



Government of Jammu & Kashmir

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Department of Food, Civil Supplies & Consumer Affairs
Civil Secretariat, Jammu/Kashmir

Subject:-Hiring of Transport for carriage of foodgrains of FCS&CA Department from open market for the year 2017-18 & 2018-19.

Government Order No :- 89 -FCS&CA of 2018
D a t e d :- 27 -03-2018

In pursuance to Hon'ble High Court judgment passed in the matter of M/s Ladakh Roadlines v/s State of Jammu & Kashmir through Commissioner/Secretary to Government and others (respondents) in OWP No.731/2017 dated:16-03-2018 and in the large public interest and also to save the losses of State exchequer as stand worked out upto the tune of Rs.40.00 crore due to the stay order obtained by the above named petitioner based on baseless and misleading statement given by the said petitioner before the Hon'ble High Court of J&K. However, to deal with this matter in accordance with the law/procedure and also in compliance to the directions passed by the Hon'ble High Court of J&K and after thorough examination of the entire issues as per the observations raised by the Hon'ble High Court of J&K, the following order is hereby passed after consideration of the entire issue alongwith the complaints filed by petitioner against the respondent No.4 (L/1) which is addressed in detail as under in his final judgment dated:16-03-2018.

Whereas, the Director, FCS&CA Kashmir floated tenders for hiring of Transport for carriage of foodgrains of FCS&CA Department in respect of Kashmir Division from the open market for the year 2016-17 & 2017-18 vide e-tender Notice. 07 of 2017 dated:08-03-2017.

Whereas, the Director, FCS&CA Kashmir in the first phase of process vide his No.DFCS&CAK/Adm/GS-25/Gen/17/11 dated:24-04-2017 conveyed that only two tenderers had cast tenders and sought necessary clarifications from the Administrative Department to proceed further.

Whereas, the Director, FCS&CA Kashmir was again instructed vide this office letter No.DFCS&CA/Acctts/Tender(Transport)/134/2017 dated:27-04-2017 to extend the tender by further ten (10) days to ensure a healthy competition through electronic/print media.

Whereas, in the second phase, the Director, FCS&CA Kashmir vide his communication dated:29-05-2017 conveyed the Adm. Department (Government) "respondent No.1" that in response to the NIT No.07 of 2017 dated:08-03-2017 he

received three tenders. All tenderers has been qualified the terms and conditions required for technical feasibility with the following details viz-a-viz the percentage rebate offered by them in response to the above Tender Notice:-

S.No	Name of the Firm/Tenderer	Percentage rebate offered on the approved JKSRTC rates
01	M/s Ladakh Roadlines,136-B-Fruit Market Parimpura, Srinagar(T1/3)	15.84 (Fifteen point Eight Four)
02	M/s Vikas Transport Company Transport Nagar Narwal, Jammu.(T2/3)	12.95 (Twelve point Nine Five)
03	M/s Iqbal Motors Transport Service, Gund Kangan, Ganderbal, J&K.(T3/3)	32.60 (Thirty Two Point Six Zero)

Whereas, the matter related to the complaint filed by M/s Ladakh Roadlines is concerned, and in compliance the directions of the Hon'ble High Court of J&K, the issue is already dead down in terms of the communication of the Director, FCS&CA Kashmir vide his No.DFCS&CAK/Adm/GS-25/Genl/17/39 dated:29-05-2017 in which the issue was discussed and addressed in details with the concerned authorities and also after perusal of the records. The facts remain as under:

- i. While perusing the papers submitted by M/s Iqbal Motor Transport Service Gund Kangan, it was revealed that with regard to the antecedents and non-involvement in any criminal case, the firm has furnished an affidavit dully attested by Executive Magistrate 1st Class undertaking that the firm has no past or present criminal record with the police/vigilance/enforcement department of the J&K Govt./Govt. of India.
- ii. The said firm through another affidavit has certified that the tenderer or any other partners or representatives have never been blacklisted by the Civil supplies Corporation/any other Government Organization at any time or involvement in diversion of stocks/ or in case under EC Act or convicted by Court of law in a criminal case.
- iii. With regard to the attachment of fleet of 100 trucks, the firm at the relevant time had furnished an affidavits attached with it certifying that the trucks are available as per NIT (as stand sustained), the stand of the firm when financial bid was re-opened by the empowered committee and also in terms of the conditions as laid down in the NIT, the firm was supposed to submit the certified copy of RC or duly verified copy of list from RTO concerned and the firm has availed the former option of the said clause of NIT b stand of the L/1 is sustained.

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Whereas, the issue was further examined at the level of Administrative Department and Law Section of the Department and also taking into account the grounds reflected in the running paras, the entire issue raised in the complaint by the contestant i.e the L/2 and also in terms of the observation made by the Hon'ble High Court of J&K at Srinagar and the complaint so filed cannot be sustained in the eyes of law and also as per the stand taken by the L/2, the complaint of the petitioner is found baseless, is hereby out rightly rejected.

Now, therefore, sanction is hereby accorded to allotment of contract of Hiring of Transport for carriage of foodgrains of FCS&CA Department of Kashmir Division for the year 2017-18 & 2018-19, in terms of NIT Notice No.07 of 2017 dated:08-03-2017 in favour of M/s Iqbal Motor Transport Service (the L/1) with the direction to Director, FCS&CA Kashmir (Respondent No.2) to issue the formal allotment order in favour of the said firm after assessment of his fleet and in light of the terms and conditions laid down in the NIT Notice No.07 of 2017 dated:08-03-2017.

By order of the Government of Jammu and Kashmir.

Sd/-

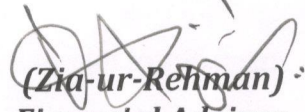
(Mohammad Mehraj-ud-Din Khan)
Commissioner/Secretary to Government
FCS&CA Department

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

Dated: ~~27~~ -03-2018

Copy to the:-

1. Advocate General, Hon'ble High Court, J&K, Srinagar.
2. Director, Department of Food, Civil Supplies & Consumer Affairs, Kashmir for information and necessary action.
3. Director, Archives, Archeology & Museums J&K Jammu for information.
4. Principal Pvt. Secretary to Hon'ble Minister for Food, Civil Supplies & CA for kind information of Hon'ble Minister.
5. Private Secretary to Commissioner/Secretary to Govt. FCS&CA Department for information of Commissioner/Secretary.
6. Incharge Website, Department of Food, Civil Supplies & Consumer Affairs.
7. Government Order File.
8. Monday return file.


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