

5<sup>th</sup> October, 2015

To,  
Shri Uma Shankar Bhagat (U.S.Bhagat)  
Nagadolong, Namrup  
P.O.-Parbatpur-786623  
Dist: Dibrugarh.

**Sub. : Order for black listing/ banning from future business dealing with BVFCL**

Dear Sir,

As directed, I do hereby put on record that on receipt of various complaints against your malfunctioning / shortcomings in the BVFCL (hereinafter referred as "Corporation") in the course of various jobs awarded to you and your associated firms and also in compliance of the Hon'ble Gauhati High Court's order dated 23.06.2014 in the WP (C ) No. 5569/2013, the Corporation has served you a show cause notice vide No.BVFCL/CS/Legal/173/207 dated 3<sup>rd</sup> September, 2014 stating therein various charges levelled against you. You have been provided all the relevant documents on the basis of which, Corporation levelled charges against you. The nature of charges in the above show cause notice are related with the following allegations:

- Misrepresent the facts, submit forged/fabricated documents in participating tenders in the Corporation;
- Threaten corporation's officials and indulge in unethical and corrupt business practices with the Corporation;
- Working with dishonesty, malpractices and attempt to theft company's assets ;
- Violation of Contract rules and the provisions of EPF Act,1952 and rules made thereunder;
- Working negligently, non- adherence of work schedule, disregard the reasonable official instructions of Engineers at site, sub-standard quality work execution;
- Indulge in several malpractices of tax evasion activities, which amounted loss to state exchequer.

You were asked to reply against the above charges within 15 (fifteen) days time, which you did not furnish. Thereafter, vide letter dated 24.11.2014, you were once again reminded to submit reply within 7 (seven) days, which again remained unreplied at your end. Instead of, you asked for other irrelevant information/documents from the Corporation, which are not related to the matters stated in the show cause notice. The corporation has provided you all the information/documents permitted by law, which were asked/demanded by you.

Under the circumstances of your non reply to the corporation's show cause notice dated 3.09.2014 and 14.11.2014. The corporation had decided to hold an independent inquiry through a retired public servant of the State Govt. or Central Govt. Thereafter, Shri Dipak Kumar Goswami (ACS), a retired Deputy Commissioner (Govt. of Assam) was appointed as Inquiry Officer (IO) to conduct an independent inquiry in the charges leveled against you by the Corporation in the show cause notice dated 3.9.2014 and in compliance with the Hon'ble Gauhati High Court's order dated 23.06.2014 in WP (C ) No. 5569/2013. The Inquiry Officer has conducted an Inquiry with providing ample opportunities to the charged contractor to defence your case before the Inquiry Officer and also informed you to submit charge-wise replies against the show cause notice dated 3.9.2014, but you (being charged contractor) failed to submit reply before the Inquiry Officer (IO) despite of providing you enough opportunities during inquiry proceedings . After examining documentary evidences and witnesses, Inquiry Officer (IO) submitted his Inquiry Report before the Disciplinary Authority of the BVFCL on 6<sup>th</sup> June, 2015.

In the above Inquiry Report, You, the Charged Contractor have been found guilty of 9 (nine) charges out of total 11 (eleven) charges levelled by the Corporation vide show cause notice no. BVFCL/CS/legal/173 dated 3.09.2014. Subsequently, the second show cause dated 23.06.2015 was served to you along with an Inquiry Report together with all the documents attached thereto (i.e. Presenting Officer's brief, Lists of Exhibits and



Deposition of Witnesses) and asked you to submit your reply / comments on the findings of the aforesaid Inquiry Report within 15 days from the date of receipt of this letter, for the consideration of disciplinary authority, which were duly acknowledged at your end.

The Corporation did not receive your replies/comments on the second show cause dated 23.06.2015 even after passing of more than two month time. Thereafter, the Corporation has complied with the applicable rules/procedures in this regard.

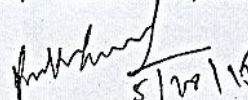
The Disciplinary Authority of the Corporation after thorough examining the charges levelled against you in the show cause notice, findings of Inquiry Report and the recommendations of Indenting Departments/Concerned Departments of the Corporation have found you, Shri U.S. Bhagat, the charged contractor guilty for violations of the Contract/GDCC/Purchase Manual of the Corporation. The Disciplinary Authority also noted your history of malfunctioning with the Corporation.

Finally, the Disciplinary Authority of the Corporation decided to Blacklist/Ban Mr. Uma Shankar Bhagat (in short 'U.S.Bhagat') and his associated firms i.e. M/s. A.G.Constructors and Erectors and M/s. J.B.Works, from all future business dealings with the Corporation (BVFCL).

*Accordingly, I do hereby inform you, that thus, BVFCL has decided to stop any further dealings with M/s. Uma Shankar Bhagat along with its allied concerns, partners, all associates, all proprietors involved in any capacity for participation in any tenders of BVFCL, whatsoever, for a period of three (03) years from the date of issuance of this Order dated 5<sup>th</sup> October, 2015. You are hereby thus put under orders of Black Listing and debarred from participating against BVFCL commercial transactions for the above noted period."*

The name of charged contractor and his associated firms will be displayed on company's website as per the rules of the Corporation in this regard.

By Order of Disciplinary Authority of  
Brahmaputra Valley Fertilizer Corporation Ltd.

  
5/10/15

R.K.Gupta

Company Secretary & I/c Legal Cell

Copy to :

- |                           |   |
|---------------------------|---|
| 1. Secretary to CMD       | - for kind information of CMD   |
| 2. Secretary to D(P)      | - for kind information of D(P)  |
| 3. Secretary to CVO       | - for kind information of CVO   |
| 4. GM(Unit)               | - for kind information  |
| 5. GM(Operation & Maint.) | - for kind information  |
| 6. GM(HR & Marketing)     | - for kind information  |
| 7. DGM(MS & FIN)          | -for kind information and necessary action to display at the website<br>Of BVFCL suitably in compliance of rules of the company |
| 8. Dy. Commandant, CISF   | - For kind information and necessary action in the matter.  |