

NHDC LIMITED

(A JV of NHPC Ltd. & Govt. of Madhya Pradesh)



ISO 9001:2015

Tender Document

For

**Expression of Interest (EOI) for Empanelment of Cost Auditors for the
Financial Year 2023-24 to 2025-26.**

NIT No. NHDC/1/C/833/23/0091

Date:21/06/2023

**General Manager (CP&A)
NHDC Limited,
NHDC Parisar, Shyamla Hills
Bhopal (M.P.) 462013**

June 2023



एन एच डी सी लिमिटेड

(एनएचपीसी लिमिटेड एवं मध्यप्रदेश शासन का संयुक्त उद्यम)

NHDC Limited

(A Joint Venture of NHPC Limited & Govt. of MP)



F-CP-02:02/00

NHDC/ 1C/ 833/ 23/0091

Date: 21.06.2023

NOTICE INVITING TENDER

Online bids (Expression of Interest) under **single stage-one part bidding basis Cover-I: Technical Application** are invited on behalf of NHDC Ltd. from Eligible Indian Organizations for:

“Expression of Interest (EOI) for Empanelment of Cost Auditors for the Financial Year 2023-24 to 2025-26”.

The details of EOI are available in the tender document which can be downloaded from Central Public Procurement (CPP) Portal www.eprocure.gov.in/eprocure/app and the bid is to be submitted **online** only on www.eprocure.gov.in/eprocure/app upto last date and time of submission of tender. Sale of physical tender document is not applicable.

1.0 Brief Details of Tender:

S. No.	Item	Description
(i)	Estimated cost of the Work	Approx. Rs. 7.50 Lacs.
(ii)	EMD (Bid security)	NA
(iii)	Empanelment Period	03 (Three) years.
(iv)	Tender document fees (Non- Refundable)	NA
(v)	Tender Inviting Authority	General Manager (C&P), NHDC Ltd., Corporate Office, Shyamla Hills, Bhopal. Phone/Fax No. 0755-4030112.

2.0 Critical Dates of Tender:

S. No.	Particulars	Date & Time
(i)	Publish Date & Time	21-06-2023 : 04:00 PM
(ii)	Sale/ Document Download Start Date & Time	21-06-2023 : 04:00 PM
(iii)	Sale/ Document Download End Date & Time	05-07-2023 upto 04:00 PM
(iv)	Clarification Start Date & Time	21-06-2023 : 04:00 PM
(v)	Clarification End Date & Time	28-06-2023 upto 04:00 PM
(vi)	Bid Submission Start Date & Time	21-06-2023 : 04:00 PM
(vii)	Bid Submission End Date & Time	05-07-2023 upto 04:00 PM
(viii)	Bid Opening Date & Time	06-07-2023 : 04:00 PM

पंजीकृत कार्यालय: एनएचडीसी परिसर, होटल लेक व्यू अशोक के पास, श्यामला हिल्स, भोपाल 462013 (म.प्र.)

Regd. Office: NHDC Parisar, Near Hotel Lake View Ashoka, Shyamla Hills, Bhopal-462 013 (MP)

Website: www.nhdcindia.com दूरभाष/Telephone: 0755 – 4030069 फैक्स/Fax: 0755 - 4030112

Corporate Identity No. (CIN) : U31200MP2000GOI014337

3.0 Qualifying Criteria / Selection Criteria: -

3.1 To be eligible for empanelment, Firm should have office/ branch office located in Madhya Pradesh (as per ICAI records).

3.2 Selection Criteria:

Selection Criteria	Minimum Criteria	Basis of Marks	Marks per criteria	Maximum Marks
Period of establishment of the Firm of Cost Accountants Period of establishment of the Firm since date of registration with the Institute of Cost Accountants of India (ICAI).	At least 05 Years of standing in Profession as on date of publication of EOI.	No. of years	02 marks per full year of existence	20
No. & Experience of Partners No. of Partners associated with the Firm for a minimum period of three years as on the date of publication of EOI. (The partners must be holding certificate of practice issued by Institute of Cost Accountants of India and should be in whole time practice).	02 Partners having experience of minimum 3 years.	No. of Partners	i) 02 marks for every Partner in practice for more than 10 years ii) 1.5 marks for every partner in practice for more than 5 years and upto 10 years. iii) 01 mark for every partner in practice for 3 to 5 years.	20
Experience of the Firm in PSUs No. of Cost audit assignment completed in PSUs from FY 2014-15 to 2021-22. (PSUs concern should have minimum Annual Turnover of ₹500 Crore in the year for which audit assignment was given)	01 Assignment (Company-wise per year of Audit)	No. of Cost audit assignments	02 marks per assignment (Company-wise per year of Audit)	25
Experience of the Firm in Power Sector No. of Cost audit assignment completed in Power Sector Companies from FY 2014-15 to 2021-22.	01 Assignment (Company-wise per year of Audit)	No. of Cost audit assignments	02 marks per assignment (Company-wise per year of Audit)	30
Experience of Cost Audit in ERP System The firm should have experience of cost audit in ERP based Environment. (Companies where Audit of cost record maintained in ERP based system has been done during the Financial Years from 2014-15 to 2021-22 shall be considered)	One Audit of a Company having Accounts in ERP System	No. of Companies Audited in ERP System	01 Mark per Company *	05
			Total Marks =	100



एन एच डी सी लिमिटेड

(एनएचपीसी लिमिटेड एवं मध्यप्रदेश शासन का संयुक्त उद्यम)

NHDC Limited

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*For experience of Cost Audit in ERP System, Cost Audit for multiple years in a company shall be counted as experience of one Company.

- 3.3 Panel of firms of Cost Accountants who secures at least 50 marks as per qualifying criteria given above shall be prepared and maintained in descending order on the basis of attainment of highest marks. In other words, Cost Accountants/Firm of Cost Accountants securing highest marks shall be kept at sl. No. 1 in the list and further on.
- 4.0 Bidder shall be Class-I Local Supplier under Public Procurement (Preference to Make in India) order for Goods/ Services/ Works issued by Department of Promotion of Industry and Internal Trade (DPIIT), Ministry of Commerce and Industry Order No. P45021/2/2017-PP (BE-II) dated 16th September, 2020 or as amended are only eligible. Further, bidders has to submit undertaking regarding their Local Content / Class-I local supplier as per enclosed format in the EOI document.
- 5.0 The details/ information regarding online tendering i.e. Registration on CPP portal, Preparation of Bid and Submission of bid are available in the tender document.
- 6.0 NHDC reserves the right to reject any or all tenders and shall not be bound to assign any reason for such rejection.

For and on behalf of NHDC Ltd.,

-Sd-

General Manager (CP&A)

N.O.O.: Copy to:-

1. All HOD/ HOP's
2. Notice Board of NHDC office at Bhopal/Indore/Khandwa/Narmada Nagar/ Sidhawarkut.
3. Collectorate Office, Old Secretariat Building, Bhopal
4. The Municipal Commissioner, Bhopal Municipal Corporation. Sadar Manzil, Nagar Nigam Bhopal.
5. The Chief Engineer, CPWD, 52 A, Nirmaan Sadan, Arera Hills, Hoshangabad Road, Bhopal
6. The Chief Engineer, PWD (Capital Zone), C-Wing, Ist Floor, Satpura Bhawan, Bhopal

*With request
for wide
circulation &
display on
notice board*

पंजीकृत कार्यालय: एनएचडीसी परिसर, होटल लेक व्यू अशोक के पास, श्यामला हिल्स, भोपाल 462013 (म.प्र.)

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1. Introduction:

NHDC Limited invites Expression of Interest (EOI) for Empanelment/ Appointment of Cost Auditors for the Financial Year 2023-24. The scope of work along with detailed terms & conditions and schedule of fee together with Annexure-I, II and III are available at the website www.eprocure.gov.in which can be downloaded. The empanelment/ selection of the Cost Auditor shall be based on qualifying criteria given in EOI document.

NHDC Limited (A Joint Venture of NHPC Ltd & Govt. of M.P.) formerly known as Narmada Hydroelectric Development Corporation Ltd., was set up on 1st August 2000 with its Corporate Office at Bhopal with the objective and commitment of development of hydropower and other renewable energy potential in the state of Madhya Pradesh. NHDC was entrusted with the construction of Indira Sagar Project (1000 MW) and Omkareshwar Project (520 MW) in Narmada basin on ownership basis. Both the projects have been completed ahead of schedule in the years 2004-05 and 2006-07 respectively and presently these two projects are under operation and supplying power to the state of Madhya Pradesh. Two Solar Power Plants of 8 MW & 88 MW are under development and shall be commercially operative during the FY 2023-24.

2. Power Stations for which Cost Auditors are to be empanelled:

Company intends to empanel/appoint Cost Auditors for F.Y 2023-24 to 2025-26 for it's Power Stations located in the state of Madhya Pradesh namely Indira Sagar Power Station (1000MW) and Omkareshwar Power Station (520MW) and two Solar Power Projects of 08 MW & 88 MW expected to be commercially operative during the FY 2023-24.

