

Government of Jammu & Kashmir
Department of Food, Civil Supplies & Consumer Affairs
Civil Secretariat, J&K, Jammu

Subject:- Supply of Trucks for Transportation of Goods/Food grains of FCS&CA Department for the year 2016-17 & 2017-18- Cancellation of Tenders thereof.

GOVERNMENT ORDER NO.: 39
D A T E : 08
-FCS&CA OF 2018
-02-2018

Whereas, Director FCS&CA Kashmir floated tenders for transportation of food grains for the Department of FCS&CA, for the year 2016-17 & 2017-18 vide e-Tender Notice No. 07 of 2016-17 dated 08.03.2017 and the Director, FCS&CA Jammu floated the tender vide e-tender, Tender Notice No. 01-FCS&CA of 2017, uploaded on 01.03.2017;

Whereas, in response to Director, FCS&CA Kashmir's Tender Notice, three bidders participated and M/s Iqbal Motor Transport Service, Gund Kangan, Ganderbal J&K, finally qualified as L1 bidder, while as in response to Director, FCS&CA, Jammu's tender Notice, four transport firms participated;

Whereas, before M/s Iqbal Motor Transport Service, Gund Kangan, Ganderbal J&K could be awarded the contract for transportation of food grains in respect of Kashmir Division by the Director of FCS&CA, Kashmir, the tendering process was challenged in the Hon'ble High Court by the aggrieved transport firms and the Hon'ble High Court stayed the entire process by way of its order dated:- 31-05-2017, the operative part of which is stated as under:-

"Mr. Asif A. Bhat, learned AAG, accepts notice on behalf of respondents 1 & 2. Reply and objections by or before next date of hearing.

Let notice go to respondents 3 & 4. Dasti also permissible.

In the meantime, subject to objections and till next date of hearing before the Bench, status quo as on today with respect to E-Retender Tender Notice(104 of 17) for providing of Trucks (HCV's/LCV's) Distt Wise in Kashmir Provinces for 2017-18 & 2018-19. List on Tuesday i.e 6th June 2017;"



Whereas, Director FCS&CA, Jammu vide his communication No. DFCS&CA/J/Accts/2017-18/2650 dated:- 06.10.2017 intimated that out of the four firms who participated in the tendering process, only one firm, M/s Vikas Transport Company has fulfilled all necessary terms & conditions as envisaged in the Tender Documents and has requested the Administrative Department to issue necessary instructions to proceed further;

Whereas, the Department is facing shortage of trucks in transportation of food grains from one place to another and the fleet of J&K SRTC provided to Department falls too short and hiring of the services of transport from open market has become imperative keeping in view the ongoing winter season and topography of the state;

Whereas, clause 16(a) of the Tender Notice reads as under:-

"The Director/PLPC reserves the right either to accept or reject any tender without assigning any reason thereto including the lowest Tender(s) & shall not be bound to consider the advertised items for placement of orders.....; and

Whereas, the issue was examined in the Department and it has been observed that Director, FCS&CA Jammu's letter No. DFCS&CA/J/Accts/2017-18/2650 dated:06.10.2017 reveals that the same firms have participated in the tendering process in respect of Jammu Division but only M/s Vikas Transport Company qualified the tender Technically and other two firms, M/s Iqbal Motor and M/s Ladakh Road lines could not qualify on technical grounds when the terms and conditions in the NIT for Jammu/Kashmir Province were the same. It is evident that this is a clear case of cartel formation(pooling), therefore re-tendering is the only viable option for the Department.

Whereas, keeping in view the gravity of matter as enumerated above together with the ongoing winter season and topography of the state due to which most of the roads remain blocked/cut off from rest of the state viz-a-viz availability of food grains/ration to the consumers, it is decided that the whole tendering process for supply of trucks from open market for transportation of food grains in respect of Jammu Division be cancelled and the Director, FCS&CA, Jammu be requested to go for re-tendering for the supply of trucks for transportation of foodgrains from open market.

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Now, therefore, In view of the facts extracted above and as mandated under Clause 16(a) of the tender documents, it is hereby ordered that the tendering process for supply of trucks for transportation of food grains from open market in respect of Jammu Division and advertised by the Director, FCS&CA, Jammu, vide his Tender Notice No. 01-FCS&CA of 2017, uploaded on 01.03.2017, is hereby cancelled and it is also ordered that Director FCS&CA, Jammu shall re-tender the contract, document to be provided by the Administrative Department, immediately and to complete the whole process within 25 days by way of giving it wide publicity through Print & Electronic Media in addition to fulfilling all codal formalities. However, he shall obtain concurrence of the Administrative Department before allotment of the contract to the qualified bidder. Besides, Director, FC&CA Kashmir shall pursue the petition in the Hon'ble High Court vigorously.

By order of the Government of Jammu and Kashmir.

Sd/-

**(Mohammad Mehraj-ud-Din Khan)IAS,
Comm./Secy to Government,
Department of FCS &CA.**

No. FCS&CA/Acctts/Tender(Transport)/134/2017

Dated: 08-02-2018

Copy to the:-

1. Director, FCS&CA Department of FCS&CA, Jammu/Kashmir.
2. Director, Archives, Archeology and Museum Department.
3. Principal Pvt. Secretary to Hon'ble Minister for Department of FCS & CA for information of Hon'ble Minister.
4. Private Secretary to Commissioner/Secretary, FCS&CA Department for information of the Commissioner/Secretary.
5. Monday return file.
6. Government Order File(w2scs).
7. Incharge Website, FCS&CA Department.

(Zia-Ur-Rehman)
Financial Advisor
Department of FCS&CA