

तार: 'फूडकोर्प'  
GRAM: 'FOODCORP'

फैक्स नं:

एचएफसीआईएनडी

Fax No. HFCI ND

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भारतीय  
खाद्य  
निगम



FOOD  
CORPORATION  
OF INDIA

मुख्यालय:  
नई दिल्ली

HEAD QUARTERS:  
New Delhi

16-20, बाराखम्बा लेन, नई दिल्ली - 110011, दूरभाष: 011-43527697, 43527698

16-20, BARAKHAMBA LANE, NEW DELHI -110001, PHONE: 011-43527697, 43527698

No.E-4(306)/Stg.IV/PEG/Court Case Haryana/2014 /5468 October 1, 2014

### ORDER

The matter relates to the representation submitted by M/s. Awla Infra, Ellenabad in pursuance of orders passed by the Hon'ble High Court of Punjab and Haryana on 29th August 2014 directing the undersigned to take a decision regarding the representation filed by M/s. Awla Infra for considering to take over the entire 1,80,000 MTs of PEG capacity constructed by them under PEG scheme 2008.

I have perused the representation filed by M/s. Awla Infra as also the averments made in the petition filed by them in the High Court. As per the matter available on record, M/s.Awla Infra were sanctioned a project to build a godown of capacity 1,80,000 MTs under the PEG scheme 2008 of the Food Corporation of India. The work was assigned to them through the nodal agency of the State Government of Haryana i.e. M/s. HAFED at the rate of Rs5.50 per quintal per month for lease and services as per the decision taken in the meeting of High Level Committee on 18th July 2012. On completion of the work, when inspection was carried out, it was observed that M/s. Awla Infra had constructed a capacity of 1,64,450 MTs on the land that was proposed by them in their technical bid and remaining 15,550 MTs has been constructed on land which is outside the one that was proposed as part of the technical bids. As per Clause 16 of the "Model Tender Form (MTF)" for PEG scheme, the godowns are to be constructed on the land that has been proposed in the tender documents. Clause 16 reads as under:-

*"The specific location of the land proposed by the tenderer in the tender for the construction of the godown shall not be changed at any stage after submission of tender and any circumstances failing which EMD, supplementary guarantee, security deposit and performance guarantee furnished by the tenderer is liable to be forfeited/invoked as the case may be without prejudice to any other legal remedies available to SWC/Nodal Agency".*

Thus, it is clear that the land under PEG scheme cannot be changed. Accordingly, the State Level Committee in its meeting held on 3rd April 2014 recommended that only the capacity measuring about 1,64,450 MTs constructed on the designated land parcel would be taken on guarantee basis and the same decision was noted by the High Level Committee in its meeting on 23rd May 2014.

*C. S. Singh*

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It has also been submitted by M/s.Awla Infra that the mistake has occurred on account of a typographical error by them while submitting the bid documents. Further it is also submitted by them that there was vacant land available under the same land parcel that was proposed by them in the tender document. Thus, it is evident that it was possible for them to construct the entire 1,80,000 MTs on the land that was proposed by them in the tender document. In view of the above and the fact that Clause 16 of the MTF does not allow any changes in the land proposed in the tender document, it is not possible to accept the request of M/s.Awla Infra to take the balance 15,500 MTs on guarantee basis as the same has been constructed on the land that was not proposed by them in the tender document.

(C.Viswanath)

Chairman & Managing Director

To,  
The Awla Infra,  
Faridkot Road,  
Guruharsahai,  
Ferozepur (Punjab).

Copy to: -

1. The Executive Director (North), FCI, Zonal Office, Noida.
2. The General Manager (R), FCI, Regional Office, Panchkula.
3. The Managing Director, HAFED, Sector-5, Panchkula.

For C&MD