3. Scope of Work:

Detailed scope of work shall be as under:

- 3.1** To Carry out Cost Audit of Cost Accounts of NHDC Limited (ISPS, OSPA & 2 Solar Plants of 8 MW & 88 MW), finalization of Audit Report (ISPS, OSPA, Solar Plants & Company) in accordance with the provisions of Section 148 of the Companies Act, 2013 and provisions of the Companies (Cost Records and Audit) Rules 2014 as amended from time to time. Cost Audit shall be in adherence to the relevant orders/clarification issued by Cost Audit Branch, Ministry of Corporate Affairs, Govt. of India and the Cost Accounting Standards issued by the Institute of Cost Accountants of India, from time to time.
- 3.2** Cost Auditor appointed by the Company shall also consolidate Cost Audit Reports and annexure to Cost Audit Reports of all Power Stations and file Cost Accounts/Statements/ Audit Report in XBRL mode or other validated Format as notified in Companies Act. Conversion of Cost Accounts accounts/statements/Audit Report in XBRL mode or other validated format means the documents/annexure that is required to be uploaded digitally in

MCA site.

- 3.3** Compliance with any other instruction issued in respect of cost audit under Companies Act, 2013.
- 3.4** Attending formal meetings with the Company management, Audit Committee/ Board of Directors of the Company in connection with the Cost Audit Work.

4. Cost Audit Team:

Cost Audit team should consist of adequate number of qualified/semi-qualified assistants (Cost Accountants) led by a senior partner of the Firm for the cost audit work of each power station.

5. Cost Audit Fees:

- 5.1** Audit Fees shall be as decided by the Company from time to time. For Cost Audit of FY 2023-24, the Cost Audit fee for each hydro power station (ISPS & OSPA) will be Rs. 1,00,000/- (Rupees One Lakh only) and Cost Audit fee for each solar power station (8 MW & 88 MW) will be Rs. 25,000/- (Rupees Twenty Five Thousand only) Accordingly, maximum fee will be limited to Rs. 2,50,000/- (Rupees Two Lakh Fifty Thousand only) per annum and inclusive of work for consolidation of Cost Audit Reports and conversion of cost statements in XBRL/compatible version for filing with MCA.
- 5.2** Travelling & Daily Allowance (from branch office located in Madhya Pradesh) shall be paid extra and the same shall be regulated based on actual claims subject to the followings:

Partners	Entitlement equal to General Manager of NHDC
Qualified Assistants	Entitlement equal to Sr. Manager of NHDC
Other Assistants	Entitlement equal to Asstt. Manager of NHDC.

- 5.3** Goods & Service Tax (GST) shall be paid extra, as applicable.
- 5.4** Auditor shall make their own arrangements of Air/Train ticket, conveyance etc. For which expenses as per approved rates/norms of the Company shall be reimbursed on submission of bills along with proof. Submission of boarding pass along with ticket is essential in case of air travel.

6. Qualifying/Selection Criteria:

The selection of the Cost Auditor shall be as per qualitative criteria, which is based on the overall suitability of the firm and its experience in the cost audit of Central/State Power sector PSUs. The following criteria will be the basis of marks assigned to the firms and selection will be made on the basis of attainment of highest marks.

6.1 To be eligible for empanelment, Firm should have office/ branch office located in Madhya Pradesh (as per ICAI records).

6.2 Selection Criteria:

Selection Criteria	Minimum Criteria	Basis of Marks	Marks per criteria	Maximum Marks
Period of establishment of the Firm of Cost Accountants Period of establishment of the Firm since date of registration with the Institute of Cost Accountants of India (ICAI).	At least 05 Years of standing in Profession as on date of publication of EOI.	No. of years	02 marks per full year of existence	20
No. & Experience of Partners No. of Partners associated with the Firm for a minimum period of three years as on the date of publication of EOI. (The partners must be holding certificate of practice issued by Institute of Cost Accountants of India and should be in whole time practice).	02 Partners having experience of minimum 3 years.	No. of Partners	i) 02 marks for every Partner in practice for more than 10 years ii) 1.5 marks for every partner in practice for more than 5 years and upto 10 years. iii) 01 mark for every partner in practice for 3 to 5 years.	20
Experience of the Firm in PSUs No. of Cost audit assignment completed in PSUs from FY 2014-15 to 2021-22. (PSUs concern should have minimum Annual Turnover of ₹500 Crore in the year for which audit assignment was given)	01 Assignment (Company-wise per year of Audit)	No. of Cost audit assignments	02 marks per assignment (Company-wise per year of Audit)	25
Experience of the Firm in Power Sector	01 Assignment (Company-wise	No. of Cost audit	02 marks per	30

No. of Cost audit assignment completed in Power Sector Companies from FY 2014-15 to 2021-22.	per year of Audit)	assignments	assignment (Company-wise per year of Audit)	
Experience of Cost Audit in ERP System The firm should have experience of cost audit in ERP based Environment. (Companies where Audit of cost record maintained in ERP based system has been done during the Financial Years from 2014-15 to 2021-22 shall be considered)	One Audit of a Company having Accounts in ERP System	No. of Companies Audited in ERP System	01 Mark per Company *	05
			Total Marks =	100

*For experience of Cost Audit in ERP System, Cost Audit for multiple years in a company shall be counted as experience of one Company.

6.3 Pre-requisites for considering rankings:

Requisite documentary evidence(s) in support of criteria as mentioned above is required to be submitted by the firms. Copy of appointment letter/Copy of CRA-2/CRA-4 must be submitted for establishing credentials of experience. Copy of Profit & Loss Account to be submitted as proof of Turnover. Proposals without the required documentary evidence(s) shall not be considered for evaluation.

6.4 From the EOI received, panel of Firms of Cost Accountants who secures at least 50 marks as per qualifying criteria given above shall be prepared and maintained in descending order on the basis of highest marks. In other words, the Cost Accountants/Firm of Cost Accountants securing highest marks shall be kept at Sl. No. 1 in the list and further on.

6.5 In case of a tie, the following sequence shall be adopted for selection:

- Cost Accountants /Firm of Cost Accountants with longer experience shall be given preference based on the year of registration.
- Firm with a higher number of Fellow and/or Associate Members of the Institute of Cost Accountants as partners shall be given preference.

7.0 Empanelment of Cost Accountant/Firm of Cost Accountants for appointment as cost auditor shall remain valid for 3 financial years.

8.0 Terms and Conditions:

8.1 The tenure of appointment shall be at the sole discretion of the Company. The tenure shall be for a maximum of three years at the sole discretion of the Company. However, it is expressly stated here that the said tenure is not to be construed as assured and the

Company reserves the right not to reappoint at its sole discretion without assigning any reason therefore.

- 8.2 Maximum tenure of appointment for a cost auditor shall be a continuous period of three (3) years. After that Cost Auditor shall be considered for re-appointment after the cooling period of at least three year.
- 8.3 The Company reserves the right to accept / reject any or all the offers without assigning any reason whatsoever therefore.
- 8.4 Firms who have served in the capacity of Cost Auditor of the Company i.e NHDC up to FY 2022-23 for consecutive three years shall not be considered for appointment as Cost Auditor.
- 8.5 Overwriting/correction/erase and/or use of white ink should be avoided in the offer. However, if any overwriting/correction/erase is inevitable, the same should be authenticated with the signature & seal of authorised person of applicant firm.
- 8.6 Information related to Cost Audit Firms and selection criteria shall be submitted in the Annexure-I.
- 8.7 Declaration that Cost Audit Firm have not been banned/de-listed/de-barred from business by any PSU/Govt. Department during last 03 (three) years shall be submitted in **Annexure-II**.
- 8.8 Payments shall only be made through Electronic Mode. Hence, Bank Details as per **Annexure - III** need to be submitted at the time of acceptance of the appointment.
- 8.9 Company shall deduct TDS/any other tax/levy as per prevailing rules/rates.
- 8.10 All the pages of the proposal document shall have to be signed by the applicant firm(s) with the firm's seal and documents submitted along-with the offer shall also have to be authenticated by the authorised signatory of the applicant firm(s) with the firm's seal.
- 8.11 Declaration shall be submitted w.r.t Class-I Local Supplier in **Annexure-IV**.
- 8.12 The offer should be submitted strictly as per terms and conditions laid down in the document. The Invitation of offer in the prescribed format as enclosed with bid shall be submitted through Electronic form. All the documents should be signed with the seal of the firm and scanned subsequently PDF files are to be uploaded on e-procurement portal. Last date for submission of online application is as per the date mentioned in NIT. No application shall be entertained after this date.

9.0 Compliances / Declarations /Certificates by firm(s) on appointment:

- 9.1 The Cost Audit Firm shall not sub-contract the assigned cost audit work.

- 9.2 The cost audit team shall work in strict confidence and shall ensure that the Cost data, cost statement and cost information and any other information in respect of the operation of the Power Station / work centre / Company is dealt with in strict confidentiality and secrecy.
- 9.3 Assigned Cost Audit work of the Power Station shall be completed within time frame specified by the Company.
- 9.4 No partner of the cost audit firm should be related to either Chairman/Managing Director or any Whole Time Directors or Part Time Directors of the Company within the meaning of the Companies Act, 2013.
- 9.5 Neither the cost audit firm nor its partner(s) or associates should have any interest in the business of the Company.
- 9.6 The cost auditor will be required to submit a certificate that:
- a. the individual or the firm, as the case may be, is eligible for appointment and is not disqualified for appointment under the Companies Act 2013, the Cost and Works Accountants Act, 1959 (23 of 1959) and the rules or regulations made there under;
 - b. the individual or the firm, as the case may be, satisfies the criteria provided in section 141 of the Companies Act 2013, so far as may be applicable;
 - c. the proposed appointment is within the limits laid down by or under the authority of the Companies Act 2013; and
 - d. the list of proceedings against the cost auditor or audit firm or any partner of the audit firm pending with respect to professional matters of conduct, as disclosed in the certificate, is true and correct.
- 9.7 If appointed, Cost audit firm(s) shall have prime responsibility to ensure that the maximum number of audit limits specified under Companies Act, 2013 are not violated.
- 9.8 The cost audit firm(s) shall be free from any disqualification under the Companies Act, 2013.
- 9.9 The partners holding Certificate of Practice issued by Institute of Cost Accountants of India are in whole time practice.
- 9.10 The Cost auditor shall ensure that data given to the Auditor by company and any information generated from the data provided shall not be used by the Auditor for any other purpose.

