

Government of Jammu and Kashmir
Office of the Principal/Dean
Government Medical College, Srinagar

Subject: WP(C) No. 2423/2024 titled M/s Sahil Enterprises Vs UT of J&K and Ors.

Order No: - 004 of 2024
Dated: 09/11/2024

Whereas, the petitioner has filed above writ petition in the Hon'ble High Court and is praying for the following reliefs:

- i. Writ of Certiorari, by quashing and setting aside the impugned communication dated, 29.08.2024 issued by the respondent no. 4.
- ii. Mandamus, Commanding the respondent to consider the representation of the petitioner dated: 23-11-2024 to review the initial bid amount of rupees 34,000,00:00 advertised pursuant to impugned bid notice No: 05/2024.
- iii. Mandamus, Commanding the respondent to take decision on application of the petitioner dated: 25-07-2024 for extension of time for outsourcing of designating parking slot.
- iv. Mandamus, commanding the respondent to review the initial bid amount of rupees 34,000,00:00 advertise pursuant to the impugned bid notice No: 05/2024 dated: 16/10/2024 and make the tendering process transparent, fair, reasonable.
- v- Any other order writ or direction may also be issued in favour of petitioner against the respondents which this Hon'ble Court deems fit and circumstances of the case.

Whereas, the Hon'ble High Court passed an order dated 21-10-2024, whose operative portion reads as under:

"In the meanwhile the respondents may consider the representation of petitioner strictly in accordance with law."

Whereas, This office published the NIT for the group "Outsourcing of Parking Slot at Govt SMHS Hospital Srinagar" vide aforementioned reference with the below mentioned critical dates:-

- Date of Publishing: - 21-09-2020.
- Date of Closing: - 12-10-2020.
- Date of Opening: - 13-10-2020.

Whereas, During its finalization, this office received a stay order from the Hon'ble Court order, with the directions that the operation of e-tender notice No. 86 of 2020 Dated: - 12-09-2020 is stayed till next date of hearing.



Whereas, It is pertinent to mention here that so far above mentioned NIT 86 of 2020 is concerned, No bids were received any bid/tender either in hard shape or on the designated website of e-portal of procurement i.e. www.jktenders.gov.in, .

Whereas, Accordingly recommendations were made either to withdrawing or cancelling the aforesaid NIT due to no participation as well as court directions for the aforementioned particular NIT.

Whereas, This office published the NIT 11 of 2021 on IInd consecutive attempt for the group "Parking at SMHS Hospital" with the critical dates mentioned below:-

- NIT Published:- 01-03-2021
- Bid Submission End Date:- 23-03-2021.
- Bid Opening Date:- 24-03-2021.

Whereas, In the meantime, this office received a representation & notice from Hon'ble Court with the objection that area in the NIT Parking 11 of 2021 at SMHS Hospital was not specified/demarked. Both (representation as well as Hon'ble Court notice) were forwarded to Medical Superintendent Govt SMHS Hospital under aforementioned references with a request to furnish the remarks/comments/specify the area.

Whereas, Accordingly Medical Superintendent Govt. SMHS Hospital furnished the remarks/comments/specified the area in a communication vide Acctt/MS/9579-99; Dated: - 13-03-2021 .

Whereas, Consequently an amendment in this regard was published on the designated website i.e. www.jktenders.gov.in on 17-03-2021. Hence, the claim of the petitioner that their representation was not considered , which was found baseless.

Whereas, Detailed NIT was retendered on third attempt with same initial bid amount as has been recommended by Hospital authorities in close coordination with R&B Department vide No :-19 OF 2021 , whose brief summary is hereby reproduced as under :-

NIT for the third time under aforementioned reference in favour which three (03) bidders participated on the designated website i.e. www.jktenders.gov.in were found :-

- M/S Powertech.
- M/S Shabir Ahmad Mandoo.
- M/S New Sahil Enterprises.

Whereas, This office had received a representation from the approved source of Parking SMHS Hospital i.e. M/S New Sahil Enterprises wherein the concerned firm has stated that the Medical Superintendent Govt SMHS Hospital is not earmarking the space of parking as per the NIT so that the firm can take over the possession of the same.

Whereas, M/S New Sahil Enterprises approached the court before submitting this representation with the request that he should be given extension of time of allotment on the ground of closure of OPD (due to lockdown). However, the Hon'ble court **disposed off the WP© No. 1048/2021 on 03.06.2021**, with the directions to the chairman RCC, GMC, Srinagar to consider the representation of the petitioner and decide the same in accordance with the law and policy governing the subject. While deciding the representation, the chairman RCC shall consider the contentions raised, in positivity, having some logic and reason. The representation shall be considered and decision taken within a period of two weeks from today. (03-06-2021).

Whereas, Rate Contract was issued in favour of M/S New Sahil Enterprises (Being the highest offered firm) for Government SMHS Hospital parking vide No:- RCC/GMCS/RC/Parking/2021-22/4142-49 dt :- 12-05-2021. in response to NIT on global pattern of tendering i.e www.jktenders.gov.in valid for a period of One Year with the directions/contract clause to deposit the sum of amount Rs. 20.30 Lacs before taking the possession.

