. The reply actually did not reach the authority.

7. It appears that there must have been some error in mentioning the e-mail ID for which the reply to the show cause notice did not reach the competent authority.

8. Only for the purpose of ensuring that the principles of natural justice are complied with, the competent authority of the respondent nos. 2 and 3 is directed to grant a further opportunity of hearing to the petitioner.

9. The petitioner shall be permitted to submit reply to the proper e-mail ID which has been handed over by the learned advocate representing the aforesaid respondents to the learned advocate representing the petitioner in Court today. The proper e-mail ID is the one from where the show cause notice had been issued to the petitioner.

10. The reply to the show cause shall be filed by 9th May, 2025. If the show cause is filed within the aforesaid time period, the competent authority shall take consequential steps thereafter by affording an opportunity of hearing to the petitioner.

11. The impugned order of ban shall be kept in abeyance still a fresh order is passed.

12. The writ petition stands disposed of.

13. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

[Amrita Sinha, J]

319429/2025/PU(RANCHI)

RITES
THE INFRASTRUCTURE PEOPLE

राइट्स लिमिटेड
(भारत सरकार का प्रतिष्ठान)
RITES LIMITED
(Schedule 'A' Navratna Enterprise of Govt. of India)

No. RITES/SO/DHANBAD/BCCL/PATHERDIH 5.0/101
Date: 28.03.2025

To,
M/s Shivakriti International Ltd.,
Corporate Park, 7th Floor,
Ajmar Puliya, Jaipur-302006

Sub: Intimation of Banning of Business Dealings

Dear Sir,

Whereas the work of **Renovation/Strengthening of existing Railway Siding at Patherdih Coal Washery of BCCL, District Dhanbad, Jharkhand"** was awarded to your firm vide letter of award no RITES/RPO-KOL/BCCL-Patherdih/Rly.Siding/Vol-2/2015/473, Dated 04.02.2016 amounting to Rs. 37,76,90,004.00.

Whereas, in the meantime, basis information received, regarding alleged irregularities in execution of work, usage and submission of false/fake royalty certificate and non-deduction of PF and ESIC contribution of employees by the contractors & in order to verify the veracity of the alleged information, a joint surprise check along with the officials of RITES Ltd, RPO-Kolkata and Civil Department of BCCL, HQ, Dhanbad was conducted by CBI on 19th – 20th, March, 2021 and 7th – 8th, October, 2021 in the presence of officials of Site Office, RITES Ltd., Patherdih 5 (MTPA), Dhanbad and representative of M/s Shivakriti International Limited.

Basis, joint surprise check and scrutiny of documents, it was found that the following two Royalty Clearance Certificate submitted by M/s Shivakriti International Limited was found to be fake & forged:

(i) Royalty Certificate No. 1694 dated 04.09.2021 issued from O/o Mining Office, Gaya;
(ii) Royalty Certificate No. 105 dated 05.02.2020 issued from O/o District Mining, Nawada

Upon seeking authenticity of royalty clearance certificate issued by the O/o Mining Office, Gaya and O/o District Mining, Nawada in favour of M/s Shivakriti International Limited, same was confirmed by both the offices vide letter no. 1347 dated 02.07.2021 (District Mining Office, Gaya) & vide letter no. 1132 dated 30.06.2021 (District Mining Office, Nawada)

respectively that the said referred certificates have not been issued by their concerned offices and both the certificates are forged and fake.

Further in compliance of Cl. 8.1 of Guidelines on Banning of Business Dealings of Contract, RITES vide letter dated 17.09.2024 issued Show Cause Notice for submission of reply towards submitting of forged and fake royalty papers and directed to submit justification in this regard within 30 days from receipt of letter for violating the integrity of contract between RITES and M/s Shivakriti International Ltd. but Shivakriti International Ltd failed to submit its reply to the show-cause notice within prescribed time limit.

After detailed consideration of the matter by the Banning Committee and on considering the recommendations of the Banning Committee, the Competent Authority has decided to ban all business dealings with M/s Shivakriti International Ltd. for a period of **1 year** to be effective from the date of letter of disqualification in the subject tender, on the following grounds:

a. Because, there is a serious misconduct on your part by submitting fake & false Royalty Clearance Certificate;

b. Because your such act has resulted in violating the integrity of contract between RITES and M/s Shivakriti International Ltd.;

c. Because such unlawful act will erode the trust and confidence of the bidding process and hence warrants strict action;

d. Because you failed to justify aforementioned act on your part by not submitting your written statement in your defence against the show-cause notice so issued;

e. Because RITES Guidelines for Banning of Business Dealing provides for grounds on which banning of business dealings can be initiated wherein sub clause 6.6 & sub clause 6.9 under clause 6 stipulates as under:

"6.6 If the Agency has resorted to Corrupt, fraudulent practices including misrepresentation of facts"

"6.9 Based on the findings of the investigation report of CBI/Police against the Agency for malafide/unlawful acts or improper conduct on his part in matters relating to the Company (RITES) or even otherwise"

It is further informed that such banning shall be applicable prospectively and will not affect existing contracts with the agency,

Please acknowledge receipt of this letter

Thanks & regards.

28/3/25

(M. M. Akbari)
GM(P), PU-Ranchi
Engineer in-Charge