10.0 Debarring Provisions:

The Audit Firm will be debarred from getting, in future, the Cost audit of NHDC Ltd.

- i. If the Firm obtains the appointment on the basis of false information/ mis-statement.

- ii. If the Firm does not take up audit in terms of appointment letter.
- iii. If the Firm fails to maintain/honour confidentiality and secrecy of the Company's cost data, cost statement and cost information.
- iv. If the Firm fails to comply with any of condition laid down in clause 8 & 9 above.

11.0 Instructions to Applicants:

11.1 Instructions for online Application submission:

The applications are to be submitted online at Central Public Procurement e-Portal <https://eprocure.gov.in/eprocure/app>. The applicants are required to submit soft copies of their application electronically on the Central Public Procurement (CPP) Portal, using valid Digital Signature Certificates. The instructions given below are meant to assist the applicants in registering on the CPP Portal, prepare their proposals in accordance with the requirements and submitting their proposals/ applications online on the CPP Portal.

11.2 Registration:

- a) Applicants are required to enroll on the e-Procurement module of the Central Public Procurement Portal by using the "Online Applicant Enrollment" option available on the home page. Enrolment on the CPP Portal is free of charge.
- b) During enrolment/ registration, the applicants should provide the correct/ true information including valid email-id & mobile no. All the correspondence shall be made directly with the contractors/ applicants through email-id provided.
- c) As part of the enrolment process, the applicants will be required to choose a unique username and assign a password for their accounts.
- d) For e-tendering possession of valid Digital Signature Certificate (Class II or Class III Certificates with signing key usage) is mandatory which can be obtained from SIFY/ nCode/ eMudra or any Certifying Authority recognized by CCA India on eToken/ Smart Card.
- e) Upon enrolment on CPP Portal for e-tendering, the applicants shall register their valid Digital Signature Certificate with their profile.
- f) Only one valid DSC should be registered by an applicant. Applicants are responsible to ensure that they do not lend their DSCs to others which may lead to misuse and should ensure safety of the same.
- g) Applicants can then log into the site through the secured login by entering their user ID/ password and the password of the DSC/ eToken.

11.3 Searching for EOI documents:

- a) There are various search options built in the CPP Portal, to facilitate applicants to search active tenders by several parameters. These parameters could include Tender ID, Organization Name, Location, Date, Value, etc. There is also an option of advanced search for tenders/ EOI, wherein the applicants may combine a number of search parameters such as Organization Name, Form of Contract, Location, Date, Other keywords etc. to search for a tender/ EOI published on the CPP Portal.
- b) Once the applicants have selected the tenders/ RFPs/ EOI they are interested in, they may download the required documents/ tender schedules. These tenders can be moved to the respective 'My Tenders' folder. This would enable the CPP to intimate the applicants through SMS/ e-mail in case there is any corrigendum issued to the tender/ RFP/ EOI document.
- c) The applicant should make a note of the unique Tender ID assigned to each tender, in case they want to obtain any clarification/ help from the Helpdesk.

11.4 Preparation of Applications:

Application to be submitted online at <https://eprocure.gov.in/eprocure/app>.

- a) For preparation of applications, Applicants shall search the EOI from published tender list available on site and download the complete EOI document and should take into account corrigendum if any published before submitting their application.

After selecting the EOI document same shall be moved to the 'My favourite' folder of applicants account from where applicant can view all the details of the EOI document.

- b) Applicant shall go through the EOI document carefully to understand the documents required to be submitted as part of the application. Applicants shall note the number of covers in which the proposal documents have to be submitted, the number of documents – including the names and content of each of the document that need to be submitted. Any deviations from these may lead to rejection of the application.
- c) Any pre-application clarifications if required, then same may be obtained online through the tender site, or through the contact details given in the EOI document.
- d) Applicants should get ready in advance the application documents in the required format (PDF/ xls/ rar/ dwf/ jpg formats) to be submitted as indicated in the EOI document/ schedule. Application documents may be scanned with 100 dpi with black and white option which helps in reducing size of the scanned document.

- e) To avoid the time and effort required in uploading the same set of standard documents which are required to be submitted as a part of every proposal, a provision of uploading such standard documents (e.g. PAN card copy, Annual Reports, Auditor Certificates etc.) has been provided to the applicants. Applicants can use “My Space” or “Other Important Documents” area available to them to upload such documents. These documents may be directly submitted from the “My Space” or “Other Important Documents” area as per tender requirements while submitting the application, and need not be uploaded again and again. This will lead to reduction in the time required for application submission process.

11.5 Submission of Applications:

One-Part Bid/ proposal procedure shall be adopted for submission and evaluation of the applications. The Applicant shall accordingly prepare and submit the applications containing the required documents up to the date and time given in Notice Inviting Tender (NIT). The applicant shall prepare the application and submit the proposal/ application in following manner:

- a) Applicant should log into the site well in advance for application submission so that he/ she upload the application in time i.e. on or before the application submission time.
- b) Applicant should prepare the instructions specified in the Letter of Invitation/ EOI document. The details of the document physically sent, should tally with the details available in the scanned copy and the data entered during proposal submission time. Otherwise the uploaded application will be rejected.
- c) While submitting the application online, the applicant shall read the terms & conditions (of CPP portal) and accepts the same in order to proceed further to submit their application.
- d) Applicant shall digitally sign and upload the required proposal documents one by one as indicated in the EOI document.
- e) Applicants shall note that the very act of using DSC for downloading the EOI document and uploading their offers is deemed to be a confirmation that they have read all sections and pages of the EOI document without any exception and have understood the complete EOI document and are clear about the requirements of the EOI document.
- f) Applicant shall note that each document to be uploaded for the EOI should be less than 2 MB. Application documents may be scanned with 100 dpi with black and white option which helps in reducing size of the scanned document. For the file size of less than 1 MB, the transaction uploading time will be very fast.

- g) Applicants shall submit their applications through online e-tendering system to the EOI Inviting Authority (TIA) well before the application submission end date & time (as per Server System Clock). The TIA will not be held responsible for any sort of delay or the difficulties faced during the submission of proposals online by the applicants at the eleventh hour.
- h) After the application submission (i.e. after Clicking “Freeze Bid Submission” in the portal), the applicants shall take print out of system generated acknowledgement number, and keep it as a record of evidence for online submission of application, which will also act as an entry pass to participate in the application opening.
- i) Applicants should follow the server time being displayed on applicant’s dashboard at the top of the tender site, which shall be considered valid for all actions of requesting, application submission, application opening etc., in the e- tender system.
- j) All the documents being submitted by the applicants would be encrypted using PKI (Public Key Infrastructure) encryption techniques to ensure the secrecy of the data. The data entered cannot be viewed by unauthorized persons until the time of proposal opening. The confidentiality of the proposals is maintained using the secured Socket Layer 128 bit encryption technology.

11.6 Assistance to Applicants:

- a) Any queries relating to the EOI document and the terms and conditions contained therein should be addressed to the Tender Inviting Authority or the relevant contact person indicated in the tender.
- b) For any technical queries please call at 24X7 CPP Portal Helpdesk Number 0120-4200462, 0120-4001002, 0120-4001005, 0120-6277787.

E-mail: support-eproc[at]nic[dot]in

Note: Bidders/ Applicants are requested to kindly mention the URL of the Portal and Tender Id in the subject while emailing any issue along with the Contact details.

11.7 Clarification of EOI Document:

- a) A prospective Bidder requiring any clarification of the bidding documents may ask the clarifications online through CPP Portal atleast 07 (seven) days before the last date of submission of the tender.
- b) The Corporation will respond online to any request for clarification if considered necessary, at its sole discretion.
- c) The Corporation shall not be bound to respond to the request from the bidder and this shall not become the reason for claiming extension of the deadline for the submission of the tenders.

- d) Any modifications in the EOI documents shall be made by the Employer exclusively through the issue of an Addendum pursuant to Clause 11.8 of EOI document.

11.8 Amendment of EOI Documents:

- a) Before the deadline for submission of applications, the Employer may for any reason, whether at its own initiative or in response to a clarification requested by a prospective Applicant, modify the EOI documents by issuing addenda.
- b) Any addenda/ corrigenda issued prior to submission of applications would be put up on the CPP portal <https://eprocure.gov.in/eprocure/app> as well as on NHDC website www.nhdcindia.com. Any addenda/ corrigenda/ clarifications thus issued shall be part of the EOI document. The prospective applicants have to check aforesaid portal for any amendment/ corrigenda/ clarifications periodically and before submission of their application. All prospective applicants are presumed to have examined all amendments/ corrigenda/ clarifications published on the aforesaid websites and have submitted their application accordingly.
- c) To give prospective Applicants reasonable time in which to take an amendment into account in preparing their application, the Employer shall extend as necessary the deadline for the submission of applications.