Whereas, as per the order issued by Government SMHS Hospital vide letter No :- 1823-26 dt :- 27-05-2021 wherein the approved firm was directed to take over the possession of the earmarked space for Parking Slot immediately.

Whereas, Meanwhile Medical Superintendent received a representation from the firm M/S New Sahil Enterprises on 25-05-2021 in which the firm sought extension in time to occupy the contract space , which was out rightly rejected being the gross violation of NIT clause and terms of RC thereof, which reads as under :-

"In the event of any loss suffered or any decline in the potential of revenue from the services provided by the successful bidder during the contract period, due to any reason whatsoever, the department shall not be responsible for the same and shall not entitle the successful bidder continues beyond the expiry of tenure of contract without any authorization from the competent authority ".

Whereas, the firm M/S New Sahil Enterprises approached to the court without approaching the department during contract period .A committee was constituted in light of directions passed by Honble court vide No :- WP(C) 1048/2021 .

Whereas, the Committee constituted out rightly rejected the representation of firm seeking extension of time for allotment of parking area having no merits, however Hospital authorities were directed to earmark the designated parking slot for smooth functioning with further directions to deposit the bid amount Rs. 20.30 Lacs in lump sum in the Government chest as per the RC terms & conditions.

Whereas , Keeping in view the expiry of rate contract, fresh tenders were prepared in technical collaboration with Smart City Project Authorities J&K Government , who suggested to put Rs. 35.00 Lacs as initial bid amount which later was published on e portal .

Whereas, While following standard procurement procedure, Sub-Committee of below mentioned Officers were constituted to Open & Scrutinizing the Bids received against the NIT published by this office for "Outsourcing of Parking Slot at Government SMHS Hospital Srinagar, met on 09-08-2024, 03:30 PM in the Conference Hall Government Medical College Srinagar :

- Administrator Associated Hospitals GMC Chairman Committee
- Chief Accounts Officer GMC Member Secretary RCC
- Medical Superintendent Government SMHS Hospital Member
- Resident Medical Officer SS Govt. SMHS Hospital Member
- Estate Officer GMC Member

Whereas, The Sub-Committee found Four (04) tenders of the following firms, who have uploaded their Tenders successfully on the respective Website i.e www.jktenders.gov.in :-

1. M/S Naseer Ahamad Sheikh
2. M/S Imad Constructions and Service Pvt Ltd.
3. M/S Mir Muneer Sheikh .
4. M/S Valley Security Services Agency.

Whereas, the petitioner in the instant petition prayed that the initial bid that is 35 lakhs is too high, however the intial bid is prepared in technical collaboration with Smart City Project Authorities J&K Government, who suggested to put Rs. 35.00 Lacs as initial bid amount besides that this office has already received a bid for 40,21,000 from M/s Mir Muneer, which states that the initial bid amount is not too high as claimed by the petitioner in the above petion.

Whereas, The financial bid summary is hereby re produced as under:-

e-Procurement System Government of Jammu And Kashmir						
Tender Title: NIT for Outsourcing of Parking Slot at Government SMHS Hospital Srinagar						
Tender ID: 2024_HME_253318_1						
Tender Inviting Authority: Convener Rate Contract Committee GMC Srinagar						
Name of Work: *Outsource of Designated Parking Slot at Government SMHS Hospital Srinagar						
Contract No: 05 OF 2024						
Sl.No	Description of Work / Item(s)	Units	M/s Naseer Ahamd Sheikh	MIR MUNEER HUSSAIN	H1 Rate With Tax	H1 Bidder With Tax
1	"Outsource of Designated Parking Slot at Government SMHS Hospital Bidder has to quote only call bid amount offered after calculated the initial bid amount e.g :- Initial Bid (as given in column E Row 13) + call bid amount in Column M = Will be consider as Total Bid amount.	Initial Bid Rs. 34.00 Lacs	36,69,399.00	40,21,000.00	40,21,000.00	M/S MIR MUNEER HUSSAIN

Whereas, M/S MIR MUNEER HUSSAIN emerged as Highest offered bidder @ Rs. 40,21,000/ per year .

Whereas, Accordingly Rate Contract for above mentioned services was allotted on the recommendations of Chairman Sub Committee duly approved by Convener RCC vide No :- RCC/GMCS/Parking/2024-25/640-48 Dt :- 22-10-2024

Now therefore in compliance of the Hon'ble High Court order dated: 21-10-2024 in WP(C) 2423/2024 titled M/s Sahil Enterprises Vs UT of J&K and Ors and after considering the above facts and circumstances, the claim of the petitioner having been considered after threadbare discussion and deliberation, and the representation of the petitioner is found devoid of merit and hence rejected.


Principal
Government Medical College
Srinagar. *Principal Dean*
Govt. Medical College
Srinagar

No: Legal/MC/Sgr/1020

Dated: 09/11/2024.