11.9 Language of Proposal:

The application prepared by the Applicant and all correspondence and documents related to the application exchanged by the Applicant and the Employer shall be written in English language, provided that any printed literature furnished by the Applicant may be written in another language, as long as such literature is accompanied by a translation of its pertinent passages in English language, in which case, for purposes of interpretation of the application, the translation in English shall govern.

- 11.10 The application on Empanelment of Cost Auditors is to be submitted online under **Cover-I** in the manner prescribed below:

- a) Documentary Evidences in support of the Qualifying Criteria as per Clause No. 6.
- b) Annexure-I 'Format of Offer' as per Clause No. 8.6
- c) All the documents listed under Notes i) to iv) of Annexure-I (Format of Offer)
- d) Annexure-II 'Declaration of Ineligibility' as per Clause No. 8.7.
- e) Scanned copy of Notarised Power of Attorney in respect of bid signatory along with Authority of Executant/ Partnership deed etc.
- f) Annexure-III 'ECS Form'.
- g) Annexure-IV 'Declaration in regard to Class-I local supplier under Public Procurement (Preference to Make in India).
- h) Annexure-V 'Declaration regarding Insolvency and Bankruptcy Code 2016'
- i) Certification under Fraud Policy of NHDC Ltd., Annexure-VII.

- j) Other Supporting documents as per the EOI document requirement to be uploaded online.

11.11 Modification, Substitution and Withdrawal of application:

- a) After Submission of application, the applicant can re-submit revised application any number of times but before stipulated deadline for submission of application. The applicants are advised not to withdraw their application, as once the application is withdrawn they cannot participate in the same tender/ EOI again.
- b) The server time (which is displayed on the applicant's dashboard) will be considered as standard time for referencing the deadline for submission of the applications by the applicants, opening of application etc. The applicant should follow this time during application submission.
- c) No application shall be withdrawn or modified/ revised in the interval between the application submission deadline and the expiration of the application Validity period specified in the proposal document. Withdrawal or modification of an application during this interval will result in the applicant's application non- responsive.

11.12 Opening of Applications by Employer:

- a) The Employer/ Authority inviting Tender will open the applications received (except those received late) in the presence of the applicants/ applicant's representatives who choose to attend at the time, date and place specified in the Letter of Invitation. The Applicants/ Applicant's representatives who are present shall sign a register evidencing their attendance. Applicant (s) can also view Application opening online on the CPP portal <https://eprocure.gov.in/eprocure/app> at their end.

In the event of the specified date for the opening of applications being declared a holiday for the Employer, the Applications will be opened at the appointed time and location on the next working day.

11.13 Examination of Applications and Determination of Responsiveness:

- a) During the detailed evaluation of "Technical Applications", the Employer will determine whether each Application:
- meets the Qualifying Criteria defined in Clause 6 of EOI Document;
 - has been properly signed; and
 - is substantially responsive to the requirements of the EOI Document.
- b) A substantially responsive "Application" is one which conforms to all the terms, conditions, and specifications of the EOI document, without material deviation or reservation. A material deviation or reservation is one:

- which affects in any substantial way the scope, quality, or performance of the Works;
 - which limits in any substantial way, the Employer's rights or the Applicant's obligations under the Contract; or
 - whose rectification would affect unfairly the competitive position of other applicants presenting substantially responsive proposals; or
 - which is inconsistent with the EOI document,
- c) If an "Application" is not substantially responsive, it will be rejected by the Employer, and may not subsequently be made responsive by correction or withdrawal of the nonconforming deviation or reservation.
- d) During techno-commercial evaluation, the Employer may, at its discretion, ask any Applicant for a clarification of its Application. The request for clarification and response shall be in writing or e-mail or through the portal. Reply shall be submitted by Applicant within a stated reasonable period of time. If Applicant does not provide clarifications of the information requested by the date and time set in the Employer's request for clarification, its Application may be rejected.
- 11.14 The applicants are expected to examine all instructions, forms, terms and other details in the EOI document carefully. Failure to furnish complete information as mentioned in the EOI document or submission of an application not substantially responsive to the EOI document in every respect will be at the Applicant's risk and may result in rejection of the application.

12. Conflict of Interest:

- 12.1 Where there is any indication that a conflict of interest exists or may arise, it shall be the responsibility of the Applicant to inform NHDC, detailing the conflict in writing as an attachment to this Application.
- 12.2 NHDC will be the final arbitrator in cases of potential conflicts of interest. Failure to notify NHDC of any potential conflict of interest will invalidate any verbal or written agreement.
- 12.3 **Authority of bid Signatory by the way of Board resolution/ Power of Attorney on Stamp paper of appropriate value along with Authority of Executant, Partnership deed etc. shall be submitted by the applicant.**
13. **Validity of Offer:** The validity of offer shall be 120 days from the date of opening of tender. A bid valid for shorter period may be rejected by the purchaser as being non responsive.

14. General

Bidder shall comply with the provisions of "Restrictions under Rule 144(xi) of the General financial Rules (GFRs) 2017" dated 23.07.2020 and subsequent clarifications.

Order (Public Procurement No. 1) issued by the Government of India (Ministry of Finance Department of Expenditure Public Procurement Division) restricting procurement from consultants from certain countries that share a land border with India shall apply to this procurement. Applicant must apprise themselves of the latest version of this order.

Any bidder from a country which shares a land border with India (except to which the Government of India has extended line of credit or in which the Government of India is engaged in development projects as mentioned in Order Public Procurement No. 2 dt. 23.07.2020 or its subsequent revisions/amendments) will be eligible to bid only if the bidder is registered with the Competent Authority, i.e. Registration Committee constituted by DPIIT.

The successful bidder shall not be allowed to sub contract works to any contractor from a country which shares a land border with India (except to which the Government of India has extended line of credit or in which the Government of India is engaged in development projects as mentioned in Order Public Procurement No. 2 dt. 23.07.2020 or its subsequent revisions/amendments) unless such contractor is registered with the Competent Authority, i.e. Registration Committee constituted by DPIIT.

A bidder is permitted to procure raw material, components, sub-assemblies, etc. from the vendors of countries sharing a land border with India without getting registered with the Competent Authority, i.e. Registration Committee constituted by DPIIT, as it is not regarded as "sub-contracting".

However, in case a bidder proposes to supply finished goods procured directly/indirectly from the vendors of the countries sharing land border with India, such vendors will be required to get registered with the Competent Authority, i.e. Registration Committee constituted by DPIIT.

Procurement of spare parts and other essential service support like Annual Maintenance Contract (AMC) / Comprehensive Maintenance Contract (CMC), including consumables for closed systems, from Original Equipment Manufacturers (OEMs) or their authroised agents, shall be exempted from the requirement of registration as mandated under Rule 144(xi) of GFRs 2017.

Format of the offer

Detail of Establishment:		
1	Name of the firm of Cost Accountant (Indicate whether Proprietary Concern or Partnership Firm)	
2	Office Address	
	i) Permanent Address / Head Office	
	ii) Correspondence Address / Branches in Madhya Pradesh Address	
	iii) Telephone No.	
	iv) Fax No.	
	v) Email Address	
	vi) Website	
3	a) Year of Establishment	
	b) Firm Registration No. (in case of partnership firm/sole proprietary firm)	
	c) Proprietor Membership No. (In case of members not having firm name)	
	d) GST Registration No.	
	e) Permanent Account No. (PAN) of Firm/Proprietor	

Detail of Partners:

Sl. No.	Name of the Partner(s)	Membershi p No.	Date of joining the firm as Partner	No. of years completed in full time practice	Supporting document

Details of Experience in Public Sector Undertakings (PSUs) from FY 2014-15 to 2021-22:

Sl. No.	Name of the Public Sector Undertaking	Fin. Year of Audit	Turnover of the PSUs (Rs. in Crore)	Supporting document

Details of Experience in Power Sector Companies from FY 2014-15 to 2021-22:

Sl. No.	Name of the Company	Fin. Year of Audit	Supporting document

Details of Exposure of Cost Audit in ERP based Environment from FY 2014-15 to 2021-22:

Sl. No.	Name of the Company*	Fin. Year of Audit	Supporting document

*For experience of Cost Audit in ERP System, Cost Audit for multiple years in a company shall be counted as experience of one Company.

Note:

- i) All supporting proofs/ documents in respect of evaluation criteria must be submitted with the application. Firms of Cost accountants will be shortlisted strictly on the basis of documents submitted.
- ii) List of documents to be submitted along with the applications/ EOIs:
 - a) Latest registration certificate of the firm issued by The Institute of Cost Accountants of India w.r.t the information related to the year of establishment of Head Office, Branch Office(s), address(es), details of partners along-with their membership nos. etc. Particulars as indicated in the Certificate(s) will be treated as conclusive and used for the purpose of evaluation of EOIs.
 - b) Copy of PAN card.
 - c) Copy of GST Registration.
 - d) Certificate of practice issued by Institute of Cost Accountants of India to partners.
 - e) Copies of appointment letters and completion certificate thereof for Cost Audit in PSUs/ Power Sector Companies in evidence of experience.
 - f) Firms with experience in PSUs have to submit a certificate to the effect that the annual turnover of the auditee for the relevant financial years is Rs. 500 Crores or more along with self-attested copies of published accounts showing turnover for the relevant years/ CIN and other relevant web links to verify the turnover or certificate giving year-wise turnover details issued by the company.
 - g) A Certificate from Company having ERP based accounts whose Cost Audit has been carried out by the Cost Audit Firm during FY 2014-15 to FY 2021-22 needs to be attached.
- iii) A copy of complete EOI document duly signed as a token of acceptance of all terms and conditions and sealed.

- iv) All the pages of offers and documents are to be signed by the partner of the firm along with seal of the firm.

Declaration:

I, _____ Partner/owner of the firm _____, hereby declare that the above information furnished is true & correct to the best of my knowledge and I will abide by the Terms & Conditions set by the company for the appointment of Cost Auditors.

Signature and seal of the firm

Declaration of Ineligibility
(By the Cost Audit Firm)

I/ We, M/s (Name of Cost Audit Firm) hereby certify that
I/we have not been banned/de-listed/de-barred from business by any PSU/Govt.
Department during last 03 (three) years.

(Signature and seal of the firm)

ECS -FORM

ELECTRONIC CLEARING SERVICE (CREDIT CLEARING)
(PAYMENT TO BIDDER THROUGH CREDIT CLEARING MECHANISM)

1. COST AUDIT FIRM'S NAME :

Address :

Phone/Mobile No. :

2. PARTICULARS OF BANK ACCOUNT OF COST AUDIT FIRM:

A. BANK NAME :

B. BRANCH NAME

Address :

Telephone No. :

C. IFSC code of the Bank

(For payments through RTGS):

D. ACCOUNT TYPE

(S.B. Account/Current Account

E. ACCOUNT NUMBER

(As appearing on the Cheque Book):

I hereby declared that the particulars given above are correct and complete. If the transaction is delayed or not effected at all for reasons of incomplete or incorrect information, I would not hold the user Company responsible.

Date:

(.....)

Signature and seal of the firm

Certified that the particulars furnished above are correct as per our records.

(Bank's Stamp)

Date:

(.....)

Signature of the Authorised
Official from the Bank

Annexure-IV

Declaration regarding Class-I local supplier
under Public Procurement (Preference to Make in India) order

Name of Work: Expression of Interest (EOI) For Empanelment / Appointment of Cost Auditors for the Financial Year 2023-24 to 2025-26.

Item Description	Country of Origin	% of Local Contents (to be specified by the bidder)	Location of the value addition (to be specified by the bidder)
Expression of Interest (EOI) For Empanelment / Appointment of Cost Auditors for The Financial Year 2023- 24 To 2025-26	INDIA	More than 50%	

Note: Percentage of Local Contents should be more than 50% in case of 'Class-I Local Supplier'.

Signature and Seal of bidder

**(Format for declaration by the Bidder)
“Self-Declaration by the Bidder”**

I/ We, M/s _____ (Name of Bidder) hereby certify that proceedings for insolvency under the Insolvency and Bankruptcy Code, 2016, or as amended from time to time, have not started, against us and/ or our Parent/ Holding company _____ (Name of Parent/ Holding company).

Signature and Seal of bidder

FRAUD PREVENTION POLICY OF NHDC

1. BACKGROUND

The Corporate Governance guideline-2010 to be followed by CPSE describes certain requirements. These requirements inter alias include "Whistle Blower Policy". This policy envisages the companies to put in place a mechanism for employees to report to the Management about unethical behaviour, actual or suspected fraud or violation of conduct or ethics policy.

Further, statutory auditors of the company are required to comment on the Fraud Policy of the company in their report to the Comptroller and Auditor General of India (C&AG) on the annual accounts of the company given in compliance of the provisions of Section 619(3) of the Companies Act, 1956.

In the light of the foregoing and keeping in view the approach of NHDC Ltd. in following Corporate Governance principles proactively, it is appropriate that a Fraud Policy is formulated and implemented.

The policy statement is given below for implementation with immediate effect:

2. POLICY OBJECTIVES:

The "Fraud Prevention Policy" has been framed to provide a system for detection and prevention of fraud, reporting of any fraud that is detected or suspected and fair dealing of matters pertaining to fraud. The policy will ensure and provide for the following:

- (i) To ensure that management is aware of its responsibilities for detection and prevention of fraud and for establishing procedures for preventing fraud and/or detecting fraud when it occurs.
- (ii) To provide a clear guidance to employees and others dealing with NHDC Ltd. forbidding them from involvement in any fraudulent activity and the action to be taken by them where they suspect any fraudulent activity.
- (iii) To conduct investigations into fraudulent activities.
- (iv) To provide assurances that any and all suspected fraudulent activity will be fully investigated.

3. SCOPE OF POLICY:

The policy applies to any fraud, or suspected fraud involving employees of NHDC Ltd. (all full time, part time or employees appointed on adhoc/temporary/contract basis) as- well as representatives of vendors, suppliers, contractors, consultants, service providers or any outside agency (ies) doing any type of business with NHDC Ltd.

4. DEFINITION OF FRAUD:

"Fraud" is a willful act intentionally committed by an individual(s) -by deception, suppression, cheating or any other fraudulent or any other illegal means, thereby, causing wrongful gain(s) to self or any other individual(s) and wrongful loss to other(s). Many a times such acts are undertaken with a view to deceive/mislead others leading them to do or prohibiting them from doing a bonafide act or take bonafide decision which is not based on material facts."

5. ACTIONS CONSTITUTING FRAUD:

While fraudulent activity could have a very wide range of coverage, the following are some of the act(s), which constitute fraud.

- (i) Forgery or alteration of any document or account belonging to the Company.
- (ii) Forgery or alteration of cheque, bank draft or any other financial instrument etc.
- (iii) Misappropriation of funds, securities, supplies or others assets by fraudulent means etc.
- (iv) Falsifying records such as pay-rolls, removing the documents from files and /or replacing it by a fraudulent note etc.
- (v) Willful suppression of facts/deception in matters of appointment, placements, submission of reports, tender committee recommendations etc. as a result of which a wrongful gain(s) is made to one and wrongful loss(s) is caused to the others.
- (vi) Utilizing Company funds for personal purposes.
- (vii) Authorizing or receiving payments for goods not supplied or services not rendered.
- (viii) Destruction, disposition, removal of records or any other assets of the Company with an ulterior motive to manipulate and misrepresent the facts so as to create suspicion/ suppression/cheating as a result of which objective assessment/ decision would not be arrived at.
- (ix) Any other act that falls under the gamut of fraudulent activity.

6.REPORTING OF FRAUD:

Any employee (full time, part time or employees appointed on adhoc /temporary/contract basis), representative of vendors, suppliers, contractors, consultants, service providers or any other agency (ies) doing any type of business with NHDC Ltd. as soon as he / she comes to know of any fraud or suspected fraud or any other fraudulent activity must report such incident(s). Such reporting shall be made to the designated Nodal Officer(s), nominated in every project/unit/Corporate Centre. If, however, there is shortage of time such report should be made to the immediate controlling officer whose duty shall be to ensure that input received is immediately communicated to the Nodal Officer. The reporting of the fraud normally should be in writing. In case the reporter is not willing to furnish a written statement of fraud but is in a position to give sequential and specific transaction of fraud/suspected fraud, then the officer receiving the information/Nodal Officer should record such details in writing as narrated by the reporter and also maintain the details about the identity of the official/ employee / other person reporting such incident. Reports can be made in confidence and the person to whom the fraud or suspected fraud has been reported must maintain the confidentiality with respect to the reporter and such matter should under no circumstances be discussed with any unauthorized person.

- (i) All reports of fraud or suspected fraud shall be handled with utmost speed and shall be coordinated by Nodal Officer(s) to be nominated.
- (ii) Officer receiving input about any suspected fraud/nodal officer(s) shall ensure that all relevant records documents and other evidence is being immediately taken into custody and being protected from being tampered with, destroyed or removed by suspected perpetrators of fraud or by any other official under his influence.

7. INVESTIGATION PROCEDURE:

- i. The "Nodal Officer" shall, refer the details of the Fraud/suspected fraud to the Vigilance Department of NHDC Ltd. for further appropriate investigation and needful action.
- ii. This input would be in addition to the intelligence, information and investigation of cases of fraud being investigated by the Vigilance Dept. of their own as part of their day-to-day functioning.
- iii. After completion of the investigation, due & appropriate action, which could include administrative action, disciplinary action, civil or criminal action or closure of the matter if it is proved that fraud is not committed etc. depending upon the outcome of the investigation shall be undertaken.
- iv. Vigilance Department shall apprise "Nodal Officer" of the results of the investigation undertaken by them. There shall be constant coordination maintained between the two.

8. RESPONSIBILITY FOR FRAUD PREVENTION:

- (i) Every employee (full time, part time, ad hoc, temporary, contract), representative of vendors, suppliers, contractors, consultants, service providers or any other agency (ies) doing any type of business with NHDC Ltd. is expected and shall be responsible to ensure that there is no fraudulent act being committed in their areas of responsibility/control. As soon as it is learnt that a fraud or suspected fraud has taken or is likely to take place they should immediately apprise the same to the concerned as per the procedure.
- (ii) All controlling officers shall share the responsibility of prevention and detection of fraud and for implementing the Fraud Policy of the Company. It is the responsibility of all controlling officers to ensure that there are mechanisms in place within their area of control to:
 - a. Familiarize each employee with the types of improprieties that might occur in their area.
 - b. Educate employees about fraud prevention and detection.
 - c. Create a culture whereby employees are encouraged to report any fraud or suspected fraud, which comes to their knowledge, without any fear of victimization.
 - d. Promote employee awareness of ethical principles subscribed to by the Company through CDA Rules;
- (iii) Due amendments shall be made in the general conditions of contracts of the organization wherein all bidders/service providers/ vendors/ consultants etc. shall be required to certify that they would adhere to the Fraud Policy of and not indulge or allow anybody else working in their organization to indulge in fraudulent activities and would immediately apprise the organization of the fraud/suspected fraud as soon as it comes to their notice.

These conditions shall form part of documents both at the time of submission of bid and agreement of execution of contract.

9. ADMINISTRATION AND REVIEW OF THE POLICY:

The Managing Director/CED/CEO shall be responsible for the administration, interpretation, application and revision of this policy. The policy will be reviewed and revised as and when needed.

CERTIFICATE

This is to certify that I/We would adhere to the Fraud Prevention policy of NHDC Ltd., and not indulge or allow anybody else working in our organisation to indulge in fraudulent activities and would immediately apprise the organisation of the fraud/ suspected fraud as soon as it comes to our notice.

(.....)
**Seal and Signature of the
Authorised representative of the Company**

GUIDELINES ON BANNING OF BUSINESS DEALINGS

1.0 Introduction

- 1.1** NHDC Ltd. deals with Agencies viz parties/ contractors/ suppliers/ bidders, who are expected to adopt ethics of highest standards and a very high degree of integrity, commitments and sincerity towards the work undertaken. It is not in the interest of NHDC to deal with Agencies who commit deception, fraud or other misconduct in the tendering process and/or during execution of work undertaken. NHDC is committed for timely completion of the Projects within the awarded value without compromising on quality.
- 1.2** Since suspension/ banning of business dealings involves civil consequences for an Agency concerned, it is incumbent that adequate opportunity of hearing is provided and the explanation, if tendered, is considered before passing any order in this regard keeping in view the facts and circumstances of the case.

2.0 Scope

- 2.1** NHDC reserves its rights to remove from list of approved suppliers / contractors (if such list exists) or to Suspend/ Ban Business Dealings if any Agency has been found to be non / poor performing or have committed misconduct or fraud or anything unethical or any of its action(s) which falls into any such grounds as laid down in this policy.
- 2.2** The procedure of (i) Removal of Agency from the List of approved suppliers/ contractors; (ii) Suspension and (iii) Banning of Business Dealing with Agencies, has been laid down in these guidelines.
- 2.3** These guidelines shall apply to all the units of NHDC.
- 2.4** The suspension/banning except suspension/banning under Integrity Pact shall be with prospective effect, i.e. future business dealings.

3.0 Definitions

In these Guidelines, unless the context otherwise requires:

- i) "Agency/Party/Contractor/Supplier/Bidders/Vendors" shall mean and include a public limited company or a private limited company, a joint Venture, Consortium, HUF, a firm whether registered or not, an individual, cooperative society or an association or a group of persons engaged in any commerce, trade, industry etc. "Party/Contractor/ Supplier/ Bidder/ Vendor" in the context of these guidelines is indicated as 'Agency'.
- ii) "Unit" shall mean the Corporate Office, Project/ Power Station/ Liaison Office or any other office of NHDC.
- iii) "Competent Authority" and 'Appellate Authority' shall mean the following:
 - a) For works awarded/ under Tendering from Corporate office (falling in the competency of Chairman/ Board of Directors)

- Competent Authority: Chairman.
 - Appellate Authority: Board of Directors.
- b) For works awarded/under tendering from Corporate Office (falling in the competency of MD).
- Competent Authority: MD.
 - Appellate Authority: Chairman.
- c) For works awarded/ under Tendering from Corporate Office/ Projects/ Power Stations/ Liaison Offices (falling in the competency of CGM and below)
- Competent authority in case of works awarded /under tendering from corporate Office shall be CGM or GM of the concerned division as the case may be.
 - Competent Authority: Head of the unit not below the rank of General Manager.
 - Appellate Authority: MD.

"Investigating Committee" shall mean a Committee appointed by Competent Authority to conduct investigation.

4.0 Initiation of Suspension /Banning

Action for Suspension/ Banning Business Dealings with any Agency shall be initiated by the department responsible for invitation of Bids/Engineer-in-charge after noticing the irregularities or misconduct on the part of Agency concerned. Besides the concerned department, Vigilance Department of each Unit/ Corporate Vigilance may also be competent to initiate such action.

5.0 Suspension of Business Dealings

5.1 If the conduct of any Agency dealing with NHDC is under investigation, the Competent Authority may consider whether the allegations (under investigation) are of a serious nature and whether pending investigation, it would be advisable to continue business dealing with the Agency. If the Competent Authority, decides that it would not be in the interest to continue business dealings pending investigation, it may suspend business dealings with the Agency. The order of suspension would operate for a period not more than six months and may be communicated to the Agency as also to the Investigating Committee. The Investigating Committee may ensure that their investigation is completed and whole process of final order is over within such period. However if the investigations are not completed within six months, the investigation committee shall put up the proposal to the competent authority for approval of extension of time maximum up to further three months with in which the committees shall conclude the proceedings.

5.2 The order of suspension shall be effective as below:

- a. In case the work falling in the Competency of Board of Directors/ Chairman/ MD, the Suspension of work will be effective throughout NHDC.

- b. In case of work falling in the competency of HOP and below, the suspension shall be effective throughout the Project/ Power Station and attached liaison offices/ units.
- c. In case of work falling under the competency of CGM/GM and below at Corporate Office, suspension shall be effective at Corporate Office.

During the period of suspension, no business dealing shall be held with the Agency.

- 5.3** If the Agency concerned asks for detailed reasons of suspension, the Agency may be informed that its conduct is under investigation. It is not necessary to enter into correspondence or argument with the Agency at this stage.
- 5.4** It is not necessary to give any show-cause notice or personal hearing to the Agency before issuing the order of suspension.
- 5.5** The format for intimation of suspension of business dealing is place at Appendix-I.
- 6.0 Ground on which Banning of Business Dealings can be initiated**
- 6.1** If the security consideration, including questions of loyalty of the Agency to NHDC so warrants;
- 6.2** If the director /owner of the Agency, proprietor or partner of the firm, is convicted by a Court of Law for offences involving moral turpitude in relation to its business dealings with the Government or any other public sector enterprises, during the last five years;
- 6.3** If the Agency has resorted to Corrupt, Fraudulent, Collusive, Coercive practices including misrepresentation of facts and violation of the any provisions of the Integrity Pact provided in the Contract.
- 6.4** If the Agency uses intimidation / threatening or brings undue outside pressure on NHDC or its official for acceptance / performances of the job under the contract;
- 6.5** If the Agency misuses the premises or facilities of NHDC, forcefully occupies or damages the NHDC's properties including land, water resources, forests / trees or tampers with documents/records etc.
- 6.6** If the Agency does not fulfill the obligations as required under the Contract and Violates terms & conditions of the contract which has serious effect for continuation of the Contract.
- 6.7** If the work awarded to the agency has been terminated by NHDC due to poor performance of the contract in the preceding 5 years.
- 6.8** If the Central Vigilance Commission, Central Bureau of Investigation or any other Central Government investigation Agency recommends such a course in respect of a case under investigation or improper conduct on agency's part in matters relating to the Company (NHDC) or even otherwise;

- 6.9** On any other ground upon which business dealings with the Agency is not in the public interest.
- 6.10** If business dealings with the Agency have been banned by the Ministry of Power, Government of India OR any PSU/ any other authority under the MOP if intimated to NHDC or available on MOP Website, the business dealing with such agencies shall be banned with immediate effect for future business dealing except banning under Integrity Pact without any further investigation.

(Note: The examples given above are only illustrative and not exhaustive. The Competent Authority may decide to ban business dealing for any good and sufficient reason).

7.0 Procedure for Banning of Business Dealings

- 7.1** An Investigating Committee shall be constituted by the authority competent to Ban the dealing comprising members from Engineering/ Indenting department (convener), Finance, Law and Contract. The level of the committee members shall be GM and above for works falling in the competency of Board of Directors/ Chairman/ MD and DGM/SM with at least one member of the level of the General Manager for the works falling in the competency of CGM and below.
- 7.2** The order of Banning of Business Dealings shall be effective throughout NHDC. During the period of Banning of Business Dealings, no Business Dealings shall be held with the Agency.
- 7.3** The functions of Investigating Committee in each Unit to be appointed by the competent authority in line with para 3 (iii) shall, inter-alia include;
- a) To study the report of the department responsible for invitation of bids and decide if a prima-facie case for banning exists, if not, send back the case to the Competent Authority.
 - b) To recommend for issue of show-cause notice (after vetting by legal deptt.) to the Agency by the concerned department as per clause 7.4 "Show Cause Notice".
 - c) To examine the reply to show-cause notice and call the Agency for personal hearing, if required.
 - d) To submit final recommendations to the Competent Authority for banning or otherwise including the period for which the ban would be operative considering the implications for NHDC on account of the act/omission on the part of the agency, intention of the agency as established from the circumstances of the case etc.

7.4 Show Cause Notice

Once the proposal for issuance of Show Cause Notice is approved by the Competent Authority, a 'Show Cause Notice' (as per format at Appendix-II of these guidelines) shall be issued to the delinquent Agency by the Competent Authority or by a person authorized by the Competent Authority for the said

Purpose. The Agency shall be asked to submit the reply to the Show Cause Notice within 15 days of its issuance. Further, the Agency shall be given an opportunity for Oral hearing to present its case in person, if it so desires, and the date for Oral Hearing shall necessarily be indicated in the Show Cause Notice.

The purpose of issuing the Show Cause Notice is only that the Agency concerned shall be given an opportunity to explain their stand before any action is taken. The grounds on which action is proposed to be taken shall be disclosed to the Agency inviting representation and after considering that representation, orders may be passed. Such orders require only the satisfaction of the authority that passed the final orders.

If the Agency requests for inspection of any relevant document in possession of NHDC, necessary facility for inspection of documents may be provided.

During the conductance of oral hearing, only the regular duly authorized employees of Agency will be permitted to represent the Agency and no outsider shall be allowed to represent the Agency on its behalf.

Reply to the Show Cause Notice given by the Agency and their submissions in oral hearing, if any, will be processed by the Committee for obtaining final decision of the Competent Authority in the matter.

In case, no reply to Show Cause Notice is received from the Agency within stipulated time, further reminder shall be given with further period of 10 days thereafter if no reply is received action for processing ex-parte against the concerned Agency shall be initiated.

7.5 Speaking Order

The speaking order (reasoned order) for banning the business dealing with the Agency shall be issued by the Competent Authority or by a person authorized for the said purpose.

The decision regarding banning of business dealings taken after the issue of a Show Cause Notice and consideration of representation, if any, in reply thereto, shall be communicated to the Agency concerned along with a reasoned order. The fact that the representation has been considered shall invariably be mentioned in the communication. Also the fact that if no reply was received to the Show Cause Notice shall invariably be indicated in the final communication to the Agency. The format for intimation of banning of business dealing is placed at Appendix-III.

7.6 Period of banning

In case banning is processed for violation of provisions of Integrity Pact or due to corrupt or fraudulent practices, the competent authority shall decide on the period of banning on case to case basis depending on the gravity of the case and considering the implications for NHDC on account of the act/omission on the part of the agency, intention of the agency as established from the

Circumstances of the case etc. the period of banning shall not be less than 6 months and shall not exceed 2 years and in case termination of contract due to poor performance the period of banning shall be for 5 years. For contracts awarded to JV/Consortium, a constituent of the JV shall be permitted to participate in the bidding process if it has not been banned on grounds of its role and responsibility in the tendering process for which the Joint Venture has been banned in Past. In case if the Joint Venture which has been banned does not indicate the roles and responsibility of individual Partner(s) then, the partner of the banned Joint Venture shall only be allowed to participate in the bidding process if its participation share is less than 35%.

In case the information/documents submitted by Agency in competing for the tender found to be false/forged then NHDC, without prejudice to any other rights or remedies it may possess, shall recover from Agency the cost incurred in carrying out physical assessment for establishing veracity of such information /documents. In case Agency refuses to reimburse such cost to NHDC then banning period of Agency shall be extended by another one year.

7.7 Effect of Banning

As far as possible , the existing ongoing contract(s) with the Agency may continue unless the Competent Authority, having regard to the circumstances of the case, decides otherwise, keeping in view contractual and legal issues which may arise thereof. In case the existing Contracts are allowed to continue, the suspension/Banning of Business Dealing along with default of the Contractor shall be recorded in the experience certificate issued for the work.

The Agency, (after issue of the order of banning of business dealings) would not be allowed to participate in any future tender enquiry and if the Agency has already participated in tender process as stand-alone OR constituent of joint venture and the price bids are not opened, his techno-commercial bid will be rejected and price bid will be returned unopened. However, where the price bids of Agency have been opened prior to order of banning, bids of Agency shall not be rejected and tendering process shall be continued unless Competent Authority having regard to the circumstances of the case decides otherwise keeping in view the Contractual, Legal issues which may arise thereafter. However, in case the suspension /Banning is due to default of an Agency for the provisions under Integrity pact and the Agency happens to be Lowest Bidder (L1), the tendering process shall be annulled and fresh tenders shall be invited.

During the Suspension/ Banning period, if it is found at any stage that Agency has participated in tender enquiry under a different name then such Agency would immediately be debarred from the tender/contract and its Bid Security/Performance Security would be forfeited. Payment, if any, made shall also be recovered.

After Suspension/Banning order, the Suspended/Banned Agency shall not be allowed to participate as Sub-Vendor/Sub-Contractor in the tenders Further, if the Suspended/Banned agency is an approved Sub-Vendor under any Contract for such equipment/component/ service, the Main Contractor shall not be permitted to place work order/Purchase order/Contract on the Suspended/ Banned agency as a Sub-

Vendor/Sub-Contractor after the date of Suspension/ Banning even though the name of the party has been approved as a Sub-Vendor /Sub-Contractor earlier.

There would be no bar on procuring the spares and awarding Contracts towards Annual Maintenance (AMC)/O&M/ Repair works on Agencies pertaining to the packages for which they have been banned provided the Equipment has been supplied by such Agency.

Banning of business dealing shall not be applicable to the Subsidiary Company of the Banned agency provided subsidiary company has not participated on the strength of the Banned agency. However, in case of a default by a Sub- Contractor, the banning shall be applicable to the Sub-Contractor as well as the Lead Partner of the concerned JV or the Sole bidder as the case may be.

7.8 Hosting at NHDC website

The concerned unit shall forward the name and details of the Agency(ies) banned along with period and reasons of banning to IT&C Division of Corporate Office for displaying the same on the NHDC website.

8.0 Appeal against the Decision of the Competent Authority.

The Agency may file an appeal against the order of the Competent Authority banning of business dealing before Appellate Authority. Such an appeal shall be preferred within 30 (Thirty) Days from the date of receipt of the order of banning of business dealing. Appellate Authority would consider the appeal and if convinced, may constitute another committee for further investigation. The investigation Committee constituted by the Appellate Authority shall study the report of the previous investigating committee and reply submitted by the Agency while filing its case for appeal, and call the Agency for personal hearing, if requested by the Agency. Based on the recommendation of the committee Appellate Authority shall pass appropriate Speaking (Reasoned) order in line with Sub para 7.5 above which shall be communicated to the Agency as well as the Competent Authority (as per format enclosed as Appendix-IV with these guidelines).

9.0 Circulation of the names of Agencies with whom Business Dealings have been banned

The name of the concerned banned agency shall also be shared with MOP and other PSU in the sector and all units of NHDC.

The provisions of this policy supersede and will have overriding effect on all earlier guidelines, procedures & system issued for the similar purpose.

**(Format for Intimation of Suspension of Business Dealing)
BY REGD. POST/SPEED POST/COURIER**

No.....

Date

To

M/s.....

Attn.: Shri.....

Sub: Intimation of Suspension of Business Dealings.

Dear Sir,

Whereas the work ofwas awarded to your firm vide letter of award no.....dt..... amounting to Rs..... OR in response to NHDC NIT (e-tender/ physical tender) no.....dt..... you have submitted your bid. (strike out whichever is not applicable).

Whereas the conduct of your firm in respect of the following is under investigation:

Brief of the default

"Whereas the Competent Authority prima facia considered the allegations (under investigation) are of a serious nature and decided pending investigation, it is not in the interest of the corporation to continue business dealing with your firm

This order shall have the following effects:

- (i) Further business dealings with your firm is Suspended within Project/Unit/wide NHDC. The order of Suspension is effective with immediate effect and would operate for a period of six months or till the investigation is completed and whole process of final order is over within such period. However, if investigations are not completed in six months' time, the Competent Authority may extend the period of Suspension.
- (ii) During the period of Suspension, no business dealing shall be held with your firm. No enquiry/bid/tender shall be issued to your firm nor will the bids submitted by your firm be entertained.
- (iii) In cases where tenders have already been issued to you and price bids are yet to be opened, the Price Bid submitted by you shall not be opened and BG/EMD, if any, submitted by you shall be returned.
- (iv) In cases where tenders have already been issued to you and Price Bids have already been opened, the tendering process shall be continued.
- (v) In case of ongoing contracts between you & NHDC, (including cases where contract has already been awarded before the issue of Suspension order) you will be required to continue with the execution and perform as per terms of the contract.
- (vi) (a) In case the Firm is in Joint Venture the following would also be applicable :

- i) Participation of Agency in Joint Venture

Tenders in which your firm has been proposed as Joint Venture Partner by any of the bidders and price bids have been opened prior to Suspension of your firm in such cases the tendering process shall not be annulled on this ground and the Agency shall be permitted to continue as Partner in the Joint Venture for such bidding. However where event of Price Bid opening has not taken place prior to Suspension/Banning of Agency then in such case Agency shall not be permitted to participate as Partner in the Joint Venture.

ii) Banning of Joint Venture :

As the Joint Venture is Banned, your firm intends to bid as Partner(s) of Joint Venture in bidding process then it shall be permitted to participate in the bidding process if it has not been Banned on grounds of its role and responsibility in the tendering process for which the Joint Venture has been Banned in Past. In case if the Joint Venture which has been Banned does not indicate the roles and responsibility of individual Partner(s) then, the partner of the Banned Joint Venture shall only be allowed to participate in the bidding process if its participation share is less than 35%.

- (b) Your firm shall not be allowed to participate as Sub-Vendor/Sub-Contractor in the tenders.

Further if your firm is an approved Sub-vendor under any Contract for such equipment/Component/service, the Main Contractor shall not be permitted to place work order/Purchase order/Contract on your agency as a Sub-vendor/Sub-Contractor after the date of Suspension/Banning even though the name of the party has been approved as a Sub-Vendor/ Sub-Contractor earlier.

- (c) There would be no bar on procuring the spares and awarding Contracts towards Annual Maintenance (AMC)/O&M/Repair works on Agencies pertaining to the packages for which they have been Banned provided the Equipment has been supplied by such Agency.
- (d) Banning of business dealing shall not be applicable to the Subsidiary company of the Banned agency provided subsidiary company has not participated on the strength of the Banned agency.

On expiry of the above period of Suspension/Banning, you may approach..... (Indicate the concerned procurement department), with request for revocation of the order mentioning inter- alia the steps taken by you to avoid recurrence of misconduct which has led to Suspension.

Yours faithfully,

For & On behalf of NHDC

Note: Strike out whichever is not applicable.

(Format of Show Cause Notice)
BY. REGD. POST/SPEED POST/COURIER

No.....

Date

To

M/s.....

Attn.: Shri.....

Sub: Show Cause Notice

Ref. :

Dear Sir,

You are hereby required to Show Cause in writing within 15 days from the date hereof why Business Dealing with your firm should not be banned/your firm is placed in the Banning List (as the case may be) and be debarred from entering into any contracts with NHDC for the following reasons:

(Give Reasons)

Your reply (if any) should be supported by documents and documentary evidence which you wish to rely in support of your reply. In case you desire to present your case in person to NHDC, a personal hearing shall be conducted onat hours for which prior intimation be furnished to this office. Should you fail to reply to this Show Cause Notice within the time and manner aforesaid, it will be presumed that you have nothing to say and we shall proceed accordingly.

Your reply, if any, and the documents/ documentary evidence given in support shall be taken into consideration prior to arriving at a decision.

Yours faithfully,

For & On behalf of NHDC.

(Format for intimation of Banning of Business Dealings)

BY. REGD. POST/SPEED POST/COURIER

No.....

Date

To

M/s.....

Attn.: Shri.....

Sub : Intimation of Suspension of Business Dealings.

Dear Sir,

Whereas the work ofwas awarded to your firm vide letter of award no.....dt..... amounting to Rs..... OR in response to NHDC NIT (e-tender/ physical tender) no.....dtyou have submitted your bid. (strike out whichever is not applicable)

Whereas the Competent Authority had prima facie considered the allegations as detailed below are of a serious nature and decided to conduct investigation.

“Brief of the Default may be mentioned “

Whereas show cause notice vide no..... dt was served upon you. (Whereas in spite of the opportunity given to you, you failed to submit the reply to the show cause notice within the time period mentioned there upon or further extended period, if any). Whereas you submitted the reply along with documents vide your letter no..... dt and presented your case in the personal hearing dated(if any). After considering the allegations made in the show cause notice, your reply to the show cause notice documents/documentary evidence in support thereof and personal hearing dated (if any), it has been decided to Ban the Business Dealing with you and you are hereby debarred from entering into contracts with NHDC.

(In order to make the Intimation of banning of Business dealing Speaking order (reasoned order), the issue of the Show Cause Notice and consideration of representation in reply to show cause notice, opportunity of personal hearing, if any, shall be communicated to the Agency concerned along with a reasoned order. The order for banning should also contain the reasons with detailed justification for conclusion of decision to ban agency. Also the fact that if no reply to the Show Cause Notice was received or request for personal hearing was not made it shall invariably be indicated in the communication to agency. The above order shall mention the grounds considering violation of any provision of integrity Pact, any ground mentioned in guidelines of banning of Business Dealings default by the agency under fraudulent practice/or unethical practice and/or violation of any provision of tender /contract condition having serious implications).

This order shall have the following effects:

- i) Further business dealings with your firm is banned with immediate effect. The order

of Banning would operate for a period of years/month Competent Authority may extend the period of Banning.

- ii) During the period of Banning, no Business Dealing shall be held with your firm. No Enquiry/Bid/Tender shall be issued to your firm nor will the bids submitted by your firm be entertained.
- iii) In cases where tenders have already been issued to you and Price Bids are yet to be opened , the Price Bid submitted by you shall not be opened and BG/EMD, if any, submitted by you shall be returned.
- iv) In cases where tenders have already been issued to you and price bids have already been opened, the Tendering Process shall be continued.
- v) In case of ongoing contracts between you & NHDC, (including cases where contract has already been awarded before the issue of Banning order) you will be required to continue with the execution and perform as per terms of the contract.
- vi) (a) In case the Firm is in Joint Venture the following would also be applicable;

- i) Participation of Agency in Joint Venture

Tenders in which your firm has been proposed as Joint Venture Partner by any of the bidders and price bids have been opened prior to Banning of your firm in such cases the tendering process shall not be annulled on this ground and the Agency shall be permitted to continue as Partner in the Joint Venture for such bidding. However where event of price bid opening has not taken place prior to Banning of Agency then in such case Agency shall not be permitted to participate as Partner in the Joint Venture.

- ii) Banning of Joint Venture :

As the Joint Venture is Banned, your firm intends to bid as Partner(s) of Joint Venture in bidding process then it shall be permitted to participate in the bidding process if it has not been Banned on grounds of its role and responsibility in the tendering process for which the Joint Venture has been Banned in Past. In case if the Joint Venture which has been Banned does not indicate the roles and responsibility of individual Partner(s) then, the partner of the Banned Joint Venture shall only be allowed to participate in the bidding process if its participation share is less than 35%.

- (b) Your firm shall not be allowed to participate as Sub-Vendor/Sub-Contractor in the tenders.

Further if your firm is an approved Sub-vendor under any Contract for such equipment/Component/service, the Main Contract shall not be permitted to place work order/Purchase order/Contract on your agency as a Sub-vendor/Sub-Contractor after the date of Suspension/Banning even though the name of the party has been approved as a Sub-Vendor/ Sub-Contractor earlier.

- (c) There would be no bar on procuring the spares and awarding Contracts towards Annual Maintenance (AMC)/O&M/Repair works on Agencies pertaining to the packages for which they have been Banned provided the Equipment has been

supplied by such Agency.

- (d) Banning of business dealing shall not be applicable to the Subsidiary company of the Banned agency provided subsidiary company has not participated on the strength of the Banned agency. However, In case of a default by a Sub-Contractor, the banning shall be applicable to the Sub-Contractor as well as the Lead Partner of the Concerned JV or the Sole bidder as the case may be.

On expiry of the above period of Suspension/Banning, you may approach.....(Indicate the concerned procurement department), with request for revocation of the order mentioning inter- alia the steps taken by you to avoid recurrence of misconduct which has led to Banning.

Further if you desire to appeal against this order you may do so within 30 days from the date of issue of this order to the appellate authority as here under:

Appellate Authority :.....

Designation :.....

Address:.....

Ph. No.....

e-mail :.....

Yours faithfully,

For & on behalf of NHDC.

Note: Strikeout whichever is not applicable.

(Format for communication of Appellate Decision on Suspension/Banning Order)

BY. REGD. POST/SPEED POST/COURIER

No.....

Date

To M/s.....

Attn.: Shri.....

Sub: Suspension Banning of Business Dealings – Intimation of decision of Appellate Authority.

Ref.: 1. Order dated..... Placing M/s.....on Suspension/Banning List by NHDC;

2. Your Appeal reference..... Dt.....

Dear Sir,

This has reference to the order dt..... placing you on Suspension/Banning List and your appeal petition reference..... dt.....on the same.

After considering the findings of the Original Authority in order and submissions made by you in your appeal, and the documents/documentary evidence available on record, it has been decided finally that :

- * There is no infirmity in the order of the Original Authority, and the allegations stand substantiated and the Suspension/Banning for the period of..... years/month from the date of order, as ordered by the original Authority is upheld,
- * Considering your submissions, the order of Suspension/Banning passed by the original authority is upheld, but with a reduction in period of Suspension/Banning for..... years/months from the date of order of original authority;
- * Considering your submissions and the evidence available on record, there is enough justification to annul the order of the original authority.

(***Incorporate any one of the above as applicable)

##In order to make the Communication of Appellate Authority on Banning of Business Dealing Speaking order (reasoned order) the fact that the representation of the agency has been considered and reference of grounds brought forward by the Agency in his defense and if any opportunity of personal hearing has been given to the agency as a part of principle of natural justice it shall invariably be mentioned in the communication. The order for Banning should also contain the reasons with detailed justification for conclusion of decision to Ban the Agency. Also the fact that if no sufficient ground has been furnished shall invariably be indicated in the final communication to the agency. In case the option of banning of agency or reduction of Time Period for banning of Agency is exercised then the above order shall mention the grounds considering violation of any provision of Integrity Pact. Any ground mentioned in Guidelines of Banning of Business dealings, default by the agency under fraudulent or any unethical practices and/or violation of any provision of tender/contract Condition having serious implications.)

Yours faithfully, For & on behalf of NHDC